

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 101*
Judiciary II Committee Substitute Adopted 4/30/13

Short Title: GSC Technical Corrections 2013.

(Public)

Sponsors:

Referred to:

February 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS
3 RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The title of Article 9 of Chapter 7A of the General Statutes reads as
6 rewritten:

7 "Article 9.

8 District Attorneys and ~~Judicial~~ Prosecutorial Districts."

9 **SECTION 2.** G.S. 13-1 reads as rewritten:

10 "**§ 13-1. Restoration of citizenship.**

11 Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have
12 such rights automatically restored upon the occurrence of any one of the following conditions:

- 13 (1) The unconditional discharge of an inmate, of a probationer, or of a parolee
14 by the ~~Division of Adult Correction of the Department of Public Safety;~~
15 agency of the State having jurisdiction of that person or of a defendant under
16 a suspended sentence by the court.
17 (2) The unconditional pardon of the offender.
18 (3) The satisfaction by the offender of all conditions of a conditional pardon.
19 (4) With regard to any person convicted of a crime against the United States, the
20 unconditional discharge of such person by the agency of the United States
21 having jurisdiction of such person, the unconditional pardon of such person
22 or the satisfaction by such person of a conditional pardon.
23 (5) With regard to any person convicted of a crime in another state, the
24 unconditional discharge of such person by the agency of that state having
25 jurisdiction of such person, the unconditional pardon of such person or the
26 satisfaction by such person of a conditional pardon."

27 **SECTION 3.(a)** G.S. 14-17(a) reads as rewritten:

28 "(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical
29 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment,
30 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which
31 shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex
32 offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of
33 a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any
34 person who commits such murder shall be punished with death or imprisonment in the State's
35 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except
36 that any such person who was under 18 years of age at the time of the murder shall be punished



1 with imprisonment in the State's prison for life without parole, in accordance with Part 2A of
 2 Article 81B of Chapter 15A of the General Statutes."

3 **SECTION 3.(b)** G.S. 15A-1340.17(c) reads as rewritten:

4 "(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart
 5 Described. — The authorized punishment for each class of offense and prior record level is as
 6 specified in the chart below. Prior record levels are indicated by the Roman numerals placed
 7 horizontally on the top of the chart. Classes of offense are indicated by the letters placed
 8 vertically on the left side of the chart. Each cell on the chart contains the following
 9 components:

- 10 (1) A sentence disposition or dispositions: "C" indicates that a community
 11 punishment is authorized; "I" indicates that an intermediate punishment is
 12 authorized; "A" indicates that an active punishment is authorized; and "Life
 13 Imprisonment Without Parole" indicates that the defendant shall be
 14 imprisoned for the remainder of the prisoner's natural life.
- 15 (2) A presumptive range of minimum durations, if the sentence of imprisonment
 16 is neither aggravated or mitigated; any minimum term of imprisonment in
 17 that range is permitted unless the court finds pursuant to G.S. 15A-1340.16
 18 that an aggravated or mitigated sentence is appropriate. The presumptive
 19 range is the middle of the three ranges in the cell.
- 20 (3) A mitigated range of minimum durations if the court finds pursuant to
 21 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in
 22 such a case, any minimum term of imprisonment in the mitigated range is
 23 permitted. The mitigated range is the lower of the three ranges in the cell.
- 24 (4) An aggravated range of minimum durations if the court finds pursuant to
 25 G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified;
 26 in such a case, any minimum term of imprisonment in the aggravated range
 27 is permitted. The aggravated range is the higher of the three ranges in the
 28 cell.

