

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**HOUSE BILL 674
RATIFIED BILL**

AN ACT TO REQUIRE THAT A DNA SAMPLE BE OBTAINED FROM ANY PERSON WHO IS CONVICTED OR FOUND NOT GUILTY BY REASON OF INSANITY FOR COMMITTING VARIOUS ASSAULT AND DOMESTIC VIOLENCE OFFENSES AND TO REVISE THE LAW GOVERNING THE ASSISTANCE PROGRAM FOR VICTIMS OF RAPE AND SEX OFFENSES AND TO REVISE THE LAW GOVERNING REFUNDS FOR THE OVERPAYMENT OF EXCISE TAX AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN BACKUP STORAGE MEDIA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 15A-266.4 reads as rewritten:

"§ 15A-266.4. DNA sample required for DNA analysis upon conviction or finding of not guilty by reason of insanity.

(a) Unless a DNA sample has previously been obtained by lawful process and a record stored in the State DNA Database, and that record and sample have not been expunged pursuant to any provision of ~~law, a person:~~law:

(1) ~~Who~~A person who is convicted of any of the crimes listed in subsection (b) of this section or who is found not guilty of any of these crimes by reason of insanity and committed to a mental health facility in accordance with G.S. 15A-1321, shall provide a DNA sample upon intake to jail, prison, or the mental health facility. In addition, every person convicted of any of these crimes, but who is not sentenced to a term of confinement, shall provide a DNA sample as a condition of the sentence.

(2) ~~Who~~A person who has been convicted and incarcerated as a result of a conviction of one or more of the crimes listed in subsection (b) of this section, or who was found not guilty of any of these crimes by reason of insanity and committed to a mental health facility in accordance with G.S. 15A-1321, shall provide a DNA sample before parole or release from the penal system or before release from the mental health facility.

(b) Crimes covered by this Article include all of the following:

(1) All felonies.

(2) G.S. 14-32.1 – Assaults on individuals with a disability.

(3) Former G.S. 14-277.3 – Stalking.

(4) Repealed by Session Laws 2010-94, s. 5, effective February 1, 2011.

(5) All offenses described in G.S. 15A-266.3A.

(6) G.S. 14-33(c)(2) – Assault on a female by a male person at least 18 years of age.

(7) G.S. 14-33(c)(3) – Assault on a child under the age of 12 years.

(8) All offenses described in G.S. 50B-4.1."

SECTION 1.(b) This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.

SECTION 2.(a) G.S. 143B-1200 reads as rewritten:



"§ 143B-1200. Assistance Program for Victims of Rape and Sex Offenses.

...
 (c) No Billing of Victim. – A medical facility or medical professional that performs a forensic medical examination shall not bill the victim, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the examination and other eligible expenses. A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination. expenses. Furthermore, a medical facility or medical professional shall not seek reimbursement from the Program after one year from the date of the examination.

(d) Eligible Expenses. – Medical facilities and medical professionals who perform forensic medical examinations shall do so using a Sexual Assault Evidence Collection Kit. Payments by the Program for the forensic medical examination shall be limited to the following:

Service	Maximum Amount Paid by Program
Physician or SANE Nurse	\$350.00 <u>\$600.00</u>
Hospital/Facility Fee	\$250.00 <u>\$500.00</u>
Other Expenses Deemed Eligible by the Program	\$200.00 <u>\$400.00</u>
Total:	\$800.00 <u>\$1,500.00</u>

...
 (i) Definitions. – The following definitions apply in this section:

- (1) Forensic medical examination. – An examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law. The examination ~~should~~shall include at a minimum an examination of physical trauma, a patient interview, a determination of penetration or force, ~~and~~a collection and evaluation of evidence. evidence, and any other act or procedure listed in the definition of "forensic medical examination" set forth in 28 C.F.R. § 90.2(c) or "medical forensic examination" set forth in 34 U.S.C. § 40723(a)(3). This term also includes any costs associated with the items listed in this subdivision, such as equipment, supplies, and facility fees. This definition shall be interpreted consistently with ~~28 C.F.R. § 90.2(b)~~28 C.F.R. § 90.2(c) and 34 U.S.C. § 40723(a)(3), and other relevant federal law.
- (2) SANE nurse. – A Sexual Assault Nurse Examiner that is a licensed registered nurse trained pursuant to G.S. 90-171.38(b) who obtains preliminary histories, conducts in-depth interviews, and conducts forensic medical examinations of rape victims or victims of related sexual offenses. This definition shall be interpreted consistently with 34 U.S.C. § 40723(a)(12).
- (3) Sexual assault. – Any of the following crimes:
 - a. First-degree forcible rape as defined in G.S. 14-27.21.
 - b. Second-degree forcible rape as defined in G.S. 14-27.22.
 - c. First-degree statutory rape as defined in G.S. 14-27.24.
 - d. Statutory rape of a person who is 15 years of age or younger as defined in G.S. 14-27.25.
 - e. First-degree forcible sexual offense as defined in G.S. 14-27.26.
 - f. Second-degree forcible sexual offense as defined in G.S. 14-27.27.
 - g. First-degree statutory sexual offense as defined in G.S. 14-27.29.
 - h. Statutory sexual offense with a person who is 15 years of age or younger as defined in G.S. 14-27.30.

