

Criminal Law and Procedure

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.

Predatory Roofing/Insurance Rebate Reform.

SL 2024-11 (S124)

S.L. 2024-11 does the following:

- Requires contracts for residential roof replacement or repair to have a five-business day cancellation period following an insurance claim denial for the work to be performed under the contract.
- Allows insurers, insurance producers, or limited representatives to offer or provide products or services not specified in an insurance policy if certain conditions are met.
- Limits the commission, fee, or other valuable consideration given for the referral of insurance business by an unlicensed individual to a licensed insurance agent or broker to \$50.00 or less in value.

This act becomes effective October 1, 2024. The section of this act pertaining to contracts for residential roof replacement or repair applies to contracts entered into on or after that date. The section of this act pertaining to commissions applies to any referral of insurance business made on or after that date.

Mask Exemption Modifications – Various Criminal and Election Law Changes.

SL 2024-16 (H237), Sec. 1

Section 1 of S.L. 2024-16 modifies the health and safety exemption from certain laws prohibiting the wearing of certain face coverings in public.

This bill was vetoed by the Governor on June 21, 2024, and that veto was overridden by the General Assembly on June 27, 2024.

Section 1 of S.L. 2024-16 became effective June 27, 2024, and applies to offenses committed on or after that date.

Enhance Punishment if the Defendant was Wearing a Mask – Various Criminal and Election Law Changes.

SL 2024-16 (H237), Sec. 2

Section 2 of S.L. 2024-16 enhances the criminal punishment if a defendant wears a mask to conceal the defendant's identity during the commission of another crime.

This bill was vetoed by the Governor on June 21, 2024, and that veto was overridden by the General Assembly on June 27, 2024.

Section 2 of S.L. 2024-16 became effective June 27, 2024, and applies to offenses committed on or after that date.

Increase Penalty for Impeding Road During a Demonstration – Various Criminal and Election Law Changes.

SL 2024-16 (H237), Sec. 4

Section 4 of S.L. 2024-16 imposes criminal and civil liability on individuals who obstruct emergency vehicles during demonstrations.

This bill was vetoed by the Governor on June 21, 2024, and that veto was overridden by the General Assembly on June 27, 2024.

Section 4 of S.L. 2024-16 becomes effective December 1, 2024, and applies to offenses committed and causes of action arising on or after that date.

Juvenile Justice Modifications.

SL 2024-17 (H834)

S.L. 2024-17 does the following:

- Modifies the definition of "delinquent juvenile" related to juveniles who are 16 and 17 years old to exclude any offense punishable as a Class A, B1, B2, C, D, or E felony if committed by an adult.
- Modifies the transfer process for juvenile cases from juvenile to superior court by creating a new indictment return appearance.
- Modifies certain laws to create a new process for removal of a case from superior court to juvenile court.
- Modifies the laws regarding notification of a delinquent juvenile's school and how the school can use that information.
- Changes the timing requirement for subsequent secured custody hearings for juveniles.
- Makes technical changes and a modification to certain dispositional alternatives.
- Increases the punishment for an adult who solicits a minor to commit a crime.
- Modifies the number of days the complainant and the victim have to request a review by the prosecutor of the juvenile court counselor's decision not to approve the filing of a petition.

This bill was vetoed by the Governor on June 14, 2024, and that veto was overridden by the General Assembly on June 27, 2024. This act has various effective dates. Please see the full summary for more detail.

Revise Money Laundering/Retail Crime.

SL 2024-22 (H495)

S.L. 2024-22 does the following:

- Creates a state criminal offense of "money laundering."
- Makes certain changes to the laws related to retail theft, specifically by modifying the laws related to manipulating price tags on retail items.

This act becomes effective December 1, 2024, and apply to offenses committed on or after that date.

Human Trafficking Changes.

SL 2024-26 (H971)

S.L. 2024-26 does the following:

- Directs the Department of Labor to develop human trafficking awareness training.
- Requires certain employees and third-party contractors of lodging establishments and vacation rentals to complete human trafficking awareness training.
- Increases the penalty for a first offense of soliciting another for prostitution.
- Allows victims and alleged victims of human trafficking crimes to move for victim confidentiality in criminal proceedings.