29 PRIOR RECORD LEVEL

	I	II	III	IV	V	VI	
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts	
A	Life Imprisonment Without Parole or Death With Parole or Without Parole, or Death, as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	276-345	317-397	365-456	Life Imprisonment Without Parole		Aggravated
B1	192-240	221-276	254-317	292-365	336-420	386-483	PRESUMPTIVE
	144-192	166-221	190-254	219-292	252-336	290-386	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	180-225	207-258	238-297	273-342	314-393	Aggravated
B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE
	94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
	A	A	A	A	A	A	DISPOSITION
	73-92	83-104	96-120	110-138	127-159	146-182	Aggravated
C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
	44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
	A	A	A	A	A	A	DISPOSITION
	64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
	38-51	44-59	51-67	58-78	67-89	77-103	Mitigated

1		I/A	I/A	A	A	A	A	DISPOSITION
2		25-31	29-36	33-41	38-48	44-55	50-63	Aggravated
3	E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
4		15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
5		I/A	I/A	I/A	A	A	A	DISPOSITION
6		16-20	19-23	21-27	25-31	28-36	33-41	Aggravated
7	F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
8		10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
9		I/A	I/A	I/A	I/A	A	A	DISPOSITION
10		13-16	14-18	17-21	19-24	22-27	25-31	Aggravated
11	G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
12		8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
13		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
14		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
15	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
16		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
17		C	C/I	I	I/A	I/A	I/A	DISPOSITION
18		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
19	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
20		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

SECTION 4. G.S. 15A-145.5 reads as rewritten:

"§ 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.

(a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent felony" means any misdemeanor or felony except the following:

- (1) A Class A through G felony or a Class A1 misdemeanor.
- (2) An offense that includes assault as an essential element of the offense.
- (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
- (4) Any of the following sex-related or stalking offenses: G.S. 14-27.7A(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1.
- (5) Any felony offense in Chapter 90 of the General Statutes where the offense involves methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine.
- (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for which punishment was determined pursuant to G.S. 14-3(c).
- (7) An offense under G.S. 14-401.16.
- (8) Any felony offense in which a commercial motor vehicle was used in the commission of the offense.

...

(c) A person may file a petition, in the court where the person was convicted, for expunction of a nonviolent misdemeanor or nonviolent felony conviction from the person's criminal record if the person has no other misdemeanor or felony convictions, other than a traffic violation, and was convicted of a nonviolent misdemeanor or nonviolent felony that is eligible pursuant to subsection (b) of this section. The petition shall not be filed earlier than 15 years after the date of the conviction or when any active sentence, period of probation, and post-release supervision has been served, whichever occurs later. The petition shall contain, but not be limited to, the following:

- 1 (1) An affidavit by the petitioner that the petitioner has been of good moral
2 character since the date of conviction for the nonviolent misdemeanor or
3 nonviolent felony and has not been convicted of any other felony or
4 misdemeanor, other than a traffic violation, under the laws of the United
5 States or the laws of this State or any other state.
- 6 (2) Verified affidavits of two persons who are not related to the petitioner or to
7 each other by blood or marriage, that they know the character and reputation
8 of the petitioner in the community in which the petitioner lives and that the
9 petitioner's character and reputation are good.
- 10 (3) A statement that the petition is a motion in the cause in the case wherein the
11 petitioner was convicted.
- 12 (4) An application on a form approved by the Administrative Office of the
13 Courts requesting and authorizing a name-based State and national criminal
14 history record check by the Department of Justice using any information
15 required by the Administrative Office of the Courts to identify the
16 individual, a search by the Department of Justice for any outstanding
17 warrants on pending criminal cases, and a search of the confidential record
18 of expunctions maintained by the Administrative Office of the Courts. The
19 application shall be forwarded to the Department of Justice and to the
20 Administrative Office of the Courts, which shall conduct the searches and
21 report their findings to the court.
- 22 (5) An affidavit by the petitioner that no restitution orders or civil judgments
23 representing amounts ordered for restitution entered against the petitioner
24 are outstanding.

25 Upon filing of the petition, the petition shall be served upon the district attorney of the court
26 wherein the case was tried resulting in conviction. The district attorney shall have 30 days
27 thereafter in which to file any objection thereto and shall be duly notified as to the date of the
28 hearing of the petition. Upon good cause shown, the court may grant the district attorney an
29 additional 30 days to file objection to the petition. The district attorney shall make his or her
30 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior
31 to the date of the hearing.

