GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2022-47
HOUSE BILL 607

AN ACT TO MAKE VARIOUS CHANGES AFFECTING THE NORTH CAROLINA COURT SYSTEM.

The General Assembly of North Carolina enacts:

EXPUNCTION CHANGES

SECTION 1.(a) Notwithstanding the provisions of G.S. 15A-146(a4), dismissed charges and not guilty verdicts shall not be expunged by operation of law and the Administrative Office of the Courts shall immediately cease all procedures related to the automatic expunction of dismissed charges, not guilty verdicts, and findings of not responsible. The Administrative Office of the Courts shall maintain a record of any dismissed charges, not guilty verdicts, and findings of not responsible that, except for the provisions of this section, would be automatically expunged pursuant to G.S. 15A-146(a4) in a manner that will allow those cases to be automatically expunged when this section expires.

SECTION 1.(b) This section becomes effective August 1, 2022, and expires August 1, 2023.

SECTION 2.(a) The Administrative Office of the Courts shall convene a group of stakeholders, including representatives from the Conference of District Attorneys, the State Bureau of Investigation, the NC Justice Center, attorneys who represent clients seeking expunctions, clerks and other court personnel, sheriffs, the Division of Motor Vehicles, and individuals with criminal records who are members of the NC Second Chance Alliance to examine and make recommendations to resolve the issues that have arisen with the implementation of G.S. 15A-146(a4), including issues related to notice to all relevant agencies and file retention. The stakeholder group may consider and recommend solutions for issues related to the expunction of records that do not require the total destruction of all court files and that would allow access to these particular expunction records by additional parties.

The Administrative Office of the Courts shall report its findings and recommendations and any action it has taken to make files confidential to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety no later than March 1, 2023.

SECTION 2.(b) If the Administrative Office of the Courts and stakeholder group established in subsection (a) of this section determine an appropriate method to make court files for dismissed charges, not guilty verdicts, and findings of not responsible that are eligible for automatic expunction pursuant to G.S. 15A-146(a4) confidential from the public record without destruction of court files, while allowing access to necessary parties, the Administrative Office of the Courts is authorized to make those files confidential from the public record while Section 1 of this act remains law. If the Administrative Office of the Courts makes files confidential from the public record pursuant to this section, it shall do so for all files suspended from expunction by Section 1 of this act. This authorization is not an authorization to expunge any records described by G.S. 15A-146(a4) while Section 1 of this act remains law.

SECTION 2.(c) When Section 1 of this act expires or is repealed, whichever occurs first, the Administrative Office of the Courts shall, within 180 days, expunge all dismissed charges, not guilty verdicts, and findings of not responsible that occurred during the period of

time that Section 1 of this act was in effect and are eligible for automatic expunction pursuant to G.S. 15A-146(a4).

SECTION 3.(a) G.S. 15A-145.5 reads as rewritten:

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

…

(c2) The court, after hearing a petition for expunction of one or more nonviolent misdemeanors, shall order that the petitioner be restored, in the contemplation of the law, to the status the petitioner occupied before the arrest or indictment or information, except as provided in G.S. 15A-151.5, if the court finds all of the following:

(1) One of the following:
   a. The petitioner has not previously been granted an expunction under this section for one or more nonviolent misdemeanors.
   b. Any previous expunction granted to the petitioner under this section for one or more nonviolent misdemeanors was granted pursuant to a petition filed prior to December 1, 2021.

(2) The petitioner is of good moral character.

(3) The petitioner has no outstanding warrants or pending criminal cases.

(4) The petitioner has no other felony or misdemeanor convictions, other than a traffic violation not listed in the petition for expunction, during the applicable five-year or seven-year waiting period set forth in subsection (c) of this section.

(5) The petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner.

(6) The petitioner ~~meets one of the following criteria:~~
   ~~a. For a petition for expunction of one nonviolent misdemeanor, the petitioner has no convictions for any other felony or misdemeanor, other than a traffic offense.~~
   ~~b. For a petition for expunction of more than one nonviolent misdemeanor, the petitioner~~ has no convictions for a misdemeanor or felony that is listed as an exception to the terms "nonviolent misdemeanor" or "nonviolent felony" as provided in subsection (a) of this section.

(7) The petitioner was convicted of an offense or offenses eligible for expunction under this section.

(8) The petitioner has completed the applicable five-year or seven-year waiting period set forth in subsection (c) of this section.

If the court denies the petition, the order shall include a finding as to the reason for the denial.

…

(c4) A person petitioning for expunction of multiple convictions pursuant to sub-subdivision b. of subdivision (1) of subsection (c) of this section or sub-subdivision b. of subdivision (2) of subsection (c) of this section, where the convictions were obtained in more than one county, shall file a petition in each county of conviction. All petitions shall be filed within a ~~30-day~~ 120-day period. The granting of one petition shall not preclude the granting of any other petition filed within the same ~~30-day~~ 120-day period. Notwithstanding the provisions of this subsection, upon good cause shown for the failure to file a petition within the 120-day period, the court may grant a petition for expunction filed outside the 120-day period.

…."

SECTION 3.(b) This section becomes effective August 1, 2022, and applies to petitions filed on or after that date.

MAGISTRATE AUTHORITY WHEN CLERK'S OFFICE IS CLOSED

SECTION 4.(a) G.S. 50B-2(c1) reads as rewritten:

"(c1) Ex Parte Orders by Authorized Magistrate. – The chief district court judge may authorize a magistrate or magistrates to hear any motions for emergency relief ex parte. Prior to the hearing, if the magistrate determines that at the time the party is seeking emergency relief ex parte the district court is not in session and a district court judge is not and will not be available to hear the motion for a period of four or more hours, the motion may be heard by the magistrate. When the office of the clerk is closed and a magistrate has been authorized under this section to hear a motion for emergency relief ex parte, an authorized magistrate shall accept for filing a complaint alleging domestic violence and motion for emergency relief ex parte, note thereon the filing date, and the magistrate shall issue a summons. Any endorsement or alias and pluries summons pursuant to G.S. 1A-1, Rule 4(d) shall be issued by the clerk, assistant clerk, or deputy clerk of the court in the county in which the action is commenced. Any complaint and motion for emergency relief ex parte and any other documents accepted for filing under this section and any order entered by the magistrate shall be delivered to the clerk's office for processing as soon as that office is open for business. If it clearly appears to the magistrate from specific facts shown that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the magistrate may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts, except that a temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse. If the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the magistrate shall consider and may order the other party to stay away from a minor child, or to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis, if the magistrate finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child. If the magistrate determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the magistrate shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party. The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party. An ex parte order entered under this subsection shall expire and the magistrate shall schedule an ex parte hearing before a district court judge by the end of the next day on which the district court is in session in the county in which the action was filed. Ex parte orders entered by the district court judge pursuant to this subsection shall be entered and scheduled in accordance with subsection (c) of this section."

