

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Apr 6, 2023
S.B. 705
PRINCIPAL CLERK

S

D

SENATE BILL DRS45294-NDa-57

Short Title: Equity in Justice Act of 2023. (Public)

Sponsors: Senators Mohammed, Garrett, and Murdock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CRIMINAL JUSTICE, POLICING, AND JUVENILE JUSTICE
3 REFORM, AND TO APPROPRIATE FUNDS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. FUNDS TO EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM TO ALL**
7 **COUNTIES IN THE STATE**

8 **SECTION 1.1.** G.S. 17C-20 reads as rewritten:

9 **"§ 17C-20. Definitions.**

10 As used in this Article, the following definitions apply:

11 ...

12 (5) Eligible county. – ~~A Any county with a population of less than 200,000~~
13 ~~according to the latest federal decennial census.~~ this State.

14"

15 **SECTION 1.2.** There is appropriated from the General Fund to the Department of
16 Justice six hundred sixty-three thousand five hundred seventy-nine dollars (\$663,579) in
17 recurring funds for the 2023-2024 fiscal year to be allocated to the North Carolina Criminal
18 Justice Fellows Program to continue to recruit qualified in-State high school seniors or
19 unemployed/underemployed graduates and provide them with a forgivable community college
20 loan to pursue.

21 **SECTION 1.3.** This Part becomes effective July 1, 2023.

22
23 **PART II. MODIFY VARIOUS LAW ENFORCEMENT STANDARDS, PRACTICES,**
24 **AND REPORTING REQUIREMENTS**

25 **SECTION 2.1.** G.S. 15A-401(d) reads as rewritten:

26 "(d) Use of Force in Arrest. –

27 ...

28 (2) A law-enforcement officer is justified in using deadly physical force upon
29 another person for a purpose specified in subdivision (1) of this subsection
30 only when it is or appears to be reasonably necessary thereby:

31 ...

32 Strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints,
33 or any other tactics that restrict oxygen or blood flow to the head or neck shall
34 be considered the use of deadly force under this subdivision.

35 Nothing in this subdivision constitutes justification for willful, malicious or
36 criminally negligent conduct by any person which injures or endangers any



* D R S 4 5 2 9 4 - N D A - 5 7 *

person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

(3) Under all circumstances in which a law-enforcement officer uses force of any kind, a law-enforcement officer shall use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and shall attempt to utilize de-escalation tactics when possible."

SECTION 2.2. Article 4 of Chapter 20 of the General Statutes reads as rewritten:

"Article 4.

"State Highway Patrol.

...

"§ 20-196.6. Require State Troopers to render medical assistance to persons in custody.

It shall be a mandatory policy of the State Highway Patrol that every State Trooper shall have a first aid kit and shall be required to do the following when a person in a State Trooper's custody is injured or complains of an injury:

(1) Render immediate, reasonable medical assistance when it is safe to do so.

(2) Contact emergency medical services when appropriate.

"§ 20-196.8. Require use of National Incident-Based Reporting System.

(a) The State Highway Patrol shall utilize and submit all available data to the National Incident-Based Reporting System.

(b) Data submitted to the National Incident-Based Reporting System pursuant to this section shall be made publicly available on the State Highway Patrol website.

"§ 20-196.10. Require use of body-worn and dashboard cameras.

(a) State Troopers shall utilize body-worn and dashboard cameras, as each term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

(1) Traffic stops.

(2) Pursuits.

(3) Arrests.

(4) Searches.

(5) Interrogations not covered under G.S. 15A-211.

(6) Interviews with victims and witnesses.

(7) Interactions with inmates of a State correctional facility or local confinement facility.

(b) The requirements of subsection (a) of this section shall not apply to State Troopers during undercover operations."

SECTION 2.3. Chapter 74E of the General Statutes reads as rewritten:

"Chapter 74E.

"Company Police Act.

...

"§ 74E-10.1. Require company police to render medical assistance to persons in custody.

It shall be a mandatory policy of a company police agency that every company police officer shall have a first aid kit and shall be required to do the following when a person in a company police officer's custody is injured or complains of an injury:

(1) Render immediate, reasonable medical assistance when it is safe to do so.

(2) Contact emergency medical services when appropriate.

"§ 74E-10.5. Require use of National Incident-Based Reporting System.

(a) A company police agency shall utilize and submit all available data to the National Incident-Based Reporting System.

(b) Data submitted to the National Incident-Based Reporting System pursuant to this section shall be made publicly available on the company police agency website.

"§ 74E-10.6. Require use of body-worn and dashboard cameras.

1 (a) Company police officers shall utilize body-worn and dashboard cameras, as each term
2 is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not
3 limited to, the following:

- 4 (1) Arrests.
- 5 (2) Searches.
- 6 (3) Interrogations not covered under G.S. 15A-211.
- 7 (4) Interviews with victims and witnesses.

8 (b) The requirements of subsection (a) of this section shall not apply to company police
9 officers during undercover operations.

10"

11 **SECTION 2.4.** Chapter 74G of the General Statutes reads as rewritten:

12 "Chapter 74G.

13 "Campus Police Act.

14 ...

15 **"§ 74G-10.1. Require campus police to render medical assistance to persons in custody.**

16 It shall be a mandatory policy of a campus police agency that every campus police officer
17 shall have a first aid kit and shall be required to do the following when a person in a campus
18 police officer's custody is injured or complains of an injury:

- 19 (1) Render immediate, reasonable medical assistance when it is safe to do so.
- 20 (2) Contact emergency medical services when appropriate.

