

# Courts, Justice, and Corrections

See full summary documents for additional detail

## **Require Sheriffs to Cooperate with ICE – Require ICE Cooperation & Budget Adjustments.**

Ratified (H10), Sec. 9.1

Section 9.1 of House Bill 10 would do the following:

- Require that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses is in custody and that person's legal residency or United States citizenship status is undetermined.
- Require a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody until ICE resolves the request or 48 hours, whichever occurs first.
- Appropriate \$278,994 in recurring funds to hire two full-time jail inspectors.

HB 10 was ratified by the General Assembly on September 11, 2024, and vetoed by the Governor on September 20, 2024.

## **Various Court Changes.**

SL 2024-33 (S303)

S.L. 2024-33 makes various changes and technical corrections to the laws governing various aspects of the courts, including the following:

- Clarifies clerk retention of an adoption petition does not have to be the original petition.
- Removes the restriction that prevented filing briefs and memoranda with the clerk unless ordered by the court.
- Establishes venue in Wake County for business court cases, but retains trials in the county of origin. This provision becomes effective when the North Carolina Business Court implements an electronic filing system.
- Authorizes clerks of court to set conditions of pretrial release under the same circumstances as magistrates. This provision becomes effective, and applies to defendants arrested on or after, October 1, 2024.
- Establishes a safe babies court to hear certain juvenile abuse, neglect, and dependency matters.
- Authorizes the Supreme Court to hold sessions in any location across the State until December 31, 2026.
- Allows respondent's attorney and certain judges access to involuntary commitment court files, and authorizes certain persons to obtain an involuntary commitment court file number for specific purposes.

- Authorizes persons with 8 years of experience as a law enforcement officer in this State to be appointed as a magistrate.
- Changes the number of the license plate issued to the Director of the Administrative Office of the Courts to J-99.
- Authorizes grandparents to intervene in a child abuse, neglect, or dependency case if the parents are deceased.
- Makes various other technical changes and corrections to statutes relating to the courts.

This act became effective July 8, 2024. Except as otherwise noted, the provisions of this act became effective on that date.

### **Revise Automatic Expunction.**

SL 2024-35 (S565)

S.L. 2024-35 revises the laws governing the automatic expunction of records and the availability of expunged records as follows:

- Provides that automatic expunctions will occur not less than 180 days and not more than 210 days after the final disposition of the charge eligible for automatic expunction.
- Requires that expunged court records be confidential and retained by the clerks of superior court, retained electronically and made available to the clerks, and that they not be released by the clerk except to certain persons.
- Authorizes prosecutors to have access to all confidential files of expunction.
- Extends the period of time the Administrative Office of the Courts (AOC) has to complete suspended automatic expunctions to 365 days, and provides those expunctions are deemed to have occurred five business days after the expunction is carried out.

This act became effective July 8, 2024.

### **Summary Ejectment and Small Claims Action Changes – Tenancy in Common/E-Notary/Small Claims Changes.**

SL 2024-47 (H556), Secs. 8-9

Sections 8 and 9 of S.L. 2024-47 do the following:

- Clarify authorized litigation costs in summary ejectment matters.
- Provide that judgment in a small claim action can be rendered electronically by the magistrate.
- Begin the appeal period in a small claim action when a judgment is rendered by the magistrate.

This bill was vetoed by the Governor on July 3, 2024, and that veto was overridden by the General Assembly on September 9, 2024. Section 8 of this act became effective September 9, 2024, and the amendments contained in this section are intended to be clarifying of the General Assembly's

intent under previous amendments to this statute. Section 9 of this act becomes effective October 1, 2024, and applies to judgments rendered on or after that date.

### **Recording of Court-Filed Documents.**

Ratified (S445)

SB 445 would do the following:

- Exempt any certified copy of a court-filed document from formatting requirements applicable to paper documents presented to a register of deeds for registration.
- Begin the small claims appeal period when a judgment is rendered.
- Require written findings of indigency in small claims appeals.
- Modify criteria for plaintiff's motion to dismiss summary ejectment appeal.
- Require the clerk to disburse certain payments made during summary ejectment appeal within five days of request.
- Increase punishment for willful and wanton damage to the residential real property of another.
- Prohibit fraudulent rental, lease, or advertisement for sale of residential real property.

SB 445 was ratified by the General Assembly on June 28, 2024, and vetoed by the Governor on July 8, 2024. A majority of the Senate voted to override the veto on September 9, 2024.