SECTION 4.(b) G.S. 50C-6(d) reads as rewritten:

"(d) When the court is not in session, the complainant may file for a temporary order before any judge or magistrate designated to grant relief under this Chapter. If the judge or magistrate finds that there is an immediate and present danger of harm to the victim and that the requirements of subsection (a) of this section have been met, the judge or magistrate may issue a temporary civil no-contact order. The chief district court judge may designate for each county at least one judge or magistrate to be reasonably available to issue temporary civil no-contact orders when the court is not in session. When the office of the clerk is closed and a magistrate has been authorized under this section to grant relief, an authorized magistrate shall accept for filing a complaint for a civil no-contact order and motion for temporary civil no-contact order, note thereon the filing date, and the magistrate shall issue a summons. Any endorsement or alias and pluries summons pursuant to G.S. 1A-1, Rule 4(d) shall be issued by the clerk, assistant clerk, or deputy clerk of the court in the county in which the action is commenced. Any complaint and motion for temporary civil no-contact order and any other documents accepted for filing under

this section and any order entered by the magistrate shall be delivered to the clerk's office for processing as soon as that office is open for business."

SECTION 4.(c) This section becomes effective December 1, 2022.

MAGISTRATE RESIDENCY

SECTION 5.(a) G.S. 7A-171.2(a) reads as rewritten:

"(a) In order to be eligible for nomination or for renomination as a magistrate an individual shall be a resident of ~~the county for which he is appointed.~~North Carolina, and the individual shall either be a resident of the county for which the magistrate is seeking nomination or renomination or a resident of a county that is contiguous to that county."

SECTION 5.(b) G.S. 7A-146(9) reads as rewritten:

"(9) Assigning magistrates when exigent circumstances exist to temporary duty outside the county of their ~~residence~~ appointment but within that district pursuant to the policies and procedures prescribed under G.S. 7A-343(11); and, upon the request of a chief district judge of another district and upon the approval of the Administrative Officer of the Courts, to temporary duty in the district of the requesting chief district judge pursuant to the policies and procedures prescribed under G.S. 7A-343(11)."

SECTION 5.(c) G.S. 7A-171(a) reads as rewritten:

"(a) The General Assembly shall establish a minimum quota of magistrates ~~for~~ appointed in each county. In no county shall the minimum quota be less than one. The number of magistrates appointed in a county, above the minimum quota set by the General Assembly, is determined by the Administrative Office of the Courts after consultation with the chief district court judge for the district in which the county is located."

SECTION 5.(d) G.S. 7A-171.1(b) reads as rewritten:

"(b) Notwithstanding G.S. 138-6, a magistrate may not be reimbursed by the State for travel expenses incurred on official business within the county in which the magistrate ~~resides.~~resides or is appointed."

SECTION 5.(e) G.S. 7A-173 reads as rewritten:

"**§ 7A-173. Suspension; removal; reinstatement.**

(a) A magistrate may be suspended from performing the duties of ~~his~~ the magistrate's office by the chief district judge of the district court district in which ~~his~~ the magistrate's county of appointment is ~~located, or removed from office~~ located. A magistrate may be removed from office by the senior regular resident superior court judge of, or any regular superior court judge holding court in, the district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of appointment is located. Grounds for suspension or removal are the same as for a judge of the General Court of Justice.

(b) Suspension from performing the duties of the office may be ordered upon filing of sworn written charges in the office of clerk of superior court for the county in which the magistrate ~~resides.~~ was appointed. If the chief district judge, upon examination of the sworn charges, finds that the charges, if true, constitute grounds for removal, ~~he~~ the chief district judge may enter an order suspending the magistrate from performing the duties of ~~his~~ the magistrate's office until a final determination of the charges on the merits. During suspension the salary of the magistrate continues.

(c) If a hearing, with or without suspension, is ordered, the magistrate against whom the charges have been made shall be given immediate written notice of the proceedings and a true copy of the charges, and the matter shall be set by the chief district judge for hearing before the senior regular resident superior court judge or a regular superior court judge holding court in the district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of appointment is located. The hearing shall be held in a county within the district or set of districts not less than 10 days nor more than 30 days after the magistrate has received a copy of the

charges. The hearing shall be open to the public. All testimony offered shall be recorded. At the hearing the superior court judge shall receive evidence, and make findings of fact and conclusions of law. If ~~he~~ the judge finds that grounds for removal exist, ~~he~~ the judge shall enter an order permanently removing the magistrate from office, and terminating ~~his~~ the magistrate's salary. If ~~he~~ the judge finds that no such grounds exist, he shall terminate the suspension, if any.

(d) A magistrate may appeal from an order of removal to the Court of Appeals on the basis of error of law by the superior court judge. Pending decision of the case on appeal, the magistrate shall not perform any of the duties of ~~his~~ the magistrate's office. If, upon final determination, ~~he~~ the magistrate is ordered reinstated, either by the appellate division or by the superior court on remand, ~~his~~ the magistrate's salary shall be restored from the date of the original order of removal."

SECTION 5.(f) G.S. 7A-293 reads as rewritten:

"**§ 7A-293. Special authority of a magistrate assigned to a municipality located in more than one county of a district court district.**

A magistrate assigned to an incorporated municipality, the boundaries of which lie in more than one county of a district court district, may, in criminal matters, exercise the powers granted by G.S. 7A-273 as if the corporate limits plus the territory embraced within a distance of one mile in all directions therefrom were located wholly within the magistrate's county of ~~residence.~~ appointment. Appeals from a magistrate exercising the authority granted by this section shall be taken in the district court in the county in which the offense was committed. A magistrate exercising the special authority granted by this section shall transmit all records, reports, and monies collected to the clerk of the superior court of the county in which the offense was committed. In addition, if a magistrate is assigned to an incorporated municipality, the boundaries of which lie in two or more district court districts, the magistrate may exercise the powers described in this section as if the counties were in the same district court district, if the clerks of superior court and the chief district court judges serving the districts in which the municipality is located agree in writing that the exercise of this special authority would promote the administration of justice in the municipality and in the districts. However, if a magistrate is assigned to an incorporated municipality, the boundaries of which lie in four or more counties, each of which is in a separate district court district, the magistrate may exercise the powers described in this section as if all the counties were in the same district court district, without the necessity of such an agreement between the clerks and judges of the affected counties, and the records, reports, and monies collected in connection with the exercise of that authority shall be transmitted to the clerk of the superior court district for the county in which the offense was committed."

SECTION 5.(g) G.S. 7A-211 reads as rewritten:

"**§ 7A-211. Small claim actions assignable to magistrates.**

In the interest of speedy and convenient determination, the chief district judge may, in his or her discretion, by specific order or general rule, assign to any magistrate of ~~his~~ the district any small claim action pending in ~~his~~ the district if the defendant is a resident of the county in which the magistrate ~~resides.~~ was appointed. If there is more than one defendant, at least one of them must be a bona fide resident of the county in which the magistrate ~~resides.~~was appointed."

SECTION 5.(h) G.S. 7A-211.1 reads as rewritten:

"**§ 7A-211.1. Actions to enforce motor vehicle mechanic and storage liens.**

Notwithstanding the provisions of G.S. 7A-210(2) and 7A-211, the chief district judge may in ~~his~~ the chief district judge's discretion, by specific order or general rule, assign to any magistrate of ~~his~~ the district actions to enforce motor vehicle mechanic and storage liens arising under G.S. 44A-2(d) or 20-77(d) when the claim arose in the county in which the magistrate ~~resides.~~ was appointed. The defendant may be subjected to the jurisdiction of the court over his or her person by the methods provided in G.S. 7A-217 or 1A-1, Rules 4(j) and 4(j1), Rules of Civil Procedure."