21 **"§ 74G-10.3. Require use of National Incident-Based Reporting System.**

22 (a) A campus police agency shall utilize and submit all available data to the National
23 Incident-Based Reporting System.

24 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
25 section shall be made publicly available on the campus police agency website.

26 **"§ 74G-10.5. Require use of body-worn and dashboard cameras.**

27 (a) Campus police officers shall utilize body-worn and dashboard cameras, as each term
28 is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not
29 limited to, the following:

- 30 (1) Traffic stops.
- 31 (2) Pursuits.
- 32 (3) Arrests.
- 33 (4) Searches.
- 34 (5) Interrogations not covered under G.S. 15A-211.
- 35 (6) Interviews with victims and witnesses.

36 (b) The requirements of subsection (a) of this section shall not apply to campus police
37 officers during undercover operations.

38"

39 **SECTION 2.5.** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
40 Statutes reads as rewritten:

41 "Subpart C. State Bureau of Investigation.

42 ...

43 **"§ 143B-927.1. Require Bureau law enforcement officers to render medical assistance to**
44 **persons in custody.**

45 It shall be a mandatory policy of the State Bureau of Investigation that every law enforcement
46 officer shall have a first aid kit and shall be required to do the following when a person in a law
47 enforcement officer's custody is injured or complains of an injury:

- 48 (1) Render immediate, reasonable medical assistance when it is safe to do so.
- 49 (2) Contact emergency medical services when appropriate.

50 **"§ 143B-927.3. Require use of National Incident-Based Reporting System.**

1 (a) The State Bureau of Investigation shall utilize and submit all available data to the
2 National Incident-Based Reporting System.

3 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
4 section shall be made publicly available on the State Bureau of Investigation website.

5 **"§ 143B-927.5. Require use of body-worn and dashboard cameras.**

6 (a) Law enforcement officers of the State Bureau of Investigation shall utilize body-worn
7 and dashboard cameras, as each term is defined in G.S. 132-1.4A, in all interactions with
8 members of the public, including, but not limited to, the following:

9 (1) Traffic stops.

10 (2) Pursuits.

11 (3) Arrests.

12 (4) Searches.

13 (5) Interrogations not covered under G.S. 15A-211.

14 (6) Interviews with victims and witnesses.

15 (7) Interactions with inmates of a State correctional facility or local confinement
16 facility.

17 (b) The requirements of subsection (a) of this section shall not apply to law enforcement
18 officers of the State Bureau of Investigation during undercover operations.

19"

20 **SECTION 2.6.** Part 1 of Article 10 of Chapter 153A of the General Statutes reads as
21 rewritten:

22 "Part 1. Law Enforcement.

23 ...

24 **"§ 153A-213. Require county law enforcement officers to render medical assistance to**
25 **persons in custody.**

26 It shall be a mandatory policy of a county that every county law enforcement officer shall
27 have a first aid kit and shall be required to do the following when a person in a county law
28 enforcement officer's custody is injured or complains of an injury:

29 (1) Render immediate, reasonable medical assistance when it is safe to do so.

30 (2) Contact emergency medical services when appropriate.

31 **"§ 153A-213.4. Require use of National Incident-Based Reporting System.**

32 (a) A county shall utilize and submit all available data to the National Incident-Based
33 Reporting System.

34 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
35 section shall be made publicly available on the county website.

36 **"§ 153A-213.5. Require use of body-worn and dashboard cameras.**

37 (a) County law enforcement officers shall utilize body-worn and dashboard cameras, as
38 each term is defined in G.S. 132-1.4A, in all interactions with members of the public, including,
39 but not limited to, the following:

40 (1) Traffic stops.

41 (2) Pursuits.

42 (3) Arrests.

43 (4) Searches.

44 (5) Interrogations not covered under G.S. 15A-211.

45 (6) Interviews with victims and witnesses.

46 (7) Interactions with inmates of a State correctional facility or local confinement
47 facility.

48 (b) The requirements of subsection (a) of this section shall not apply to county law
49 enforcement officers during undercover operations.

50"

51 **SECTION 2.7.** Article 13 of Chapter 160A of the General Statutes reads as rewritten:

"Article 13.
"Law Enforcement.

"§ 160A-290. Require city law enforcement officers to render medical assistance to persons in custody.

It shall be a mandatory policy of a city that every city law enforcement officer shall have a first aid kit and shall be required to do the following when a person in a city law enforcement officer's custody is injured or complains of an injury:

- (1) Render immediate, reasonable medical assistance when it is safe to do so.
- (2) Contact emergency medical services when appropriate.

"§ 160A-290.4. Require use of National Incident-Based Reporting System.

(a) A city shall utilize and submit all available data to the National Incident-Based Reporting System.

(b) Data submitted to the National Incident-Based Reporting System pursuant to this section shall be made publicly available on the city website.

"§ 160A-290.5. Require use of body-worn and dashboard cameras.

(a) City law enforcement officers shall utilize body-worn and dashboard cameras, as each term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

- (1) Traffic stops.
- (2) Pursuits.
- (3) Arrests.
- (4) Searches.
- (5) Interrogations not covered under G.S. 15A-211.
- (6) Interviews with victims and witnesses.
- (7) Interactions with inmates of a State correctional facility or local confinement facility.