32 The presiding judge is authorized to call upon a probation officer for any additional
33 investigation or verification of the petitioner's conduct since the conviction. The court shall
34 review any other information the court deems relevant, including, but not limited to, affidavits
35 or other testimony provided by law enforcement officers, district attorneys, and victims of
36 crimes committed by the petitioner.

37 If the court, after hearing, finds that the petitioner has not previously been granted an
38 expunction under this section, G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or
39 15A-145.4; the petitioner has remained of good moral character; the petitioner has no
40 outstanding warrants or pending criminal cases; the petitioner has no other felony or
41 misdemeanor convictions other than a traffic violation; the petitioner has no outstanding
42 restitution orders or civil judgments representing amounts ordered for restitution entered
43 against the petitioner; and the petitioner was convicted of an offense eligible for expunction
44 under this section and was convicted of, and completed any sentence received for, the
45 nonviolent misdemeanor or nonviolent felony at least 15 years prior to the filing of the petition,
46 it may order that such person be restored, in the contemplation of the law, to the status the
47 person occupied before such arrest or indictment or information. If the court denies the petition,
48 the order shall include a finding as to the reason for the denial.

49"

50 **SECTION 5.** G.S. 20-183.2(a1) reads as rewritten:

1 "(a1) Safety Inspection Exceptions. – The following vehicles shall not be subject to a
2 safety inspection pursuant to this Article:

3 (1) Historic vehicles, as ~~defined~~described in ~~G.S. 20-79.4(b)(63).~~
4 G.S. 20-79.4(b)(88).

5 (2) Buses titled to a local board of education and subject to the school bus
6 inspection requirements specified by the State Board of Education and
7 G.S. 115C-248."

8 **SECTION 6.** G.S. 28A-2-6(e) reads as rewritten:

9 "(e) Rules of Civil Procedure. – Unless the clerk of superior court otherwise directs,
10 ~~Rules 4.5, Rules 4, 5, 6(a), 6(d), 6(e), 18, 19, 20, 21, 24, 45, 56, and 65 of G.S. 1A-1, the Rules~~
11 of Civil Procedure, shall apply to estate proceedings. Upon motion of a party or the clerk of
12 superior court, the clerk may further direct that any or all of the remaining Rules of Civil
13 Procedure shall apply, including, without limitation, discovery rules; however, nothing in Rule
14 17 requires the appointment of a guardian ad litem for a party represented except as provided in
15 G.S. 28A-2-7. In applying these Rules to an estate proceeding pending before the clerk of
16 superior court, the term "judge" shall mean "clerk of superior court.""

17 **SECTION 7.(a)** G.S. 74-54(b) reads as rewritten:

18 "(b) The applicant shall have the option of filing a separate bond for each operating
19 permit or of filing a blanket bond covering all mining operations within the State for which the
20 applicant holds a permit. The amount of each bond shall be based upon the area of affected land
21 to be reclaimed under the approved reclamation plan or plans to which the bond pertains, less
22 any area where reclamation has been completed and released from coverage by the Department,
23 pursuant to G.S. 74-56, or based on any other criteria established by the ~~North Carolina Mining~~
24 ~~and Energy~~ Commission. The Department shall set the amount of the required bond in all
25 cases, based upon a schedule established by the ~~North Carolina Mining and Energy~~
26 Commission."

27 **SECTION 7.(b)** G.S. 74-54.1(c) reads as rewritten:

28 "(c) The Department shall annually report on or before ~~1 September~~ September 1 to the
29 Environmental Review Commission, the Fiscal Research Division, and the ~~North Carolina~~
30 ~~Mining and Energy~~ Commission on the cost of implementing this Article. The report shall
31 include the fees established, collected, and disbursed under this section and any other
32 information requested by the General Assembly or the Commission."

