

Criminal Law and Procedure

See full summary documents for additional detail

H308 - Regulatory Reform Act of 2020.

Sec. 25: Allow a Teaching Hospital Affiliated With But Not Part Of Any Constituent Institution of the University of North Carolina to Assign Campus Police Officers of its Campus Law Enforcement Agency to Any Other Facility Within the Teaching Hospital's System Network. (SL 2020-74)

Section 25 of S.L. 2020-74 allows a campus police agency of a teaching hospital affiliated with but not part of any constituent institution of The University of North Carolina to assign its campus police officers to any other facility within that teaching hospital's system network. The jurisdiction of campus police officers assigned in this way extends only to the premises of the assigned facility, and does not include any public roads or highways passing through or immediately adjoining the facility.

This section became effective July 1, 2020.

H308 - Regulatory Reform Act of 2020.

Sec. 26: Authorize Local Confinement Facilities to Provide and Use Wireless Communication Devices. (SL 2020-74)

Section 26 of S.L. 2020-74 authorizes local confinement facilities to provide inmates with a mobile telephone or other wireless communication device if the specific device has been approved by the sheriff or other person in charge of the local confinement facility for use by inmates, and the device is provided to the inmate in a manner consistent with the approved use of that device.

This section became effective August 1, 2020, and applies to offenses committed on or after that date. This section does not abate or affect prosecutions for offenses committed before the effective date of this section.

H425 - Implement Conner's Law. (SL 2020-86)

S.L. 2020-86 provides \$1,200,000 in nonrecurring funds to implement S.L. 2019-228, otherwise known as "Conner's Law", which provides a new death benefit of \$100,000 for public safety employees murdered in the line of duty. This act became effective July 1, 2020.

H511 - North Carolina First Step Act. (SL 2020-47)

S.L. 2020-47 does all of the following:

- Authorizes a court to deviate from the mandatory minimum sentence for drug trafficking offenses if certain findings are made.
- Requires the Administrative Office of the Courts (AOC) to publish an annual report of the number of sentences modified under Section 2 of this act.

- Allows a person sentenced solely for trafficking or conspiracy to commit trafficking, to file a Motion for Appropriate Relief (MAR) requesting a resentencing in accordance with Section 2 of this act.
- Directs the Department of Information Technology (DIT) to study the collection of criminal justice data elements.

This act has various effective dates. Please see the full summary for more detail.

H593 - JCPC/Detention/CAA and Other Fees. (SL 2020-83)

S.L. 2020-83 does the following:

- Makes certain modifications to current law related to Juvenile Crime Prevention Councils.
- Clarifies that persons under 18 held in custody must be held in a juvenile detention facility.
- Makes conforming changes to current law related to inmates held in the Statewide Misdemeanant Confinement Program and transferred for medical treatment.
- Increases the Criminal Court Appointed Counsel Fee.
- Increases court costs to support Indigent Defense Services and the Criminal Justice Education and Training Standards Commission.
- Modifies deadlines related to the payment of radiological emergency planning fee.
- Creates an opportunity for an individual notified to register as a sex offender, to petition a court to review the registration requirement.
- Provides additional direction to municipalities and counties regarding the publication of declaration information.

This act has various effective dates. Please see the full summary for more detail.

H652 - 2nd Amendment Protection Act. (Ratified)

House Bill 652 would have made various changes to the firearms laws in the following areas:

- Handguns on religious property that is also the location of a school.
- Concealed handgun permit lapse.
- Concealed carry for certain law enforcement facility employees.
- Concealed carry for certain emergency medical services personnel.

House Bill 652 was ratified by the General Assembly on June 25, 2020, and vetoed by the Governor on July 2, 2020.

H885 - Only Allow Courts to Charge FTA Fee Once. (SL 2020-68)

S.L. 2020-68 provides that only one failure to appear (FTA) fee may be assessed to a defendant in a criminal case.

This act becomes effective December 1, 2020, and applies to costs assessed on or after that date.

**H902 - Purchase and Contract Changes/Global Transportation/Prison Pilot.
Part V: Clarify District Attorney Discretion in Registration Requirement Reviews. (SL 2020-90)**

Part V of S.L. 2020-90 replaces Sec. 11.5(c) of S.L. 2020-83, in order to clarify that the District Attorney has the authority to petition a court to review the sex offender registration requirement for individuals subject to a certain federal court order.

This part of the act became effective July 2, 2020.

H1063 - Fund VIPER Tower Hardware Upgrades. (SL 2020-14)

S.L. 2020-14 allocates \$19,800,530 to the Department of Public Safety to be used for tower hardware upgrades to the Voice Interoperability Plan for Emergency Responders (VIPER) network.

This act became effective on July 1, 2020.

H1064 - GSC Clarifying Bingo License Statute. (SL 2020-72)

S.L. 2020-72 clarifies the bingo license statute, updates references to conform to the current organization of the Department of Public Safety, and expands instances that constitute good cause for a continuance in a civil or criminal action. This act has various effective dates. Please see the full summary for more detail.