(b) The requirements of subsection (a) of this section shall not apply to city law enforcement officers during undercover operations."

SECTION 2.8. This Part becomes effective October 1, 2023.

PART III. REQUIRE VARIOUS INVESTIGATION PRACTICES AND REPORTING FOR CERTAIN INVESTIGATIONS OF THE STATE BUREAU OF INVESTIGATION AND REQUIRE A SPECIAL PROSECUTOR BE APPOINTED FOR THOSE CASES

SECTION 3.1. G.S. 143B-919(b1) reads as rewritten:

"(b1) The Bureau shall, upon request of the Governor or a sheriff, chief of police, head of a State law enforcement agency, district attorney, or the Commissioner of Prisons, investigate and prepare evidence in the event of any of the following:

...

Investigations required by this subsection shall be criminal investigations. If an employee of the Bureau is investigated pursuant to this subsection, the Bureau shall have an independent entity perform the investigation.

Within 24 hours of an incident that, if requested, the Bureau would be required to investigate under this section, a law enforcement agency shall report the incident to the Bureau by methods developed by the Bureau for that purpose. A law enforcement agency that fails to report shall be ineligible to receive funds from the Governor's Crime Commission and the Governor's Highway Safety Program until the required report is delivered to the Bureau. A law enforcement agency that repeatedly fails to timely report shall be provided written notice that any further failure to timely report shall result in the ineligibility to receive funds from either the Governor's Crime Commission or the Governor's Highway Safety Program for a period of two years. Following the receipt of notice and upon a determination by the Bureau that a subsequent failure to timely report

1 has occurred, the Bureau shall notify the law enforcement agency in writing of the agency's
2 ineligibility to receive the named funds and the date upon which the agency will once again be
3 eligible to receive the named funds.

4 Prosecutions under this subsection shall be performed by a Special Prosecutor under
5 G.S. 114-11.6."

6 **SECTION 3.2.** This Part becomes effective October 1, 2023.

7
8 **PART IV. REQUIRED DATA COLLECTION, DATA REPORTING, AND USE OF**
9 **BODY-WORN AND DASHBOARD CAMERAS**

10 **SECTION 4.1.** Article 1 of Chapter 114 of the General Statutes is amended by
11 adding the following new sections to read:

12 **"§ 114-2.7A. Define use of force and develop data standards for regular reporting to the**
13 **State Bureau of Investigation.**

14 (a) The Department of Justice, in consultation with the Department of Public Safety, the
15 North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police,
16 shall develop a uniform definition for what constitutes law enforcement officer use of force and
17 shall determine a standard set of data regarding law enforcement officer use of force to be
18 regularly reported to the State Bureau of Investigation.

19 (b) All law enforcement agencies in the State, including, but not limited to, the State
20 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
21 departments, campus police agencies, and company police agencies, shall provide to the State
22 Bureau of Investigation information required by the Department of Justice under subsection (a)
23 of this section.

24 (c) The State Bureau of Investigation shall make publicly available any use of force
25 information collected pursuant to this section.

26 **"§ 114-2.7B. Require use of National Incident-Based Reporting System.**

27 (a) All law enforcement agencies in the State, including, but not limited to, the State
28 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
29 departments, campus police agencies, and company police agencies, shall utilize and submit all
30 available data to the National Incident-Based Reporting System.

31 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
32 section shall be made publicly available on the law enforcement agency website.

33 **"§ 114-2.7C. Require use of body-worn and dashboard cameras.**

34 (a) All sworn law enforcement officers with the power of arrest, including, but not limited
35 to, those employed by the State Highway Patrol, the State Bureau of Investigation, county
36 sheriffs' offices, municipal police departments, campus police agencies, and company police
37 agencies, shall utilize body-worn and dashboard cameras, as each term is defined in
38 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
39 following:

40 (1) Traffic stops.

41 (2) Pursuits.

42 (3) Arrests.

43 (4) Searches.

44 (5) Interrogations not covered under G.S. 15A-211.

45 (6) Interviews with victims and witnesses.

46 (7) Interactions with inmates of a State correctional facility or local confinement
47 facility.

48 (b) The requirements of subsection (a) of this section shall not apply to law enforcement
49 officers during undercover operations.

1 (c) All departments, offices, and agencies required to provide body-worn and dashboard
2 cameras to law enforcement officers under this section shall have until October 1, 2022, to
3 comply with this section."

4 SECTION 4.2. This Part becomes effective October 1, 2023.

5
6 **PART V. SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS**

7 SECTION 5.1. Article 11 of Chapter 15A of the General Statutes reads as rewritten:

8 "Article 11.

9 "Search Warrants.

10 ...

11 **"§ 15A-242. Items subject to seizure under a search warrant.**

12 An item is subject to seizure pursuant to a search warrant if there is probable cause to believe
13 ~~that it is any of the following:~~

- 14 (1) ~~Is It is~~ is stolen or ~~embezzled; or~~ embezzled.
- 15 (2) ~~Is It is~~ is contraband or otherwise unlawfully ~~possessed; or~~ possessed.
- 16 (3) ~~Has It has~~ is been used or is possessed for the purpose of being used to commit
17 or conceal the commission of a ~~crime; or~~ crime.
- 18 (4) ~~Constitutes It constitutes~~ is evidence of an offense or the identity of a person
19 participating in an offense.