SECTION 5.(i) G.S. 7A-343(11) reads as rewritten:

"(11) Prescribe policies and procedures for the assignment and compensation of magistrates performing temporary duty outside their county of ~~residence~~ appointment when exigent circumstances exist, as provided for in G.S. 7A-146(9)."

SECTION 5.(j) This section becomes effective October 1, 2022.

MAGISTRATE DISCIPLINE IN ACCORDANCE WITH RULES OF CONDUCT

SECTION 6.(a) G.S. 7A-146 reads as rewritten:

"**§ 7A-146. Administrative authority and duties of chief district judge.**

The chief district judge, subject to the general supervision of the Chief Justice of the Supreme Court, has administrative supervision and authority over the operation of the district courts and magistrates in ~~his~~ the chief district judge's district. These powers and duties include, but are not limited to, the following:

…

(13) Investigating written complaints against magistrates. Upon investigation and written findings of misconduct in violation of the Rules of Conduct for Magistrates, a chief district court judge may discipline a magistrate in accordance with the Rules of Conduct for Magistrates. Written complaints received by the chief district court judge and records of investigations into those complaints are to be treated as personnel records under Article 7 of Chapter 126 of the General Statutes. Notwithstanding Article 7 of Chapter 126 of the General Statutes, once a letter of caution, written reprimand, or suspension has been issued by the chief district court judge, the written complaint, and the record of the chief district court judge's action on that complaint, including any investigatory records, are no longer confidential personnel records."

SECTION 6.(b) This section becomes effective October 1, 2022, and applies to any letter of caution, written reprimand, or suspension issued on or after that date.

APPOINTMENT OF VICE-CHAIR TO JUDICIAL STANDARDS COMMISSION

SECTION 7. G.S. 7A-375 reads as rewritten:

"**§ 7A-375. Judicial Standards Commission.**

(a) Composition. – The Judicial Standards Commission shall consist of the following residents of North Carolina: ~~one~~ two Court of Appeals ~~judge,~~ judges, two superior court judges, and two district court judges, each appointed by the Chief Justice of the Supreme Court; four members of the State Bar who have actively practiced in the courts of the State for at least 10 years, elected by the State Bar Council; and four citizens who are not judges, active or retired, nor members of the State Bar, two appointed by the Governor, and two appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the President Pro Tempore of the Senate and one upon recommendation of the Speaker of the House of Representatives. The General Assembly shall also appoint alternate Commission members for the Commission members the General Assembly has appointed to serve in the event of scheduling conflicts, conflicts of interest, disability, or other disqualification arising in a particular case. The alternate members shall have the same qualifications for appointment as the original members.

(a1) Terms. – The Court of Appeals ~~judge~~ judges shall ~~act as chair~~ be designated by the Chief Justice as chair and vice-chair of the Commission and shall serve at the pleasure of the Chief Justice. Terms of other Commission members shall be for six years. No member who has served a full six-year term is eligible for reappointment. Members who are not judges are entitled to per diem, and all members are entitled to reimbursement for travel and subsistence expenses

at the rate applicable to members of State boards and commissions generally for each day engaged in official business.

…."

MEDICAL MALPRACTICE JUDICIAL ASSIGNMENT

SECTION 8.(a) G.S. 7A-47.3(e), as enacted by Section 1(b) of S.L. 2021-47, reads as rewritten:

"(e) The senior resident superior court judge, in consultation with the parties to the case, shall designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings that occur 150 days after the case was filed in ~~a case~~ cases subject to G.S. 90-21.11(2)."

SECTION 8.(b) This section becomes effective August 1, 2022, and applies to actions filed on or after that date.

REPEAL ANNUAL LEGISLATIVE REPORTS ON THIRD-PARTY ELECTRONIC RECORDS ACCESS AND LOCAL GOVERNMENT CONTRACTS

SECTION 9.(a) G.S. 7A-109(e) is repealed.

SECTION 9.(b) G.S. 7A-346.2(a) is repealed.

CLARIFY JURY EXCUSE DEFERRALS

SECTION 10.(a) G.S. 9-6(b) reads as rewritten:

"(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby ~~he~~ the chief district court judge or any district court judge of ~~his~~ the chief district court judge's district court district designated by ~~him,~~ the chief district court judge, prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. ~~In counties located in a district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the~~ The chief district judge may assign the duty of passing on applications for excuses from jury service to ~~the administrator.~~ judicial support staff. In all cases concerning excuses, the clerk of court or ~~the trial court administrator~~ judicial support staff shall notify prospective jurors of the disposition of their excuses."

SECTION 10.(b) G.S. 9-6.1 reads as rewritten:

"**§ 9-6.1. Requests to be excused.**

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to ~~G.S. 9-6.1(b1) [G.S. 9-6(b1)]~~ G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court judge or ~~trial court administrator~~ judicial support staff member designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear.

(b) Any person summoned as a juror who has a disability that could interfere with the person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may make the request without appearing in person by filing a signed statement of the ground of the request, including a brief explanation of the disability that interferes with the person's ability to serve as a juror, with the chief district court judge of that district, or the district court judge or ~~trial court administrator~~ judicial support staff member designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear. Upon request of the court, medical documentation of any disability may be submitted. Any privileged medical information or protected health information described in

this section shall be confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or any other provision requiring information and records held by State agencies to be made public or accessible to the public.

(c) A person may request either a temporary or permanent exemption under this section, and the judge or ~~trial court administrator~~ judicial support staff member may accept or reject either in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a temporary exemption for a requested permanent exemption. In the case of supplemental jurors summoned under G.S. 9-11, notice may be given when summoned. In case the chief district court judge, or the judge or ~~trial court administrator~~ judicial support staff member designated by the chief district court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the prospective juror shall be immediately notified by the ~~trial court administrator~~ judicial support staff member or the clerk of court by telephone, letter, or personally."

SECTION 10.(c) G.S. 9-7.1 reads as rewritten:

"**§ 9-7.1. ~~Trial court administrator~~ Judicial support staff may assist clerk with performance of duties.**

(a) Upon the request of the clerk of superior court and with the agreement of the clerk of superior court and the senior resident superior court judge, the duties and responsibilities of the clerk of superior court under this Article may be assigned to ~~the trial court administrator pursuant to G.S. 7A-356.~~judicial support staff.

(b) For purposes of this Article, "judicial support staff" shall mean employees of the Judicial Branch who provide case management and administrative support under the authority of a judge, including court assistants, court coordinators, court managers, and court administrators. It shall not include employees of the Clerk of Superior Court."

EXPAND THE ABILITY OF THE CHIEF JUSTICE OF THE SUPREME COURT TO ASSIGN EMERGENCY JUDGES TO HOLD REGULAR AND SPECIAL SESSIONS OF COURT

SECTION 11. Section 11(c) of S.L. 2021-47 reads as rewritten:

"**SECTION 11.(c)** This section is effective when it becomes law and shall expire on July 1, ~~2022.~~2023."