33 **SECTION 7.(c)** G.S. 74-67 reads as rewritten:

34 **"§ 74-67. Exemptions.**

35 The provisions of this Article shall not apply to those activities of the Department of
36 Transportation, nor of any person, firm, or corporation acting under contract with ~~said the~~
37 Department of Transportation, on highway rights-of-way or borrow pits maintained solely in
38 connection with the construction, repair, and maintenance of the public road systems of North
39 Carolina; provided, that this exemption shall not become effective until the Department of
40 Transportation shall have adopted reclamation standards applying to such activities and such
41 standards have been approved by the ~~North Carolina Mining and Energy~~ Commission. The
42 provisions of this Article shall not apply to mining on federal lands under a valid permit from
43 the U.S. Forest Service or the U.S. Bureau of Land Management."

44 **SECTION 8.** G.S. 90B-3 reads as rewritten:

45 **"§ 90B-3. Definitions.**

46 The following definitions apply in this Chapter:

47 (1) Board. – The North Carolina Social Work Certification and Licensure
48 Board.

49 (2) ~~Licensed Clinical Social Worker. – A person who is competent to function~~
50 ~~independently, who holds himself or herself out to the public as a social~~

1 ~~worker, and who offers or provides clinical social work services or~~
2 ~~supervises others engaging in clinical social work practice.~~

3 (3) Certified Master Social Worker. – A person who is certified under this
4 Chapter to practice social work as a master social worker and is engaged in
5 the practice of social work.

6 (4) Certified Social Work Manager. – A person who is certified under this
7 Chapter to practice social work as a social work manager and is engaged in
8 the practice of social work.

9 (5) Certified Social Worker. – A person who is certified under this Chapter to
10 practice social work as a social worker and is engaged in the practice of
11 social work.

12 (6) Clinical Social Work Practice. – The professional application of social work
13 theory and methods to the biopsychosocial diagnosis, treatment, or
14 prevention, of emotional and mental disorders. Practice includes, by
15 whatever means of communications, the treatment of individuals, couples,
16 families, and groups, including the use of psychotherapy and referrals to and
17 collaboration with other health professionals when appropriate. Clinical
18 social work practice shall not include the provision of supportive daily living
19 services to persons with severe and persistent mental illness as defined in
20 G.S. 122C-3(33a).

21 (6a) Licensed Clinical Social Worker. – A person who is competent to function
22 independently, who holds himself or herself out to the public as a social
23 worker, and who offers or provides clinical social work services or
24 supervises others engaging in clinical social work practice.

25 (6b) Licensed Clinical Social Worker Associate. – A person issued an associate
26 license to provide clinical social work services pursuant to G.S. 90B-7(f).

27 (7) Practice of Social Work. – To perform or offer to perform services, by
28 whatever means of communications, for other people that involve the
29 application of social work values, principles, and techniques in areas such as
30 social work services, consultation and administration, and social work
31 planning and research.

32 (8) Social Worker. – A person certified, licensed, or associate licensed by this
33 Chapter or otherwise exempt under G.S. 90B-10."

34 **SECTION 9.** G.S. 115D-12 reads as rewritten:

35 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

36 (a) Each community college established or operated pursuant to this Chapter shall be
37 governed by a board of trustees consisting of 13 members, or of additional members if selected
38 according to the special procedure prescribed by the third paragraph of this subsection, who
39 shall be selected by the following agencies. No member of the General Assembly may be
40 appointed to a local board of trustees for a community college.

41 Group One – four trustees, elected by the board of education of the public school
42 administrative unit located in the administrative area of the institution. If there are two or more
43 public school administrative units, whether city or county units, or both, located within the
44 administrative area, the trustees shall be elected jointly by all of the boards of education of
45 those units, each board having one vote in the election of each trustee, except as provided in
46 G.S. 115D-59. No board of education shall elect a member of the board of education or any
47 person employed by the board of education to serve as a trustee, however, any such person
48 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the
49 trustee's current term.