20 ...

21 **"§ 15A-244. Contents of the application for a search warrant.**

22 (a) Each application for a search warrant must be made in writing upon oath or
23 affirmation. All applications must contain:

- 24 (1) The name and title of the ~~applicant; and~~ applicant.
- 25 (2) A statement that there is probable cause to believe that items subject to seizure
26 under G.S. 15A-242 may be found in or upon a designated or described place,
27 vehicle, or ~~person; and~~ person.
- 28 (3) Allegations of fact supporting the statement. The statements must be
29 supported by one or more affidavits particularly setting forth the facts and
30 circumstances establishing probable cause to believe that the items are in the
31 places or in the possession of the individuals to be ~~searched; and~~ searched.

32 ...

33 (b) For an officer to be able to break and enter any premises or vehicle in the execution
34 of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under
35 subsection (a) of this section must also contain:

- 36 (1) A statement that there is probable cause to believe that the giving of notice of
37 the execution of the search warrant would endanger the life or safety of any
38 person.
- 39 (2) Allegations of fact particularly setting forth the facts and circumstances
40 establishing probable cause to believe that the giving of notice of the
41 execution of the search warrant would endanger the life or safety of any
42 person.

43 **"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.**

44 ...

45 (b) If the issuing official finds that the application meets the requirements of this Article
46 and finds there is probable cause to believe that the search will discover items specified in the
47 application which are subject to seizure under G.S. 15A-242, ~~he~~ the official must issue a search
48 warrant in accordance with the requirements of this Article. The issuing official must retain a
49 copy of the warrant and warrant application and must promptly file them with the clerk. If ~~he~~ the
50 official does not so find, the official must deny the application.

51 **"§ 15A-246. Form and content of the search warrant.**

1 A search warrant must contain:

- 2 (1) The name and signature of the issuing official with the time and date of
3 issuance above ~~his signature; and~~ and the issuing official's signature.
4 (2) The name of a specific officer or the classification of officers to whom the
5 warrant is ~~addressed; and~~ addressed.
6 (3) The names of the applicant and of all persons whose affidavits or testimony
7 were given in support of the ~~application; and~~ application.
8 (4) A designation sufficient to establish with reasonable certainty the premises,
9 vehicles, or persons to be ~~searched; and~~ searched.

10 ...

11 **"§ 15A-247. Who may execute a search warrant.**

12 A search warrant may be executed by any law-enforcement officer acting within ~~his~~ the
13 law-enforcement officer's territorial jurisdiction, whose investigative authority encompasses the
14 crime or crimes involved.

15 ...

16 **"§ 15A-249. Officer to give notice of identity and purpose.**

17 The officer executing a search warrant must, before entering the premises, give appropriate
18 notice of ~~his~~ the officer's identity and purpose to the person to be searched, or the person in
19 apparent control of the premises to be searched. If it is unclear whether anyone is present at the
20 premises to be searched, ~~he~~ the officer must give the notice in a manner likely to be heard by
21 anyone who is present.

22 ...

23 **"§ 15A-251. Entry by force.**

24 An officer may break and enter any premises or vehicle when necessary to the execution of
25 the warrant ~~if~~ under either of the following circumstances:

- 26 (1) The officer has previously announced ~~his~~ the officer's identity and purpose as
27 required by G.S. 15A-249 and reasonably believes either that admittance is
28 being denied or unreasonably delayed or that the premises or vehicle is
29 ~~unoccupied; or~~ unoccupied.
30 (2) ~~The officer has probable cause to believe that the giving of notice would~~
31 ~~endanger the life or safety of any person.~~ warrant includes the statement and
32 allegations of fact required by G.S. 15A-244(b).

33 ...

34 **"§ 15A-253. Scope of the search; seizure of items not named in the warrant.**

35 The scope of the search may be only such as is authorized by the warrant and is reasonably
36 necessary to discover the items specified therein. Upon discovery of the items specified, the
37 officer must take possession or custody of them. If in the course of the search the officer
38 inadvertently discovers items not specified in the warrant which are subject to seizure under
39 G.S. 15A-242, ~~he~~ the officer may also take possession of the items so discovered.

40 **"§ 15A-254. List of items seized.**

41 Upon seizing items pursuant to a search warrant, an officer must write and sign a receipt
42 itemizing the items taken and containing the name of the court by which the warrant was issued.
43 If the items were taken from a person, the receipt must be given to the person. If items are taken
44 from a place or vehicle, the receipt must be given to the owner, or person in apparent control of
45 the premises or vehicle if the person is present; ~~or if he~~ the person is not, not present, the officer
46 must leave the receipt in the premises or vehicle from which the items were taken.

47 **"§ 15A-255. Frisk of persons present in premises or vehicle to be searched.**

48 An officer executing a warrant directing a search of premises or of a vehicle may, if the
49 officer reasonably believes that ~~his~~ the officer's safety or the safety of others then present so
50 requires, search for any dangerous weapons by an external patting of the clothing of those

1 present. If in the course of such a frisk ~~he~~the officer feels an object which ~~he~~the officer
2 reasonably believes to be a dangerous weapon, ~~he~~the officer may take possession of the object.
3"

4 **SECTION 5.2.** This Part becomes effective October 1, 2023, and applies to search
5 warrants issued on or after that date.