EXPUNCTION CORRECTIONS

SECTION 12.(a) G.S. 15A-151(a), as amended by S.L. 2021-107 and S.L. 2021-118, reads as rewritten:

"(a) The Administrative Office of the Courts shall maintain a confidential file for expungements containing the petitions granted under this Article and the names of those people for whom it received a notice under G.S. 15A-150. The information contained in the file may be disclosed only as follows:

…

(4) Upon request of State or local law enforcement, if the criminal record was expunged under this Chapter ~~15A-145.8A, 15A-146~~ for employment purposes only.

(5) Upon the request of the North Carolina Criminal Justice Education and Training Standards Commission, if the criminal record was expunged under this Chapter ~~15A-145.8A, 15A-146~~ for certification purposes only.

(6) Upon request of the North Carolina Sheriff's Education and Training Standards Commission, if the criminal record was expunged under this Chapter ~~15A-145.8A, 15A-146~~ for certification purposes only.

…."

SECTION 12.(b) This section is effective when it becomes law and applies retroactively to requests for disclosure of expunctions made on or after October 1, 2021.

SATELLITE-BASED MONITORING CONFORMING CHANGE

SECTION 13. Section 18(o) of S.L. 2021-138 reads as rewritten:

"**SECTION 18.(o)** The Division of Adult Correction and Juvenile Justice shall provide each elected District Attorney a list of the individuals that reside in a county in that District Attorney's district that is subject to State v. Grady, 831 S.E. 2d 542 (NC 2019), decided August 16, 2019, namely all individuals in the same category as the defendant, Mr. Grady: individuals subject to mandatory lifetime satellite-based monitoring based solely on their status as a statutorily defined "recidivist" who have completed their prison sentences and are no longer supervised by the State through probation, parole, or post-release supervision. An elected District Attorney must decide to handle each case or have the Attorney General handle the case. If requested by an elected District Attorney, the Attorney General shall make a preliminary determination whether the recidivist subject to State v. Grady, may meet any requirement to enroll in a satellite-based monitoring program other than being a recidivist, and represent the State in any proceedings created by this section. Each District Attorney or Attorney General shall review the determination for every one of the class members. If the District Attorney or Attorney General makes a preliminary determination that the individual may meet any requirement to enroll in a satellite-based monitoring program other than being a recidivist, they shall notify the person and the sheriff in the county where the individual resides. The District Attorney or Attorney General may petition the court in that county for a hearing to have a judge determine if an individual subject to State v. Grady, 831 S.E. 2d 542 (NC 2019), meets the criteria for satellite-based monitoring consistent with G.S. 14-208.40A, as amended by this ~~act.~~act and S.L. 2021-182."

CORRECT GENERAL COURT OF JUSTICE FEE REFERENCE

SECTION 14. G.S. 20-135.2A(e), as amended by S.L. 2022-6, reads as rewritten:

"(e) Any driver or front seat passenger who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty cents ($25.50) plus the following court costs:

(1) The General Court of Justice fee provided for in G.S. 7A-304(a)(4).

(2) The fee provided for in G.S. 7A-304(a)(2a).

(3) One dollar and fifty cents ($1.50) to be remitted to the county wherein the infraction was issued, except in those cases in which the infraction was issued by a law enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(4) One dollar and fifty cents ($1.50) for the supplemental pension benefits of sheriffs to be remitted to the Department of Justice and administered under the provisions of Article 12H of Chapter 143 of the General Statutes.

Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of ten dollars ($10.00) and no court costs. ~~Court costs assessed under this section are for the support of the General Court of Justice and shall be remitted to the State Treasurer.~~ Conviction of an infraction under this section has no other consequence."

FIRST APPEARANCE CHANGES

SECTION 15.(a) G.S. 15A-601(e), as amended by S.L. 2022-6, reads as rewritten:

"(e) The clerk of the superior court in the county in which the defendant is taken into custody may conduct a first appearance as provided in this Article if a district court judge is not available in the county within 72 hours after the defendant is taken into custody, or 96 hours after the defendant is taken into custody if the courthouse is closed for transactions for a period longer than 72 hours. A magistrate may conduct the first appearance if the clerk is not available. ~~The~~ For the limited purpose of conducting a first appearance and notwithstanding any other provision

of law, the clerk or ~~magistrate, in conducting a first appearance,~~ magistrate shall proceed under this Article as ~~would~~ a district court ~~judge.~~judge would and shall have the same authority that a district court judge would have at a first appearance."

SECTION 15.(b) G.S. 15A-604 reads as rewritten:

"**§ 15A-604. Determination of sufficiency of charge.**

(a) The judge must examine each criminal process or magistrate's order and determine whether each charge against the defendant charges ~~a~~ either:

(1) A criminal offense within the original jurisdiction of the superior court.

(2) A misdemeanor offense within the original jurisdiction of the district court.

(b) If the judge determines that the process or order fails to charge a criminal offense within the original jurisdiction of the superior ~~court, he~~ court or a misdemeanor within the original jurisdiction of the district court, the judge must notify the prosecutor and take further appropriate action, including one or more of the following:

…

(4) ~~With~~ For a pleading that purported to allege a criminal offense within the original jurisdiction of the superior court, with the consent of the prosecutor, set the case for trial in the district court if the charge is found to be within the original jurisdiction of the district court."

SECTION 15.(c) G.S. 15A-606(a) reads as rewritten:

"(a) ~~The~~ If a defendant is charged with a criminal offense within the original jurisdiction of the superior court, the judge must schedule a probable-cause hearing unless the defendant waives in writing ~~his~~ the defendant's right to such hearing. A defendant represented by counsel, or who desires to be represented by counsel, may not before the date of the scheduled hearing waive ~~his~~ the defendant's right to a probable-cause hearing without the written consent of the defendant and ~~his~~ the defendant's counsel."

SECTION 15.(d) This section is effective when it becomes law and applies to first appearances conducted on or after that date.

CRIMINAL PROCEDURE CONFORMANCE FOR ELECTRONIC COURTS

SECTION 16.(a) G.S. 7A-49.5 is amended by adding a new subsection to read:

"(e) The Supreme Court may require that in all cases in which the seal of any court or judicial office is required by law to be affixed to any paper issuing from a court or office, the word "seal" shall be construed to include an impression of the official seal, made upon the paper alone, an impression made by means of a wafer or of wax affixed thereto, or an electronic image adopted as the official seal affixed thereto."