- i. Statutory rape of a child by an adult as defined in G.S. 14-27.23.
 - j. Statutory sexual offense with a child by an adult as defined in G.S. 14-27.28.
 - k. Sexual activity by a substitute parent or custodian as defined in G.S. 14-27.31.
 - l. Sexual activity with a student as defined in G.S. 14-27.32.
 - m. Sexual battery as defined in G.S. 14-27.33.
 - n. Sexual contact or penetration under pretext of medical treatment as defined in G.S. 14-27.33A.
 - o. Any other act defined to be sexual assault by 34 U.S.C. § 40723(a)(9).
- (4) Sexual Assault Evidence Collection Kit. – The kit assembled and paid for by the Program and used to conduct forensic medical examinations in this State."

SECTION 2.(b) G.S. 131E-91(d) reads as rewritten:

"(d) Hospitals and ambulatory surgical facilities shall abide by the following reasonable collections practices:

- (1) A hospital or ambulatory surgical facility shall not refer a patient's unpaid bill to a collections agency, entity, or other assignee during the pendency of a patient's application for charity care or financial assistance under the hospital's or ambulatory surgical facility's charity care or financial assistance policies.
- (2) A hospital or ambulatory surgical facility shall provide a patient with a written notice that the patient's bill will be subject to collections activity at least 30 days prior to the referral being made.
- (3) A hospital or ambulatory surgical facility that contracts with a collections agency, entity, or other assignee shall require the collections agency, entity, or other assignee to inform the patient of the hospital's or ambulatory surgical facility's charity care and financial assistance policies when engaging in collections activity.
- (4) A hospital or ambulatory surgical facility shall require a collections agency, entity, or other assignee to obtain the written consent of the hospital or ambulatory surgical facility prior to the collections agency, entity, or other assignee filing a lawsuit to collect the debt.
- (5) For debts arising from the provision of care by a hospital or ambulatory surgical center, the doctrine of necessities as it existed at common law shall apply equally to both spouses, except where they are permanently living separate and apart, but shall in no event create any liability between the spouses as to each other. No lien arising out of a judgment for a debt owed a hospital or ambulatory surgical facility under this section shall attach to the judgment debtors' principal residence, or, if the land upon which the principal residence is located is greater than five acres, then no lien shall attach to the judgment debtors' principal residence and the surrounding five acres, held by them as tenants by the entirety or that was held by them as tenants by the entirety prior to the death of either spouse where the tenancy terminated as a result of the death of either spouse.
- (6) For debts arising from the provision of care by a hospital or ambulatory surgical center to a minor, there shall be no execution on or otherwise forced sale of the principal residence of the custodial parent or parents for a judgment obtained for the outstanding debt until such time as the minor is either no longer residing with the custodial parent or parents or until the minor reaches the age of majority, whichever occurs first.

(7) A hospital or ambulatory surgical facility shall have policies to prevent collections of debts related to expenses that cannot be charged to a patient pursuant to G.S. 143B-1200."

SECTION 2.(c) This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.

SECTION 2.1. G.S. 105-228.37 is amended by adding a new subsection to read:

"(a1) Refunds for Overpayment. – The board of county commissioners may, by resolution, authorize either or both of the county manager or the county finance officer to grant a request for a refund of a tax paid under this Article that is filed within six months after the date the tax was paid. If a refund is granted pursuant to such authority, the refund will be processed in the same manner as if granted by the board of county commissioners as set forth in this section. A taxpayer who requests but is not granted a refund from a county manager or county finance officer may file a written request with the board of county commissioners pursuant to the procedures set forth in this section."

SECTION 2.2. G.S. 161-22 reads as rewritten:

"§ 161-22. Index of registered instruments.

...
(f) The alphabetical indexes required by this section may be maintained in index books, on index cards, on film, or in computers or other automated data-processing machines. ~~If the index is maintained in a computer or other automated data processing machine, the register of deeds shall, at least once each month, obtain from the computer or other automated data processing machine a printed copy on paper or film, or a tape or disk, of all index entries made since the previous printed or filmed copy, or tape or disk, was obtained.~~ The register of deeds shall ensure that the alphabetical indexes required by this section are duplicated onto separately kept backup storage media for the purpose of disaster recovery and operations resumption in the event of equipment failure, destruction, accidental loss, or corruption, so that such indexes are restorable from a backup at any point. The storage media may be magnetic tape, optical, or other removable media. These printed or filmed copies, tapes or disks, shall be retained as security copies and may not be altered or destroyed until a subsequent security copy is made containing the index entries from all previous security copies.

...."

law. **SECTION 3.** Except as otherwise provided, this act is effective when it becomes

In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2022