6 7 **PART VI. NORTH CAROLINA LAW ENFORCEMENT ACCREDITATION** 8 **PROGRAM FUNDING**

9 **SECTION 6.1.** There is appropriated from the General Fund to the Criminal Justice
10 Education and Training Standards Commission the sum of one hundred thirty-four thousand five
11 hundred forty dollars (\$134,540) in recurring funds for each fiscal year of the 2023-2025 fiscal
12 biennium to be used to hire one full-time program manager to continue the development and
13 implementation of the North Carolina Law Enforcement Accreditation Program.

14 **SECTION 6.2.** There is appropriated from the General Fund to the Sheriffs'
15 Education and Training Standards Commission the sum of one hundred thirty-four thousand five
16 hundred forty dollars (\$134,540) in recurring funds for each fiscal year of the 2023-2025 fiscal
17 biennium to be used to hire one full-time program manager to continue the development and
18 implementation of the North Carolina Law Enforcement Accreditation Program.

19 **SECTION 6.3.** All law enforcement agencies in the State that fail to become
20 accredited pursuant to the North Carolina Law Enforcement Accreditation Program funded under
21 this Part shall not be eligible to receive funds from the Governor's Crime Commission or the
22 Governor's Highway Safety Program.

23 **SECTION 6.4.** The North Carolina Law Enforcement Accreditation Program funded
24 under this Part shall require, at a minimum, that agencies accredited by the Program have written
25 policies on each of the following matters:

- 26 (1) Use of force.
- 27 (2) Chokeholds.
- 28 (3) Duty to intervene and report.
- 29 (4) Vehicle pursuits.
- 30 (5) Early warning systems.
- 31 (6) Field training programs.
- 32 (7) Professional standards and conduct.

33 **SECTION 6.5.** This Part becomes effective July 1, 2023.

34 35 **PART VII. PUBLIC SAFETY AND VIOLENCE PREVENTION COMMUNITY GRANT** 36 **PROGRAMS**

37 **SECTION 7.1.** There is appropriated from the General Fund to the Department of
38 Justice five hundred thousand dollars (\$500,000) in recurring funds for each year of the
39 2023-2025 fiscal biennium to be used to provide grant funds to organizations that do any of the
40 following:

- 41 (1) Provide and promote peaceful strategies to help communities promote public
42 safety.
- 43 (2) Provide and promote violence prevention programs that treat violence as a
44 public health program.
- 45 (3) Provide and promote services such as mediation, mentoring, job training, and
46 counseling to vulnerable populations.

47 **SECTION 7.2.** This Part becomes effective July 1, 2023.

48 49 **PART VIII. DECRIMINALIZE MISDEMEANOR POSSESSION OF MARIJUANA OR** 50 **HASHISH**

51 **SECTION 8.1.** G.S. 90-95(d)(4) reads as rewritten:

1 "~~(4) A~~ Except as otherwise provided in this subdivision, a controlled substance
2 classified in Schedule VI shall be guilty of a ~~Class 3 misdemeanor, but any~~
3 ~~sentence of imprisonment imposed must be suspended and the judge may not~~
4 ~~require at the time of sentencing that the defendant serve a period of~~
5 ~~imprisonment as a special condition of probation. If the quantity of the~~
6 ~~controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana~~
7 ~~or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana,~~
8 ~~commonly known as hashish, the violation shall be punishable as a Class 1~~
9 ~~misdemeanor.~~ an infraction. If the quantity of the controlled substance
10 exceeds one and one-half ounces (avoirdupois) of marijuana, or
11 three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana,
12 commonly known as hashish, or if the controlled substance consists of any
13 quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated
14 from the resin of marijuana, the violation shall be punishable as a Class I
15 felony."

16 **SECTION 8.2.** Article 5 of Chapter 15A of the General Statutes is amended by
17 adding a new section to read:

18 "**§ 15A-145.8B. Expunction of certain possession of marijuana offenses.**

19 (a) If a person was charged with a misdemeanor violation of G.S. 90-95(a)(3) for
20 possession of marijuana or hashish, and the person was convicted, the conviction shall be ordered
21 to be automatically expunged no later than December 1, 2025, in the manner set forth in this
22 section.

23 (b) The clerk of each superior court shall determine which cases meet the criteria for
24 expunction set forth in subsection (a) of this section. Upon completing the review required under
25 this subsection, the clerk of each superior court shall prepare an order of expungement for each
26 case that meets the criteria set forth in subsection (a) of this section and was finalized in his or
27 her court. Upon completion of the order of expungement, the court shall order the expunction.
28 Upon order of expungement, the clerk shall forward the petition to the Administrative Office of
29 the Courts.

30 (c) No person as to whom such an order has been entered under this section shall be held
31 thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise
32 giving a false statement or response to any inquiry made for any purpose, by reason of the
33 person's failure to recite or acknowledge any expunged entries concerning apprehension, charge,
34 or trial.

35 (d) The court shall also order that the conviction ordered expunged under this section be
36 expunged from the records of the court and direct all law enforcement agencies bearing record
37 of the same to expunge their records of the conviction. The clerk shall notify State and local
38 agencies of the court's order as provided in G.S. 15A-150.

39 (e) Any other applicable State or local government agency shall expunge from its records
40 entries made as a result of the conviction ordered expunged under this section. The agency shall
41 also reverse any administrative actions taken against a person whose record is expunged under
42 this section as a result of the charges or convictions expunged. This subsection shall not apply to
43 the Department of Justice for DNA records and samples stored in the State DNA Database and
44 the State DNA Databank."