SECTION 16.(b) G.S. 15-189 reads as rewritten:

"**§ 15-189. Sentence of death; prisoner taken to penitentiary.**

Upon the sentence of death being pronounced against any person in the State of North Carolina convicted of a crime punishable by death, it shall be the duty of the judge pronouncing such death sentence to make the same in writing, which shall be filed in the ~~papers in~~ record of the case against ~~such~~ the convicted person. The clerk of the superior court in which ~~such~~ the death sentence is pronounced shall prepare a certified copy of ~~said~~ the judgment or sentence of death, ~~including therewith~~ which shall include a copy of any notice or entries of appeal made in ~~such~~ the case; if no entries or notice of appeal have been made or given in ~~such~~ the case, a statement to the effect shall be included in the certificate of the clerk; it shall also be the duty of the district attorney, assistant district attorney, or attorney prosecuting ~~in~~ on behalf of the State in the absence of the district attorney, to prepare and sign a certificate stating in substance that ~~he~~ the attorney prosecuted ~~said~~ the case ~~in~~ on behalf of the State and that notice or entries of appeal have or have not been made or given in ~~said~~ the case, and further that ~~he~~ the attorney has examined a copy of ~~said~~ the judgment or sentence of death certified by the clerk, including the copy of the notice or entries of appeal or statement to the effect that no appeal has been given,

and to the best of ~~his~~ the attorney's knowledge the same is correct; the certificate of ~~said~~ the district attorney, or other prosecuting officer above named, shall be attached to the certified copy of ~~said~~ the sentence of death, as prepared and certified by the clerk, and both certificates shall be transmitted by the clerk of the superior court in which ~~said~~ the sentence of death is pronounced to the warden of the State penitentiary at Raleigh, North Carolina; at the same time and in the same manner, a duplicate original of ~~said~~ the certificates shall be prepared by the clerk of the superior court and the district attorney, or other prosecuting officer above named, and the ~~said~~ duplicate original or ~~said~~ certificates shall be transmitted to the Attorney General of North Carolina. If notice of appeal is given or entries of appeal are made after the expiration of the term of superior court in which ~~said~~ the sentence of death is pronounced, ~~said~~ the certificates shall be prepared by the clerk of the superior court in which ~~said~~ the sentence is pronounced and by the district attorney, or other prosecuting officer above named, prosecuting ~~in~~ on behalf of the State, in the same manner and shall be transmitted as soon as possible to the warden of the State penitentiary at Raleigh, North Carolina, and to the Attorney General of North Carolina. The above certificates so prepared by the clerk of the superior court in which ~~such~~ the sentence of death is pronounced and by the district attorney, or other prosecuting officer above named, shall be transmitted by the clerk of the superior court ~~in which such~~ of the county where the sentence is pronounced to the warden of the State penitentiary at Raleigh, North Carolina, and to the Attorney General of North Carolina, not more than 20 or less than 10 days before the time fixed in the judgment of the court for the execution of the sentence; and in all cases where there is no appeal, ~~said~~ the sentence of death shall not be carried out by the warden of the State penitentiary or by any of his deputies or agents until ~~said~~ the certificates ~~so~~ prepared and transmitted by the clerk of the superior court ~~in which said~~ of the county where the sentence of death is pronounced, and by the district attorney, or the prosecuting officer above named, have been received in the office of the warden of the State penitentiary at Raleigh, North Carolina. In all cases where there is no appeal from the sentence of death and in all cases where the sentence is pronounced against a prisoner convicted of the crime of rape it shall be the duty of the sheriff, together with at least one deputy, to convey to the penitentiary, at Raleigh, North Carolina, ~~such~~ the condemned felon or convict forthwith upon the adjournment of the court in which the felon was tried, and deliver the convict or felon to the warden of the penitentiary."

SECTION 16.(c) G.S. 15-192 reads as rewritten:

"**§ 15-192. Certificate filed with clerk.**

The warden, together with the licensed physician who was present on the premises to pronounce death as required by G.S. 15-190, shall certify the fact of the execution of the condemned person, convict or felon to the clerk of the superior court in which ~~such~~ the sentence was pronounced, and the clerk shall file ~~such~~ the certificate with the ~~papers~~ record of the case and enter the same upon the records thereof."

SECTION 16.(d) G.S. 15A-101.1 reads as rewritten:

"**§ 15A-101.1. Electronic technology in criminal process and procedure.**

As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General Statutes, and in all other provisions of the General Statutes that deal with criminal process or procedure:

(1) "Copy" means all identical versions of a document created or existing in paper or electronic form, including the original and all other identical versions of the ~~document in paper form.~~document. Except where otherwise expressly provided by law or when authority is vested only in a certified copy, a copy of a document is equally authoritative as the original.

…

~~(5) "Electronic signature" means any electronic method of signing a document that meets each of the following requirements:~~

~~a. Identifies and authenticates a particular person as the signer of the document, is unique to the person using it, is capable of certification, and is under the sole control of the person using it.~~

~~b. Is attached to or logically associated with the document in such a manner that if the document is altered in any way without authorization of the signer, the signature is invalidated.~~

~~c. Indicates that person's intent to issue, enter or otherwise authenticate the document.~~

…

(7) "Filing" or "filed" means:

…

b. When the document is in electronic form, creating and saving the document, or transmitting it, in such a way that it is unalterably retained in the electronic records of the office where the document is to be filed. A document is "unalterably retained" in an electronic record when it may not be edited or otherwise altered except by a person with authorization to do so. ~~Filing is complete when the document has first been unalterably retained in the electronic records of the office where the document is to be filed.~~

(8) "Issued" applies to documents in either paper form or electronic form. A document that is first created in paper form is issued when it is signed. A document that is first created in electronic form is issued when it is ~~signed,~~ signed and filed in the office of the clerk of superior court of the county for which it is to be ~~issued, and retained in the Electronic Repository.~~issued.

…

(10) "Signature" means any symbol, including, but not limited to, the name of an individual, which is executed by that individual, personally or through an authorized agent, with the intent to authenticate or to effect the issuance or entry of a document. ~~The term includes an electronic signature.~~ A document may be signed by the use of any manual, mechanical or electronic means that causes the individual's signature to appear in or on the document. Any party challenging the validity of a signature shall have the burden of pleading, producing evidence, and proving ~~the following:~~

~~a.~~ ~~The~~ that the signature was not the act of the person whose signature it appears to be.

~~b. If the signature is an electronic signature, the requirements of subdivision (5) of this section have not been met.~~

(11) "Attach" or "attached" means, when referring to documents existing in paper form, physical attachment by staples, clips, or other mechanical means, or managed such that neither document is stored or delivered without the other. When referring to documents stored in electronic form, the term means either storage as a single digital file or storage in a manner that a user interface for access to the documents displays clearly the logical association between them, to the exclusion of other, unassociated documents displayed with them. When referring to documents delivered in electronic form, the term means documents delivered simultaneously and via the same mechanism or medium, including, but not limited to, any of the following: (i) delivery via a single email message, (ii) delivery on a single unit of removable electronic media, or (iii) delivery in immediate, contemporaneous sequence with one another from the same source to the same recipient. It is not necessary that the relationship

between documents appear on the face of the documents in order to be deemed attached."

SECTION 16.(e) G.S. 15A-131(f) reads as rewritten:

"(f) For the purposes of this Article, pretrial proceedings are proceedings occurring after the initial appearance ~~before the magistrate~~ and prior to arraignment."

SECTION 16.(f) G.S. 15A-301 reads as rewritten:

"**§ 15A-301. Criminal process generally.**

(a) Formal Requirements. –

…

(2) Criminal process, other than a citation, must be signed and dated by the ~~justice, judge, magistrate, or clerk~~ judicial official who issues it. The citation must be signed and dated by the law-enforcement officer who issues it.

