

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 738**

Short Title: Recodification of Criminal Laws. (Public)

Sponsors: Representatives Riddell, Reives, Stevens, and Morey (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

May 3, 2021

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE BIPARTISAN NORTH CAROLINA LEGISLATIVE  
WORKING GROUP TO MAKE RECOMMENDATIONS FOR THE RECODIFICATION  
OF NORTH CAROLINA'S CRIMINAL LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** There is created the Bipartisan North Carolina Legislative Working Group on Criminal Law Recodification (Working Group). The purpose of the Working Group is to make recommendations to the General Assembly regarding a streamlined, comprehensive, orderly, and principled criminal code which includes all common law, statutory, regulatory, and ordinance crimes.

**SECTION 1.(b)** The Working Group shall be comprised of nine members selected as follows:

- (1) Two senators who are members of the majority party appointed by the President Pro Tempore of the Senate.
- (2) Two senators who are members of the minority party appointed by the Minority Leader of the Senate.
- (3) Two representatives who are members of the majority party appointed by the Speaker of the House of Representatives.
- (4) Two representatives who are members of the minority party appointed by the Minority Leader of the House of Representatives.
- (5) One individual appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. This individual shall have served at least six years as a member of the General Assembly and shall serve as the chair of the Working Group.

**SECTION 1.(c)** The Working Group shall solicit comments and feedback from the public, as well as from all of the following:

- (1) The Chief Justice of the Supreme Court.
- (2) The Attorney General.
- (3) The Conference of District Attorneys.
- (4) Indigent Defense Services.
- (5) The North Carolina Sheriffs' Association.
- (6) The North Carolina Association of Chiefs of Police.
- (7) The North Carolina Police Benevolent Association.
- (8) The North Carolina League of Municipalities.
- (9) The North Carolina Association of County Commissioners.



1           **SECTION 1.(d)** All appointments to the Working Group shall be made no later than  
2 30 days after this act becomes law. Vacancies on the Working Group shall be filled by the  
3 appointing authority. The Working Group, while in the discharge of its official duties, may  
4 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through  
5 G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of  
6 the State to provide any information, data, or documents within their possession, ascertainable  
7 from their records, or otherwise available to them and the power to subpoena witnesses.

8           **SECTION 1.(e)** The Working Group shall meet upon the call of the chair, but at  
9 least monthly beginning no later than August 15, 2021. A majority of the voting members shall  
10 constitute a quorum. Members shall receive per diem, subsistence, and travel allowances in  
11 accordance with G.S. 120-3.1 or G.S. 138-5, as appropriate. The Legislative Services  
12 Commission, through the Legislative Services Officer, shall assign professional staff to monitor  
13 and provide technical assistance to the Working Group; provided, however, legislative staff shall  
14 not be made available at times when the 2021 General Assembly is in session. Upon the direction  
15 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House  
16 of Representatives shall assign clerical staff to the Working Group. The Working Group shall  
17 terminate on December 31, 2022.

18           **SECTION 2.(a)** The Working Group shall establish general principles which shall,  
19 at a minimum, provide for all of the following:

- 20           (1) Incorporate existing statutory and common law offenses into Chapter 14 of  
21 the General Statutes, harmonizing additions with current Chapter content.
- 22           (2) Apply consistent terminology across statutes and define all terminology.
- 23           (3) Specify the required mental state or that an offense is a strict liability crime.
- 24           (4) Eliminate redundant crimes and multiple punishment for the same conduct.
- 25           (5) Simplify offense numbering.
- 26           (6) Eliminate or modify unconstitutional provisions to ensure lawfulness.
- 27           (7) Eliminate outdated laws.
- 28           (8) Apply consistent, logical offense grading, with advice from the North  
29 Carolina Sentencing Policy and Advisory Commission.

30           **SECTION 2.(b)** The Working Group shall provide the following deliverables:

- 31           (1) For common law crimes and crimes included in the North Carolina General  
32 Statutes:
  - 33           a. Create a database of all statutory and common law crimes, including  
34 statute number or common law designation; offense short title;  
35 elements; link to the statute; punishment; special and key features;  
36 frequency of charging, if available; and any proposed changes and the  
37 status of those changes in order to track decisions by the Working  
38 Group.
  - 39           b. Draft legislation amending, recodifying, or proposing changes to  
40 North Carolina criminal statutes using a format that is consistent with  
41 drafting conventions used by the North Carolina General Assembly,  
42 as directed by the Working Group.
- 43           (2) For crimes created by local ordinances:
  - 44           a. Create a database of ordinance offenses, including ordinance title,  
45 general description, elements, punishment, and key feature coding.  
46 The Working Group will sample ordinances from diverse jurisdictions  
47 or review all, as time allows.
  - 48           b. Report on common ordinance crimes, including charging data, if  
49 available, and including presentation of a range of policy options for  
50 addressing ordinance crimes consistent with the Working Group's  
51 goals.

- 1                                   c.       Draft legislation using a format that is consistent with drafting  
2   conventions used by the North Carolina General Assembly, as directed  
3   by the Working Group.  
4                   (3)   For crimes created by administrative boards and bodies:  
5                                   a.       Create a database of all crimes created by administrative boards and  
6   bodies that make it a crime to violate any regulation created by an  
7   administrative board or body, with exemplary regulations and  
8   punishment levels.  
9                                   b.       Report on policy options for addressing regulatory crimes consistent  
10    with the Working Group's goals.  
11                                   c.       Draft legislation using a format that is consistent with drafting  
12    conventions used by the North Carolina General Assembly, as directed  
13    by the Working Group.

14                   **SECTION 3.** This act becomes effective July 1, 2021.