45 **SECTION 8.3.** Section 8.1 of this Part becomes effective December 1, 2023, and
46 applies to offenses committed on or after that date. The remainder of this Part becomes effective
47 December 1, 2023.

49 **PART IX. STUDY RECLASSIFYING CERTAIN CLASS 3 MISDEMEANOR**
50 **OFFENSES AS INFRACTIONS**

1 **SECTION 9.1.** Study. – The University of North Carolina at Chapel Hill School of
 2 Government (School of Government), in consultation with the North Carolina Sentencing and
 3 Policy Advisory Commission, shall study (i) which Class 3 misdemeanor offenses have a low
 4 impact on public safety, (ii) whether the offenses should be reclassified as infractions, and (iii)
 5 whether low-level traffic offenses should be moved to the North Carolina Administrative Code
 6 and enforced as a civil violation by the Division of Motor Vehicles or the Department of Public
 7 Safety.

8 **SECTION 9.2.** Report. – The School of Government shall report its findings from
 9 the study required under Section 9.1 of this Part, including any recommendations for legislative
 10 action, to the Joint Legislative Oversight Committee on Justice and Public Safety by March 7,
 11 2024.

12
 13 **PART X. FUNDING FOR DRUG TREATMENT COURT PROGRAMS AND MENTAL**
 14 **HEALTH COURT PROGRAMS**

15 **SECTION 10.1.** There is appropriated the sum of four million two hundred thousand
 16 dollars (\$4,200,000) in recurring funds for each fiscal year of the 2023-2025 fiscal biennium
 17 from the General Fund to the Administrative Office of the Courts to be used to support the work
 18 of the North Carolina Drug Treatment Court Program in creating and sustaining local drug
 19 treatment court programs.

20 **SECTION 10.2.** There is appropriated the sum of four million two hundred thousand
 21 dollars (\$4,200,000) in recurring funds for each fiscal year of the 2023-2025 fiscal biennium
 22 from the General Fund to the Administrative Office of the Courts to be used to facilitate the
 23 creation and funding of new and existing mental health court programs to serve individuals that
 24 have a mental health diagnosis or treatment history and are defendants in the criminal justice
 25 system. Among other functions, the local mental health court programs funded by this section
 26 shall recommend mental health treatment plans for individuals served by the programs and shall
 27 monitor the progress of the individuals receiving treatment while the individuals remain in the
 28 program.

29 **SECTION 10.3.** This Part becomes effective July 1, 2023.

30
 31 **PART XI. MODIFY DEFINITIONS OF DELINQUENT JUVENILE AND**
 32 **UNDISCIPLINED JUVENILE TO INCLUDE ONLY JUVENILES AT LEAST 12 YEARS**
 33 **OF AGE**

34 **SECTION 11.1.(a)** G.S. 7B-1501 reads as rewritten:
 35 "**§ 7B-1501. Definitions.**

36 In this Subchapter, unless the context clearly requires otherwise, the following words have
 37 the listed meanings. The singular includes the plural, unless otherwise specified:

38 ...

39 (7) Delinquent juvenile. –

40 a. Any juvenile who, while less than 16 years of age but at least ~~10~~12
 41 years of age, commits a crime or infraction under State law or under
 42 an ordinance of local government, including violation of the motor
 43 vehicle laws, or who commits indirect contempt by a juvenile as
 44 defined in G.S. 5A-31.

45 ...

46 (27) Undisciplined juvenile. –

47 a. A juvenile who, while less than 16 years of age but at least ~~10~~12 years
 48 of age, is unlawfully absent from school; or is regularly disobedient to
 49 and beyond the disciplinary control of the juvenile's parent, guardian,
 50 or custodian; or is regularly found in places where it is unlawful for a

juvenile to be; or has run away from home for a period of more than
24 hours; or

...."

SECTION 11.1.(b) G.S. 143B-805 reads as rewritten:

"§ 143B-805. Definitions.

In this Part, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(6) Delinquent juvenile. –

a. Any juvenile who, while less than 16 years of age but at least ~~10-12~~ years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

...

(20) Undisciplined juvenile. –

a. A juvenile who, while less than 16 years of age but at least ~~10-12~~ years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or

...."

SECTION 11.1.(c) This section is effective when it becomes law and applies to delinquent or undisciplined acts committed on or after that date.

SECTION 11.2. G.S. 7B-1903(f) is repealed effective four years from the date this act becomes law.

SECTION 11.3. G.S. 7B-2102 reads as rewritten:

"§ 7B-2102. Fingerprinting and photographing juveniles.

(a) A law enforcement officer or agency shall fingerprint and photograph a juvenile ~~who was 10 years of age or older~~ at the time the juvenile allegedly committed a nondivertible offense as set forth in G.S. 7B-1701(a), when a complaint has been prepared for filing as a petition and the juvenile is in physical custody of law enforcement or the Division.

...

(b) If a law enforcement officer or agency does not take the fingerprints or a photograph of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency shall fingerprint and photograph a juvenile who has been adjudicated delinquent ~~if the juvenile was 10 years of age or older~~ at the time the juvenile committed an offense that would be a felony if committed by an adult.