…

(b1) Approval by District Attorney; school personnel. – Notwithstanding any other provision of law, no warrant for arrest, order for arrest, criminal summons, or other criminal process shall be issued by a magistrate against a school employee, as defined in G.S. 14-33(c)(6), for an offense that occurred while the school employee was in the process of discharging his or her duties of employment, without the prior written approval of the district attorney or the district attorney's designee. For purposes of this subsection, the term "district attorney" means the person elected to the office of district attorney. This subsection does not apply if the offense is a traffic offense or if the offense occurred in the presence of a sworn law enforcement officer. The district attorney may decline to accept the authority set forth in this subsection; in such case, the procedure and review authority shall be as set forth in subsection (b2) of this section.

(b2) Magistrate review; school personnel. – A district attorney may decline the authority provided under subsection (b1) of this section by ~~transmitting~~ filing a letter so indicating with the clerk of superior court. The district attorney shall provide a copy of the filed letter to the chief district court judge. Upon receipt of ~~a~~ the letter from the district ~~attorney declining the authority provided in subsection (b1) of this section,~~ attorney, the chief district court judge shall appoint a magistrate or magistrates to review any application for a warrant for arrest, order for arrest, criminal summons, or other criminal process against a school employee, as defined in G.S. 14-33(c)(6), where the allegation is that the school employee committed a misdemeanor offense while discharging his or her duties of employment. The failure to comply with any of the requirements in this subsection shall not affect the validity of any warrant, order, summons, or other criminal process. The following exceptions apply to the requirements in this subsection:

…."

SECTION 16.(g) G.S. 15A-301.1 reads as rewritten:

"**§ 15A-301.1. Electronic Repository.**

(a) The Administrative Office of the Courts shall ~~create and~~ maintain, in cooperation with State and local law enforcement agencies, an automated electronic repository or repositories for criminal process (hereinafter referred to collectively as the Electronic Repository), which shall comprise a secure system of electronic data entry, storage, and retrieval that provides for creating, signing, issuing, entering, filing, and retaining criminal process in electronic form, and that provides for the following with regard to criminal process in electronic form:

…

~~The Administrative Office of the Courts shall assure that all electronic signatures effected through use of the system meet the requirements of G.S. 15A-101.1(5).~~

…

(k) Service Requirements for Process Entered in the Electronic Repository. – The copy of ~~the~~ a process printed for the purpose of service shall be served not later than 24 hours after it has been printed. The date, time, and place of service shall promptly be recorded in the Electronic Repository and shall be part of the official records of the court. If the process is not served within

24 hours, that fact shall promptly be recorded in the Electronic Repository and all copies of the process in paper form shall be destroyed. The process may again be printed in paper form at later times and at the same or other places. Subsection (f) of this section applies to each successively printed copy of the process. ~~When service of the warrant is no longer being actively pursued, that fact shall be promptly recorded in the Electronic Repository.~~

…."

SECTION 16.(h) G.S. 15A-302(d) reads as rewritten:

"(d) Service. – A copy of the citation shall be delivered to the person ~~cited who may sign a receipt on the~~ cited. The original ~~which~~ shall ~~thereafter~~ then be filed with the clerk by the officer. ~~If the cited person refuses to sign, the officer shall certify delivery of the citation by signing the original, which shall thereafter be filed with the clerk.~~ Failure of the person cited to ~~sign~~ accept delivery of the citation shall not constitute grounds for ~~his~~ an arrest or the requirement that he or she post a bond. When a citation is issued for a parking offense, a copy shall be delivered to the operator of a vehicle who is present at the time of service, or shall be delivered to the registered owner of the vehicle if the operator is not present by affixing a copy of the citation to the vehicle in a conspicuous place."

SECTION 16.(i) G.S. 15A-531 reads as rewritten:

"**§ 15A-531. Definitions.**

As used in this Article the following definitions apply unless the context clearly requires otherwise:

…

(2) "Address of record" means:

…

b. For an insurance company, the address ~~of the insurance company as it appears on the power of appointment of the company's bail agent~~ registered with the ~~clerk of superior court~~ Administrative Office of the Courts under G.S. 58-71-140.

c. For a bail agent, the address shown on the bail agent's license from the Department of ~~Insurance~~ Insurance, as registered with the ~~clerk of superior court~~ Administrative Office of the Courts under G.S. 58-71-140.

d. For a professional bondsman, the address shown on that bondsman's license from the Department of Insurance, as registered with the ~~clerk of superior court~~ Administrative Office of the Courts under G.S. 58-71-140.

…."

SECTION 16.(j) G.S. 15A-537(b) reads as rewritten:

"(b) Upon release of the person in question, the person effecting release must file any bond, deposit, or mortgage and other ~~papers~~ documents pertaining to the release with the clerk of the court in which release was authorized."

SECTION 16.(k) G.S. 58-71-140 reads as rewritten:

"**§ 58-71-140. Registration of licenses and power of appointments by insurers.**

(a) Before the date ~~of the notice~~ provided for in subsection (e) of this section, no professional bail bondsman shall become a surety on an undertaking unless he or she has registered his or her current license in the office of the clerk of superior court in the county in which he or she resides and a certified copy of the same with the clerk of superior court in any other county in which he or she shall write bail bonds.

(b) Before the date ~~of the notice~~ provided for in subsection (e) of this section, a surety bondsman shall register his or her current surety bondsman's license and a certified copy of his or her power of appointment with the clerk of superior court in the county in which the surety

bondsman resides and with the clerk of superior court in any other county in which the surety bondsman writes bail bonds on behalf of an insurer.

(c) Before the date ~~of the notice~~ provided for in subsection (e) of this section, no runner shall become surety on an undertaking on behalf of a professional bondsman unless that runner has registered his or her current license and a certified copy of his or her power of attorney in the office of the clerk of superior court in the county in which the runner resides and with the clerk of superior court in any other county in which the runner writes bail bonds on behalf of the professional bondsman.

(c1) On or after the date ~~of the notice~~ provided for in subsection (e) of this section, all licensed professional bail bondsmen, surety bondsmen, and runners shall register in the statewide Electronic Bondsmen Registry in accordance with subsection (e) of this section.

…

(e) On or before October 1, 2006, the Administrative Office of the Courts shall establish a statewide Electronic Bondsmen Registry (Registry) for all ~~licenses, powers of appointment, and powers of attorney~~ licenses requiring registration under this section. ~~When the Registry is established, the Administrative Office of the Courts shall notify the Commissioner and the Commissioner shall notify all licensed professional bondsmen, surety bondsmen, runners, and qualified insurance companies of the Registry.~~ On or after ~~the date of that notice,~~ that date, a person may register as required under this section by maintaining a record of each required license, power of appointment, or power of attorney in the Registry. ~~After a~~ License information in the Registry for bail bondsmen and insurance companies shall be provided to the Administrative Office of the Courts by the Commissioner or by an entity designated by the Commissioner to provide the information on the Commissioner's behalf. A bondsman, surety bondsman, or runner ~~has completed registration~~ appearing in the ~~Registry, he or she~~ Registry is authorized to execute bail bonds pursuant to his or her registered license, power of appointment, or power of attorney in all counties so long as the registered license, power of appointment, or power of attorney remains in ~~effect.~~effect, and the execution of a proposed bond is not otherwise prohibited pursuant to G.S. 15A-544.7(d)."