50 Group Two – four trustees, elected by the board of commissioners of the county in which
51 the institution is located. Provided, however, if the administrative area of the institution is

1 composed of two or more counties, the trustees shall be elected jointly by the boards of
 2 commissioners of all those counties, each board having one vote in the election of each trustee.
 3 Provided, also, the county commissioners of the county in which the community college has
 4 established a satellite campus may elect an additional two members if the board of trustees of
 5 the community college agrees. No more than one trustee from Group Two may be a member of
 6 a board of county commissioners. Should the boards of education or the boards of
 7 commissioners involved be unable to agree on one or more trustees the senior resident superior
 8 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the
 9 institution is located shall fill the position or positions by appointment.

10 Group Three – four trustees, appointed by the Governor.

11 Group Four – the president of the student government or the chairman of the executive
 12 board of the student body of each community college established pursuant to
 13 ~~G.S. 115D~~ Chapter 115D of the General Statutes shall be an ex officio nonvoting member of the
 14 board of trustees of each said institution.

15 (b) All trustees shall be residents of the administrative area of the institution for which
 16 they are selected or of counties contiguous thereto with the exception of members provided for
 17 in ~~G.S. 115D-12(a), Group Four~~, subsection (a) of this section, Group Four.

18 (b1) No person who has been employed full time by the community college within the
 19 prior 5 years and no spouse or child of a person currently employed full time by the community
 20 college shall serve on the board of trustees of that college.

21 (c) Vacancies occurring in any group for whatever reason shall be filled for the
 22 remainder of the unexpired term by the agency or agencies authorized to select trustees of that
 23 group and in the manner in which regular selections are made. Should the selection of a trustee
 24 not be made by the agency or agencies having the authority to do so within 60 days after the
 25 date on which a vacancy occurs, whether by creation or expiration of a term or for any other
 26 reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired
 27 term."

28 **SECTION 10.** G.S. 120-12.1 reads as rewritten:

29 "**§ 120-12.1. Reports on vacant positions in the Judicial Department and ~~three~~two other**
 30 **departments.**

31 The Judicial Department, the Department of Justice, and the Department of Public Safety
 32 shall each report by February 1 of each year to the Chairs of the House and Senate
 33 Appropriations Committees and the Chairs of the House and Senate Appropriations
 34 Subcommittees on Justice and Public Safety on all positions within that department that have
 35 remained vacant for 12 months or more. The report shall include the original position vacancy
 36 dates, the dates of any postings or repostings of the positions, and an explanation for the length
 37 of the vacancies."

38 **SECTION 11.** G.S. 122C-22(a) reads as rewritten:

39 "(a) ~~The All of the~~ following are excluded from the provisions of this Article and are not
 40 required to obtain licensure under this Article:

- 41 (1) Physicians and psychologists engaged in private office ~~practice;~~practice.
- 42 (2) General hospitals licensed under Article 5 of Chapter 131E of the General
 43 Statutes, that operate special units for the mentally ill, developmentally
 44 disabled, or substance ~~abusers;~~abusers.
- 45 (3) State and federally operated ~~facilities;~~facilities.
- 46 (4) Adult care homes licensed under Chapter 131D of the General
 47 ~~Statutes;~~Statutes.
- 48 (5) Developmental child care centers licensed under Article 7 of Chapter 110 of
 49 the General ~~Statutes;~~Statutes.
- 50 (6) Persons subject to licensure under rules of the Social Services
 51 ~~Commission;~~Commission.