(c) A law enforcement officer, facility, or agency who fingerprints or photographs a juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of Investigation and the Federal Bureau of Investigation. After the ~~juvenile, who was 10 years of age or older at the time of the offense,~~ juvenile is adjudicated delinquent of an offense that would be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be transferred to the State Bureau of Investigation and placed in the Automated Fingerprint Identification System (AFIS) to be used for all investigative and comparison purposes, and may be entered into a local fingerprint database for the same purposes, if the law enforcement agency with jurisdiction is served by a secure crime laboratory facility that maintains a local fingerprint database. Photographs obtained pursuant to this section shall be placed in a format approved by the State Bureau of Investigation and may be used for all investigative or comparison purposes.

1 The State Bureau of Investigation shall release any photograph it receives pursuant to this section
2 to the Division, upon the Division's request. The duty of confidentiality in subsection (d) of this
3 section applies to the Division, except as provided in G.S. 7B-3102.

4"

5 **SECTION 11.4.** G.S. 7B-2513(a) reads as rewritten:

6 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
7 juvenile ~~who is at least 10 years of age~~ to the Division for placement in a youth development
8 center. Commitment shall be for an indefinite term of at least six months."

9 **SECTION 11.5.(a)** G.S. 7B-2509 reads as rewritten:

10 **"§ 7B-2509. Registration of certain delinquent juveniles.**

11 In any case in which a juvenile, who was at least ~~11~~12 years of age at the time of the offense,
12 is adjudicated delinquent for committing a violation of G.S. 14-27.6 (attempted rape or sexual
13 offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape),
14 G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.26 (first-degree forcible sexual offense),
15 G.S. 14-27.27 (second-degree forcible sexual offense), or G.S. 14-27.29 (first-degree statutory
16 sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may
17 order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of the
18 General Statutes."

19 **SECTION 11.5.(b)** This section is effective when it becomes law and applies to
20 adjudications on or after that date.

21 **SECTION 11.6.** Except as otherwise provided, this Part is effective when it becomes
22 law.

23
24 **PART XII. DEFINE THE TERM "SCHOOL RESOURCE OFFICER," REQUIRE**
25 **TRAINING FOR SCHOOL RESOURCE OFFICERS, AND REQUIRE A SCHOOL**
26 **ADMINISTRATOR OR SCHOOL SOCIAL WORKER TO SIGN A SCHOOL-BASED**
27 **COMPLAINT INITIATED BY A SCHOOL RESOURCE OFFICER PRIOR TO BEING**
28 **FILED IN JUVENILE COURT**

29 **SECTION 12.1.(a)** Article 8C of Chapter 115C of the General Statutes is amended
30 by adding a new section to read:

31 **"§ 115C-105.70. School resource officer.**

32 (a) A school resource officer is any law enforcement officer assigned to one or more
33 public schools within a public school unit for at least 20 hours per week for more than 12 weeks
34 per calendar year to assist with all of the following, consistent with any written memorandum of
35 understanding between the public school unit and the law enforcement agency governing the
36 school resource officer:

37 (1) School safety.

38 (2) School security.

39 (3) Emergency preparedness.

40 (4) Emergency response.

41 (5) Any additional responsibilities related to school safety or security assigned by
42 the officer's employer while the officer is acting as a school resource officer.

43 (b) All school resource officers shall comply with initial training standards, as established
44 by subsection (c) of this section, within one year of being assigned as a school resource officer.
45 After initial training, all school resource officers shall comply with continuing education
46 standards, as established by subsection (c) of this section.

47 (c) The North Carolina Criminal Justice Education and Training Standards Commission
48 and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration
49 with the Center for Safer Schools, shall establish initial training and continuing education
50 standards for school resource officers. These standards shall, at a minimum, include training on
51 the following topics:

- 1 (1) Mental health.
 2 (2) Students with disabilities.
 3 (3) Racial equity.
 4 (4) Crisis intervention and de-escalation."

5 **SECTION 12.1.(b)** G.S. 17C-6(a) is amended by adding a new subdivision to read:
 6 "(22) Establish initial training and continuing education training standards for
 7 school resource officers, as set forth in G.S. 115C-105.70."

8 **SECTION 12.1.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:
 9 "(18) Establish initial training and continuing education training standards for
 10 school resource officers, as set forth in G.S. 115C-105.70."

11 **SECTION 12.1.(d)** The North Carolina Criminal Justice Education and Training
 12 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
 13 Commission shall establish initial training standards for school resource officers no later than
 14 January 15, 2024.

15 **SECTION 12.1.(e)** Subsection (a) of this section applies to school resource officers
 16 assigned on or after January 1, 2024. All school resource officers assigned before January 1,
 17 2024, shall complete initial training no later than December 31, 2024.

18 **SECTION 12.2.(a)** Article 18 of Chapter 7B of the General Statutes is amended by
 19 adding a new section to read:

20 "**§ 7B-1802A. School-based complaints.**

21 A school-based complaint in which delinquency is alleged to have occurred initiated by a
 22 school resource officer, as defined in G.S. 115C-105.70, shall be signed by a school administrator
 23 or school social worker prior to being referred in accordance with G.S. 7B-1803 or filed in a
 24 court of competent jurisdiction. For the purposes of this section, "a school-based complaint"
 25 means a complaint in which delinquency is alleged to have occurred on school grounds, school
 26 property, at a school bus stop, or at an off-campus school-sanctioned event, or whose victim is
 27 identified as a school.

