

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 509  
SENATE BILL 396

AN ACT MAKING TECHNICAL AND CLARIFYING AMENDMENTS  
CONCERNING CRIMINAL LAW AND PROCEDURE, AND TO RESTORE THE  
INCREASED PUNISHMENT FOR FELONY CHILD ABUSE THAT WAS  
INADVERTENTLY REPEALED BY THE 1983 GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-451(b)(4) is amended by deleting the word "preliminary" and substituting the words "probable cause".

Sec. 2. G.S. 8C-1, Rule 1101(b)(3) is amended by deleting the word "on" between the words "judge" and "probable" and substituting the word "or".

Sec. 3. G.S. 14-92 is amended as follows:

(1) by rewriting that part of the first sentence of that section which precedes the word "shall" to read: "If an officer, agent, or employee of an entity listed below, or a person having or holding money or property in trust for one of the listed entities,";

(2) by deleting the words "or town of the State" in the second sentence of that section and substituting the phrase ", unit or agency of local government, or local board of education"; and

(3) by adding a new sentence at the end of that section to read: "The following entities are protected by this section: a county, a city or other unit or agency of local government, a local board of education, and a penal, charitable, religious, or educational institution."

Sec. 4. G.S. 14-159.1(a) is amended by deleting the reference "G.S. 130-166.41(12)" and substituting the reference "G.S. 130A-313(10)".

Sec. 5. G.S. 14-318.4(a), (a1) and (a2) are each amended by deleting the phrase "Class I" and substituting the phrase "Class H".

Sec. 6. G.S. 20-4.01 is amended as follows:

(1) by rewriting the introductory phrase of that section to read: "Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:";

(2) by rewriting subdivision (7) to read:

"(7) Driver. The operator of a vehicle, as defined in subdivision (25). The terms 'driver' and 'operator' and their cognates are synonymous.";

(3) by amending subdivision (13) by deleting the words "or Street" from the caption to that subdivision and by rewriting the last sentence of that subdivision to read: "The terms 'highway' and 'street' and their cognates are synonymous.";

(4) by adding the following sentence at the end of subdivision (25) to read: "The terms 'operator' and 'driver' and their cognates are synonymous."; and

(5) by rewriting subdivision (46) to read:

"(46) Street. A highway, as defined in subdivision (13). The terms 'highway' and 'street' and their cognates are synonymous."

Sec. 7. G.S. 113-267 is amended by deleting the reference "G.S. 15A-1343(b)(16b)" and substituting the reference "G.S. 15A-1343(b1)(5)".

Sec. 8. Section 5 of this act shall become effective October 1, 1985, and shall apply to offenses committed on or after that date. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.