- 1 (7) Persons subject to rules and regulations of the Division of Vocational
2 Rehabilitation ~~Services;~~Services.
- 3 (8) Facilities that provide occasional respite care for not more than two
4 individuals at a time; provided that the primary purpose of the facility is
5 other than as defined in ~~G.S. 122C-3(14);~~G.S. 122C-3(14).
- 6 (9) Twenty-four-hour nonprofit facilities established for the purposes of shelter
7 care and recovery from alcohol or other drug addiction through a 12-step,
8 self-help, peer role modeling, and self-governance ~~approach;~~approach.
- 9 (10) Inpatient chemical dependency or substance abuse facilities that provide
10 services exclusively to inmates of the Division of Adult Correction of the
11 Department of Public Safety, as described in ~~G.S. 148-19.1;~~
12 and G.S. 148-19.1.
- 13 (11) A charitable, nonprofit, faith-based, adult residential treatment facility that
14 does not receive any federal or State funding and is a religious organization
15 exempt from federal income tax under section 501(a) of the Internal
16 Revenue ~~Code;~~ and Code.
- 17 (12) A home in which up to three adults, two or more having a disability, co-own
18 or co-rent a home in which the persons with disabilities are receiving three
19 or more hours of day services in the home or up to 24 hours of residential
20 services in the home. The individuals who have disabilities cannot be
21 required to move if the individuals change services, change service
22 providers, or discontinue services."

23 **SECTION 12.** G.S. 136-89.210(1) reads as rewritten:

24 "(1) ~~Reserved.~~"

25 **SECTION 13.** G.S. 143B-1100(a) reads as rewritten:

26 "(a) There is hereby created the Governor's Crime Commission of the Department of
27 Public Safety. The Commission shall consist of ~~36~~37 voting members and ~~six~~five nonvoting
28 members. The composition of the Commission shall be as follows:

29 (1) The voting members shall be:

- 30 a. The Governor, the Chief Justice of the Supreme Court of North
31 Carolina (or the Chief Justice's designee), the Attorney General, the
32 Director of the Administrative Office of the Courts, the Secretary of
33 the Department of Health and Human Services, the Secretary of
34 Public Safety (or the Secretary's designee), and the Superintendent of
35 Public Instruction;
- 36 b. A judge of superior court, a judge of district court specializing in
37 juvenile matters, a chief district court judge, a clerk of superior court,
38 and a district attorney;
- 39 c. A defense attorney, three sheriffs (one of whom shall be from a "high
40 crime area"), three police executives (one of whom shall be from a
41 "high crime area"), eight citizens (two with knowledge of juvenile
42 delinquency and the public school system, two of whom shall be
43 under the age of 21 at the time of their appointment, one advocate for
44 victims of all crimes, one representative from a domestic violence or
45 sexual assault program, one representative of a "private juvenile
46 delinquency program," and one in the discretion of the Governor),
47 three county commissioners or county officials, and three mayors or
48 municipal officials;
- 49 d. Two members of the North Carolina House of Representatives and
50 two members of the North Carolina Senate.

- 1 (2) The nonvoting members shall be the Director of the State Bureau of
2 Investigation, the Deputy Director of the Division of Juvenile Justice of the
3 Department of Public Safety who is responsible for Intervention/Prevention
4 programs, the Deputy Director of the Division of Juvenile Justice of the
5 Department of Public Safety who is responsible for Youth Development
6 programs, the Section Chief of the Section of Prisons of the Division of
7 Adult Correction and the Section Chief of the Section of Community
8 Corrections of the Division of Adult Correction."

9 **SECTION 14.(a)** G.S. 163-82.12 reads as rewritten:

10 **"§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

11 The State Board of Elections shall make all guidelines necessary to administer the statewide
12 voter registration system established by this Article. All county boards of elections shall follow
13 these guidelines and cooperate with the State Board of Elections in implementing guidelines.
14 These guidelines shall include provisions for all of the following:

- 15 ...
16 (8b) Notifying voter-registration applicants whose drivers license or last four
17 digits of social security number does not result in a validation, attempting to
18 resolve the discrepancy, initiating investigations under G.S. 163-33(3) or
19 challenges under Article 8 of this Chapter where warranted, and notifying
20 any voters of the requirement under ~~G.S. 163-166.2(b2)~~ G.S. 163-166.12(b2)
21 to present identification when voting.