S232 - Repeal Death Invest Conf/Masks/Health&Safety. (SL 2020-93)

Section 1 of S.L. 2020-93 would have repealed language in another bill (Sec. 2.5 of SB 168) pertaining to the establishment of confidentiality for certain death investigation information but the language was not enacted so no repeal was necessary. Sections 2 and 3 of the act amend language pertaining to masks and hoods for the protection of health. Section 2 of the act amends Section 4.3(b) of S.L. 2020-3 by removing the August 1, 2020 expiration date on language pertaining to masks and hoods worn for the protection of health. Section 3 of the act amends G.S. 14-12.11, as amended by Section 4.3 of S.L. 2020-3, to clarify language pertaining to wearing masks and hoods for the protection of health.

This act became effective July 10, 2020.

S562 - The Second Chance Act. (SL 2020-35)

S.L. 2020-35 makes various changes to the expunction statutes as follows:

- Provides for expunction of certain offenses committed prior to the effective date of "Raise the Age" legislation

- Amends prosecutor and law enforcement access to expunged files
- Streamlines expunctions for charges not resulting in conviction
- Modifies expunction of nonviolent misdemeanor and felony convictions

This act has various effective dates, please see full summary for effective dates of specific provisions.

S681 - Agency Policy Directives/2019-2020.

Sec. 10.1: Technical Correction to Recently Enacted Human Trafficking Language. (SL 2020-78)

Section 10.1 of this act corrects amendatory language from a recent act on human trafficking. This section has a retroactive effective date of December 1, 2019.

S681 - Agency Policy Directives/2019-2020.

Sec. 11.1: Expand Criminal Justice Fellows Program Eligibility. (SL 2020-78)

Section 11.1 of S.L. 2020-78 amends G.S. 17C-20 by modifying the definition of "Eligible County" regarding participation in the Criminal Justice Fellows Program. The modifications (i) increase the population ceiling under which a county must exist in order to be eligible to participate in the Criminal Justice Fellows Program; the population ceiling was increased to 125,000 from the previous ceiling of 75,000, and (ii) designates all development tier one counties pursuant to G.S. 143B-437.08 as also eligible to participate in the Criminal Justice Fellows Program.

This section became effective July 1, 2020, and applies to Criminal Justice Fellows Program recipients selected on or after that date.

S681 - Agency Policy Directives/2019-2020.

Sec. 12.1: Inmate Construction Program. (SL 2020-78)

Section 12.1 of S.L. 2020-78 adds a new section, G.S. 148-32.3, to Article 3 of Chapter 148 of the General Statutes. This new section allows the State Construction Office to utilize inmates in the custody of the Department of Public Safety (DPS) Division of Adult Correction for the repair and renovation of State-owned facilities, with priority given to DPS construction projects. This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 12.2: No Transfer of Positions to Other State Agencies. (SL 2020-78)

Section 12.2 of S.L. 2020-78 restricts the Office of State Budget and Management from transferring any positions, personnel, and funds from the Department of Public Safety to any other agency during the 2020-2021 fiscal year unless the transfer was included in the base budget for that fiscal year. This restriction does not apply to a consolidation of information technology positions into the Department of Information Technology pursuant to G.S. 143B-1325.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 12.3: Caitlyn's Courage, Inc./Correct Entity Granting Funds. (SL 2020-78)

Section 12.3 of S.L. 2020-78 corrects Section 3.3(54) of S.L. 2020-4 by replacing the Administrative Office of the Courts with the Department of Public Safety, Division of Administration, as the entity receiving Coronavirus Relief Funds and granting the funds to Caitlyn's Courage, Inc.

This section became effective July 1, 2020.

S704 - COVID-19 Recovery Act.

Sec. 4.3: Masks & Hoods for the Protection of Health. (SL 2020-3)

Section 4.3 of S.L. 2020-3, as amended by Section 2 and Section 3 of S.L. 2020-93, clarifies that masks may be worn on certain public and private premises to ensure the physical health or safety of the wearer or others, but requires the wearer to remove that mask upon the request of a law enforcement officer during a traffic stop or when the officer has reasonable suspicion or probable cause during a criminal investigation.

Section 4.3 of S.L. 2020-3 became effective May 4, 2020 and initially included an expiration date of August 1, 2020. However, Sections 2 and 3 of S.L. 2020-93, which became law July 10, 2020, clarified language regarding the wearing of mask and hoods for the protection of health and removed the August 1, 2020, expiration date initially included in Section 4.3 of S.L. 2020-3.

S704 - COVID-19 Recovery Act.

Sec. 4.4: Clarify Electronic Signatures for Search Warrants and Certain Court Orders. (SL 2020-3)

Section 4.4 of S.L. 2020-3, clarifies that any signature required for the issuance of a search warrant or any judicial order issued following a court hearing conducted by remote audio or visual transmission in a civil or criminal case, may be signed by use of an electronic signature.

This section became effective on May 4, 2020, and expired on August 1, 2020.

S704 - COVID-19 Recovery Act .

Sec. 4.41: Authorize Modification of Judgments Requiring Intermittent Active Time. (SL 2020-3)

Sec. 4.41 of S.L. 2020-3 temporarily allowed a chief district court judge to modify an order of confinement or imprisonment in a local confinement facility if all of the following conditions were met:

- Due to the local confinement facility's restrictions on inmates during the COVID-19 State of Emergency, the defendant was unable to serve one or more periods of confinement.

- Unless the order was modified, the defendant would have been in violation of the criminal judgment.
- The District Attorney consented to the modification of the criminal judgment.

EFFECTIVE DATE: This section became effective May 4, 2020 and expired August 1, 2020.