SECTION 16.(*l*) G.S. 15A-744 reads as rewritten:

"**§ 15A-744. Costs and expenses.**

Subject to the requirements and restrictions set forth in this section, if the crime is a felony or if a person convicted in this State of a misdemeanor has broken the terms of ~~his~~ the person's probation or parole, reimbursements for expenses shall be paid out of the State treasury on the certificate of the Governor. In all other cases, such expenses or reimbursements shall be paid out of the county treasury of the county ~~wherein~~ where the crime is alleged to have been committed according to ~~such~~ regulations as the board of county commissioners may promulgate. In all cases, the expenses, for which repayment or reimbursement may be claimed, shall consist of the reasonable and necessary travel expense and subsistence costs of the extradition agent or fugitive officer, as well as the fugitive, together with ~~such~~ legal fees as were paid to the officials of the state on whose governor the requisition is made. The person or persons designated to return the fugitive shall not be allowed, paid or reimbursed for any expenses in connection with any requisition or extradition proceeding unless the expenses are itemized, the statement of same be sworn to under oath, and shall not then be paid or reimbursed unless a receipt is obtained showing the amount, the purpose for which ~~said~~ the item or sum was expended, the place, date and to whom paid, and said receipt or receipts attached to ~~said~~ the sworn statement and filed with the Governor. The Governor shall have the authority, upon investigation, to increase or decrease any item or expenses shown in ~~said~~ the sworn statement, or to include items of expenses omitted by mistake or inadvertence. The decision or determination of the Governor as to the correct amount to be paid for ~~such~~ the expenses or reimbursements shall be final. When it is deemed necessary for more than one agent, extradition agent, fugitive officer or person, to be designated to return a fugitive from another state to this State, the district attorney or prosecuting officer shall file

with ~~his~~ a written application to the Governor of this ~~State~~ State, an affidavit setting forth in detail the grounds or reasons why it is necessary to have more than one extradition agent, fugitive officer or person to be so designated. Among other things, and not by way of limitation, the affidavit shall set forth whether or not the alleged fugitive is a dangerous person, ~~his~~ the fugitive's previous criminal record if any, and any record of ~~said~~ the fugitive on file with the Federal Bureau of Investigation or with the prison authorities of this State. As a further ground or reason for more than one extradition agent or fugitive officer to be designated, it may be shown in ~~said~~ the affidavit the number of fugitives to be returned to this State and any other grounds or reasons for which more than one extradition agent or fugitive officer is desired. If the Governor finds or determines from ~~his~~ the Governor's own investigation and from the information made available to ~~him~~ the Governor that more than one extradition agent or fugitive officer is necessary for the return of a fugitive or fugitives to this State, ~~he~~ the Governor may designate more than one extradition agent or fugitive officer for ~~such~~ that purpose. All travel for which expenses or reimbursements are paid or allowed under this section shall be by the nearest, direct, convenient route of travel. If the extradition agent or agents or person or persons designated to return a fugitive or fugitives from another state to this State shall elect to travel by automobile, a sum not exceeding seven cents (7¢) per mile may be allowed in lieu of all travel expense, and which shall be paid upon a basis of mileage for the complete trip. The Governor may promulgate executive orders, rules and regulations governing travel, forms of statements, receipts or any other matter or objective provided for in this section. The Governor may delegate any or all of the duties, powers and responsibilities conferred upon ~~him~~ the Governor by this section to any executive agent or executive clerk on ~~his~~ the Governor's staff or in ~~his~~ the Governor's office, and ~~such~~ that executive agent or executive clerk, when properly authorized, may perform any or all of the duties, powers and responsibilities conferred upon the Governor. Provided that if the fugitive from justice is an alleged felon, and ~~he~~ the fugitive from justice be returned without the service of extradition ~~papers~~ process by the sheriff or the agent of the sheriff of the county in which the felony was alleged to have been committed, the expense of ~~said~~ the return shall be borne by the State of North Carolina under the rules and regulations made and promulgated by the Governor of North Carolina or the executive agent or the executive clerk to whom the ~~said~~ Governor may have delegated ~~his~~ the Governor's duties under this section."

SECTION 16.(m) G.S. 15A-832(g), as amended by S.L. 2021-180, reads as rewritten:

"(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the ~~identifying~~ information set forth in G.S. 15A-831(c) ~~about any~~ and subsection (b) of this section, including the victim's ~~electing~~ election to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment suspending sentence, transmitted to the Department of Public Safety, the Department of Adult Correction, or other agency receiving custody of the ~~defendant and shall be maintained by the~~ defendant. The clerk and custodial agency shall maintain the form as a confidential ~~file.~~record."

SECTION 16.(n) G.S. 15A-832.1(b) reads as rewritten:

"(b) A judicial official issuing a pleading for any misdemeanor offense against the person based on testimony or evidence from a complaining witness rather than from a law enforcement officer shall deliver the court's copy of the warrant and the victim-identifying information to the office of the clerk of superior court by the close of the next business day. Within 72 hours, the office of the clerk of superior court shall forward to the district attorney's office a copy of the victim-identifying information set forth in subsection (a) of this section. The clerk shall maintain the clerk's copy of the form as a confidential record."

SECTION 16.(o) G.S. 15A-1340.14(f), as amended by S.L. 2021-180, reads as rewritten:

"(f) Proof of Prior Convictions. – A prior conviction shall be proved by any of the following methods:

…

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Department of Public Safety, the Department of Adult Correction, the Division of Motor Vehicle, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, ~~"a copy" includes~~ "copy" includes, in addition to copy as defined in G.S. 15A-101.1, a paper writing containing a reproduction of a record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the court the offender's full record. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing. If asked by the defendant in compliance with G.S. 15A-903, the prosecutor shall furnish the defendant's prior criminal record to the defendant within a reasonable time sufficient to allow the defendant to determine if the record available to the prosecutor is accurate. Upon request of a sentencing services program established pursuant to Article 61 of Chapter 7A of the General Statutes, the district attorney shall provide any information the district attorney has about the criminal record of a person for whom the program has been requested to provide a sentencing plan pursuant to G.S. 7A-773.1."

SECTION 16.(p) G.S. 15A-1340.21(c), as amended by S.L. 2021-180, reads as rewritten:

"(c) Proof of Prior Convictions. – A prior conviction shall be proved by any of the following methods:

…

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Department of Public Safety, the Department of Adult Correction, the Division of Motor Vehicles, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, "copy" ~~includes~~ includes, in addition to copy as defined in G.S. 15A-101.1, a paper writing containing a reproduction of a record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing."

SECTION 16.(q) G.S. 15A-1382 is amended by adding a new subsection to read:

"(c) In lieu of the form described in this section, the report of the disposition may be made by electronic transmission from the courts' record-keeping applications to the State Bureau of Investigation in any format mutually agreed upon by the State Bureau of Investigation and the Administrative Office of the Courts."