- Requires any person initiating a child custody proceeding to disclose certain criminal convictions and history of child custody proceedings.
- Generally prohibits viewing of pornography by employees on government networks and devices, including those of public agencies, the judicial branch, and the legislative branch.
- Directs the Division of Social Services, Department of Health and Human Services, to expand, further develop, and implement human trafficking awareness trainings.
- Provides Criminal Justice Law Enforcement Automated Data Services (CJLEADS) access to campus police.
- Establishes that documentation compiled by the Housing Finance Agency for the purposes of financing housing for victims of domestic violence, sexual assault, and human trafficking are not public records.
- Modifies the definition of victim in the Crime Victim's Compensation Act.

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

Regulate Tobacco Products – Certain CIHS Partners/Regulate Tobacco Products.

SL 2024-31 (H900), Sec. 2

Section 2 of S.L. 2024-31 creates a new regulatory system for the certification of consumable products and vapor products, including the creation of a public directory of these certified products, and provides enforcement mechanisms for violations of this new regulatory system.

Section 2 of S.L. 2024-31 becomes effective December 1, 2024.

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.

Modernize Sex Crimes.

SL 2024-37 (H591)

S.L. 2024-37 does the following:

- Creates a new offense for sexual extortion and aggravated sexual extortion.
- Modifies the offenses of first-, second-, and third-degree sexual exploitation of a minor to include material that is modified by technological means and to include child sex dolls.
- Creates a new offense for an obscene visual representation of a minor engaging in sexual activity.
- Modifies the offense of solicitation of a child by computer to include communications with parents of minors.
- Makes conforming changes to the sex offender and public protection registration program statutes.
- Makes changes to the offense of disclosure of private images to clarify that altered images violate the prohibition against disclosure of certain private images.

This act becomes effective December 1, 2024, and applies to offenses committed on or after that date.

Limited Driving Privileges/ Restoration of License Modifications – Public Safety/Other Changes.

SL 2024-43 (H250), Sec. 2

Section 2 of S.L. 2024-43 makes modifications related to limited driving privileges and ignition interlock system violations as follows:

- Authorizes a person with not more than one previous offense involving impaired driving within the preceding seven years to obtain a limited driving privilege if certain criteria are met.
- Amends provisions regarding violation of ignition interlock requirements to provide that a violation within the last 90 days of the requirement results in extension of the requirement for 90 days or until the person has been violation free for 90 days.

Section 2 of S.L. 2024-43 becomes effective December 1, 2024, and applies to limited driving privileges issued on or after that date and drivers licenses revoked on or after that date.

Add Tianeptine to Schedule II – Public Safety/Other Changes.

SL 2024-43 (H250), Sec. 6

Section 6 of S.L. 2024-43 adds tianeptine to Schedule II of the Controlled Substances Act, therefore making tianeptine a controlled substance under North Carolina law and creating criminal penalties for the unlawful manufacture, sale, distribution, or possession of tianeptine.

Section 6 of S.L. 2024-43 becomes effective December 1, 2024, and applies to offenses committed on or after that date.

Increase Penalty Property Crimes Against Critical Infrastructure – Regulatory Reform Act of 2024.

SL 2024-45 (S607), Sec. 9

Section 9 of S.L. 2024-45 increases the penalties for property crimes committed against critical infrastructure and makes conforming changes to existing statutes as follows:

- Amends the statute governing contamination of a public water system to include injury to the system, include wastewater treatment facilities, require a \$250,000 fine, and authorize civil recovery by any person injured by reason of damage to a public water system or wastewater treatment facility.
- Increases the punishment for injury to property of a public utility from a Class 1 misdemeanor to a Class C felony and authorizes civil recovery by any person injured by reason of damage to a public utility.
- Creates a Class C felony, including a required \$250,000 fine, for injuring a manufacturing facility and authorizes civil recovery by any person whose property or person is injured by reason of violation of this offense.

This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.