

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
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SENATE BILL DRS15099-ND-59

Short Title: Modify Public-Initiated Criminal Processes. (Public)

Sponsors: Senators Smith and Bradley (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO DISALLOW THE ISSUANCE OF A WARRANT FOR ARREST WHEN A
CRIMINAL CHARGE IS TAKEN OUT BY A NON-LAW ENFORCEMENT OFFICER,
EXCEPT IN CASES OF DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-304(b) reads as rewritten:

"(b) When Issued. –

...

(3) When Citizen-initiated. – If the finding of probable cause pursuant to subsection (d) of this section is based solely upon an affidavit or oral testimony under oath or affirmation of a person who is not a sworn law enforcement officer, the issuing official shall not issue a warrant for arrest and instead shall issue a criminal summons, unless ~~one of the following circumstances exists:~~ a crime of domestic violence, as defined in G.S. 50B-1, is alleged.

- a. ~~There is corroborating testimony of the facts establishing probable cause from a sworn law enforcement officer or at least one disinterested witness.~~
- b. ~~The official finds that obtaining investigation of the alleged offense by a law enforcement agency would constitute a substantial burden for the complainant.~~
- c. ~~The official finds substantial evidence of one or more of the circumstances listed in subdivision (1) of this subsection."~~

SECTION 2. This act is effective October 1, 2025, and applies to criminal processes issued on or after that date.



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