SECTION 16.(r) G.S. 15A-1382.1 reads as rewritten:

"**§ 15A-1382.1. Reports of disposition; domestic violence; child abuse; sentencing.**

(a) When a defendant is found guilty of an offense involving assault, communicating a threat, or any of the acts as defined in G.S. 50B-1(a), the presiding judge shall determine whether the defendant and victim had a personal relationship. If the judge determines that there was a personal relationship between the defendant and the victim, then the judge shall indicate ~~on the form reflecting~~ in the judgment of conviction that the case involved domestic violence. The clerk of court shall insure that the official record of the defendant's conviction includes the court's determination, so that any inquiry into the defendant's criminal record will reflect that the offense involved domestic violence.

(a1) When a defendant is found guilty of an offense involving child abuse or is found guilty of an offense involving assault or any of the acts as defined in G.S. 50B-1(a) and the offense was committed against a minor, then the judge shall indicate ~~on the form reflecting~~ in the judgment of conviction that the case involved child abuse. The clerk of court shall ensure that the official record of the defendant's conviction includes the court's determination, so that any inquiry into the defendant's criminal record will reflect that the offense involved child abuse.

…."

SECTION 16.(s) G.S. 20-179.3(d) reads as rewritten:

"(d) Application for and Scheduling of Subsequent Hearing. – The application for a limited driving privilege made at any time after the day of sentencing must be filed with the ~~clerk in duplicate,~~ clerk, and no hearing scheduled may be held until a reasonable time after the clerk files a copy of the application with the district attorney's office. The hearing must be scheduled before:

…."

SECTION 16.(t) Subsections (m), (n), (o), and (p) of this section become effective January 1, 2023. Subsection (n) of this section becomes effective December 1, 2022. The remainder of this section is effective when it becomes law.

DEPARTMENT OF ADULT CORRECTION CHANGES

SECTION 17.(a) G.S. 15A-1340.16(d), as amended by S.L. 2021-180, reads as rewritten:

"(d) Aggravating Factors. – The following are aggravating factors:

…

(6) The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Department of Public ~~Safety,~~ Safety or the Department of Adult Correction, jailer, fireman, emergency medical technician, ambulance attendant, social worker, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.

…."

SECTION 17.(b) This section becomes effective January 1, 2023, and applies to offenses committed on or after that date.

SECTION 18.(a) G.S. 15A-150(b), as amended by S.L. 2021-47, reads as rewritten:

"(b) Notification to Other State and Local Agencies. – Unless otherwise instructed by the Administrative Office of the Courts pursuant to an agreement entered into under subsection (e) of this section for the electronic or facsimile transmission of information, the clerk of superior court in each county in North Carolina shall send a certified copy of an order granting an expunction to a person named in subsection (a) of this section to (i) all of the agencies listed in this subsection and (ii) the person granted the expunction. Expunctions granted pursuant to G.S. 15A-146(a4) are excluded from all clerk of superior court notice provisions of this subsection. An agency receiving an order under this subsection shall purge from its records all

entries made as a result of the charge or conviction ordered expunged, except as provided in G.S. 15A-151. The list of agencies is as follows:

…

(4) The Department of ~~Public Safety,~~ Adult Correction, Combined Records Section.

…."

SECTION 18.(b) This section becomes effective January 1, 2023.

TRANSFER OF FUNDS PERMANENT

SECTION 19. G.S. 7A-413 is amended by adding a new subsection to read:

"(c) The Conference shall approve all transfers of funds appropriated by the General Assembly for the offices of district attorneys prior to the Administrative Office of the Courts completing the transfer."

SUMMARY EJECTMENT TRAINING MANDATORY FOR MAGISTRATES

SECTION 20.(a) G.S. 7A-177(b1) reads as rewritten:

"(b1) Except for the calendar year in which a magistrate completes the course of basic training referenced in subsection (a) of this section, every magistrate shall annually and satisfactorily complete a course of in-service training consisting of at least 12 hours in the civil and criminal duties of a magistrate, including, but not limited to, the following subjects:

(1) Setting conditions of pretrial release.
(2) Impaired driving laws.
(3) Issuing criminal processes.
(4) Issuing search warrants.
(5) Technology.
(6) Orders of protection.
(7) Summary ejectment laws.

The Administrative Office of the Courts is authorized to conduct the training required by this subsection or contract with the School of Government at the University of North Carolina at Chapel Hill or with any other qualified educational organization to conduct this training. The training may be conducted in person or online. The Administrative Office of the Courts shall adopt policies for the implementation of this subsection."

SECTION 20.(b) This section becomes effective January 1, 2023.

ELIMINATE STATE JUDICIAL COUNCIL

SECTION 21.(a) Article 31A of Chapter 7A of the General Statutes is repealed.

SECTION 21.(b) G.S. 7A-300 reads as rewritten:

"**§ 7A-300. Expenses paid from State funds.**

(a) The operating expenses of the Judicial Department shall be paid from State funds, out of appropriations for this purpose made by the General Assembly, or from funds provided by local governments pursuant to G.S. 7A-300.1, 153A-212.1, or 160A-289.1. The Administrative Office of the Courts shall prepare budget estimates to cover ~~these~~ the following expenses, including therein the following items and such other items as are deemed necessary for the proper functioning of the Judicial Department:

(1) Salaries, departmental expense, printing and other costs of the appellate ~~division;~~division.
(2) Salaries and expenses of superior court judges, district attorneys, assistant district attorneys, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this ~~Chapter;~~Chapter.

(3) Salaries, travel expenses, departmental expense, printing and other costs of the Administrative Office of the ~~Courts;~~Courts.
(4) Salaries and travel expenses of district judges, magistrates, and family court ~~counselors;~~counselors.
(5) Salaries and travel expenses of clerks of superior court, their assistants, deputies, and other employees, and the expenses of their offices, including supplies and materials, postage, telephone and telegraph, bonds and insurance, equipment, and other necessary ~~items;~~items.
(6) Fees and travel expenses of jurors, and of witnesses required to be paid by the ~~State;~~State.
(7) Compensation and allowances of court ~~reporters;~~reporters.
(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent ~~person;~~person.
(9) Transcripts of preliminary hearings in indigency cases and, in cases in which the defendant pays for a transcript of the preliminary hearing, a copy for the district ~~attorney;~~attorney.
(10) Transcript of the evidence and trial court charge furnished the district attorney when a criminal action is appealed to the appellate ~~division;~~division.
(11) All other expenses arising out of the operations of the Judicial Department which by law are made the responsibility of the ~~State; and~~State.
(12) Operating expenses of ~~the Judicial Council and~~ the Judicial Standards Commission.

(b) Repealed by Session Laws 1971, c. 377, s. 32."

SECTION 21.(c) G.S. 15A-1475 reads as rewritten:

"**§ 15A-1475. Reports.**

The North Carolina Innocence Inquiry Commission shall report annually by February 1 of each year on its activities to the Joint Legislative Oversight Committee on Justice and Public ~~Safety and the State Judicial Council.~~ Safety. The report may contain recommendations of any needed legislative changes related to the activities of the Commission. The report shall recommend the funding needed by the Commission, the district attorneys, and the State Bureau of Investigation in order to meet their responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the State Bureau of Investigation shall only be made after consultations with the North Carolina Conference of District Attorneys and the Attorney General."

SEVERABILITY CLAUSE

SECTION 22. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 23. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of June, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:59 p.m. this 7th day of July, 2022