22"

23 **SECTION 14.(b)** G.S. 163-166.12 reads as rewritten:

24 **"§ 163-166.12. Requirements for certain voters who register by mail.**

25 (a) Voting in Person. – An individual who has registered to vote by mail on or after
26 January 1, 2003, and has not previously voted in an election that includes a ballot item for
27 federal office in North Carolina, shall present to a local election official at a voting place before
28 voting there one of the following:

- 29 (1) A current and valid photo identification.
30 (2) A copy of one of the following documents that shows the name and address
31 of the voter: a current utility bill, bank statement, government check,
32 paycheck, or other government document.

33 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or
34 after January 1, 2003, and has not previously voted in an election that includes a ballot item for
35 federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the
36 mailed-in absentee ballot one of the following:

- 37 (1) A copy of a current and valid photo identification.
38 (2) A copy of one of the following documents that shows the name and address
39 of the voter: a current utility bill, bank statement, government check,
40 paycheck, or other government document.

41 (b1) Notation of Identification Proof. – The county board of elections shall note the type
42 of identification proof submitted by the voter under the provisions of subsection (a) or (b) of
43 this section and may dispose of the tendered copy of identification proof as soon as the type of
44 proof is noted in the voter registration records.

45 (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
46 individual has registered by mail or by another method, if the individual has provided with the
47 registration form a drivers license number or last four digits of a Social Security number but the
48 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
49 the number has not been otherwise validated by the board of elections, in the first election in
50 which the individual votes that individual shall submit with the ballot the form of identification
51 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot

1 is voted in person or absentee. If that identification is provided and the board of elections does
2 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
3 identification numbers to match shall not prevent that individual from registering to vote and
4 having that individual's vote counted. If the individual registers and votes under
5 G.S. 163-82.6A, the identification documents required in that section, rather than those
6 described in subsection (a) or (b) of this section, apply.

7 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),
8 (b), or (b2) of this section to present identification in order to vote, but that individual does not
9 present the required identification, that individual may vote a provisional official ballot. If the
10 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If
11 the voter is voting by mail-in absentee ballot, the mailed ballot without the required
12 identification shall be treated as a provisional official ballot.

13 (d) Exemptions. – This section does not apply to any of the following:

- 14 (1) An individual who registers by mail and submits as part of the registration
15 application either of the following:
16 a. A copy of a current and valid photo identification.
17 b. A copy of one of the following documents that shows the name and
18 address of the voter: a current utility bill, bank statement,
19 government check, paycheck, or other government document.
20 (2) An individual who registers by mail and submits as part of the registration
21 application the individual's drivers license number or at least the last four
22 digits of the individual's social security number where an election official
23 matches either or both of the numbers submitted with an existing State
24 identification record bearing the same number, name, and date of birth
25 contained in the submitted registration. If any individual's number does not
26 match, the individual shall provide identification as required in subsection
27 (b2) of this section in the first election in which the individual votes.
28 (3) An individual who is entitled to vote by absentee ballot under the Uniformed
29 and Overseas Citizens Absentee Voting Act.
30 (4) An individual who is entitled to vote otherwise than in person under section
31 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
32 Act.
33 (5) An individual who is entitled to vote otherwise than in person under any
34 other federal law."

35 **SECTION 15.** The introductory language of Section 5 of S.L. 2012-11 reads as
36 rewritten:

37 "**SECTION 5.** ~~G.S. 160A-60(a)~~ G.S. 160A-58.60(a) reads as rewritten:"

38 **SECTION 16.** The introductory language of Section 2(b) of S.L. 2012-120 reads as
39 rewritten:

40 "**SECTION 2.(b)** ~~G.S. 140-3.15(e)~~ G.S. 140-5.13(g) reads as rewritten:"

41 **SECTION 17.** This act is effective when it becomes law.