28 All school resource officers, school administrators, and school social workers shall be trained
 29 regarding the provisions of this section."

30 **SECTION 12.2.(b)** This section becomes effective on January 1, 2024, and applies
 31 to school-based complaints initiated on or after that date by school resource officers.

32 **SECTION 12.3.** Except as otherwise provided, this Part is effective when it becomes
 33 law.

34
 35 **PART XIII. ELIMINATE LIFE WITHOUT PAROLE FOR JUVENILES AND MODIFY**
 36 **PAROLE ELIGIBILITY FOR JUVENILES SENTENCED TO MORE THAN FIFTEEN**
 37 **YEARS' IMPRISONMENT**

38 **SECTION 13.1.** G.S. 15A-1340.13(d) reads as rewritten:

39 "(d) Service of Minimum Required; Earned Time Authorization. – An offender sentenced
 40 to an active punishment shall serve the minimum term imposed, except as provided in
 41 G.S. 15A-1340.18. G.S. 15A-1340.18 and Part 2A of this Article. The maximum term may be
 42 reduced to, but not below, the minimum term by earned time credits awarded to an offender by
 43 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the
 44 custodian of the local confinement facility, pursuant to rules adopted in accordance with law."

45 **SECTION 13.2.** Part 2A of Article 81B of Chapter 15A of the General Statutes reads
 46 as rewritten:

47 "Part 2A. Sentencing and Parole Eligibility for Minors Subject to Life Imprisonment Without
 48 Parole.Certain Minors.

49 "~~**§ 15A-1340.19A. Applicability.**~~

50 ~~Notwithstanding the provisions of G.S. 14-17, a defendant who is convicted of first-degree~~
 51 ~~murder, and who was under the age of 18 at the time of the offense, shall be sentenced in~~

1 accordance with this Part. For the purposes of this Part, "life imprisonment with parole" shall
2 mean that the defendant shall serve a minimum of 25 years imprisonment prior to becoming
3 eligible for parole.

4 **"§ 15A-1340.19B. Penalty and parole eligibility determination.**

5 (a) In determining a sentence under this Part, the court shall do one of the following:

6 (1) If the sole basis for conviction of a count or each count of first degree murder
7 was the felony murder rule, then the court shall sentence the defendant to life
8 imprisonment with parole.

9 (2) If the court does not sentence the defendant pursuant to subdivision (1) of this
10 subsection, then the court shall conduct a hearing to determine whether the
11 defendant should be sentenced to life imprisonment without parole, as set
12 forth in G.S. 14-17, or a lesser sentence of life imprisonment with
13 parole. Notwithstanding the provisions of G.S. 14-17, Part 2 of this Article,
14 and G.S. 15A-1371, a defendant who is convicted of first degree murder, and
15 who was under the age of 18 at the time of the offense, shall be sentenced to
16 life imprisonment with parole and shall be eligible for parole consideration
17 after serving 25 years imprisonment.

18 (b) The hearing under subdivision (2) of subsection (a) of this section shall be conducted
19 by the trial judge as soon as practicable after the guilty verdict is returned. The State and the
20 defendant shall not be required to resubmit evidence presented during the guilt determination
21 phase of the case. Evidence, including evidence in rebuttal, may be presented as to any matter
22 that the court deems relevant to sentencing, and any evidence which the court deems to have
23 probative value may be received. Notwithstanding the provisions of G.S. 15A-1371, a defendant
24 who was (i) convicted of a crime other than first degree murder, (ii) under the age of 18 at the
25 time of the offense, and (iii) sentenced to more than 15 years imprisonment shall be eligible for
26 parole consideration after serving 15 years imprisonment.

27 (c) The defendant or the defendant's counsel may submit mitigating circumstances to the
28 court, including, but not limited to, the following factors:

29 (1) Age at the time of the offense.

30 (2) Immaturity.

31 (3) Ability to appreciate the risks and consequences of the conduct.

32 (4) Intellectual capacity.

33 (5) Prior record.

34 (6) Mental health.

35 (7) Familial or peer pressure exerted upon the defendant.

36 (8) Likelihood that the defendant would benefit from rehabilitation in
37 confinement.

38 (9) Any other mitigating factor or circumstance.

39 (d) The State and the defendant or the defendant's counsel shall be permitted to present
40 argument for or against the sentence of life imprisonment with parole. The defendant or the
41 defendant's counsel shall have the right to the last argument.

42 (e) The provisions of Article 58 of Chapter 15A of the General Statutes apply to
43 proceedings under this Part.

44 **"§ 15A-1340.19C. Sentencing; assignment for resentencing.**

45 (a) The court shall consider any mitigating factors in determining whether, based upon
46 all the circumstances of the offense and the particular circumstances of the defendant, the
47 defendant should be sentenced to life imprisonment with parole instead of life imprisonment
48 without parole. The order adjudging the sentence shall include findings on the absence or
49 presence of any mitigating factors and such other findings as the court deems appropriate to
50 include in the order.

1 (b) ~~All motions for appropriate relief filed in superior court seeking resentencing under~~
2 ~~the provisions of this Part may be heard and determined in the trial division by any judge (i) who~~
3 ~~is empowered to act in criminal matters in the superior court district or set of districts as defined~~
4 ~~in G.S. 7A-41.1, in which the judgment was entered and (ii) who is assigned pursuant to this~~
5 ~~section to review the motion for appropriate relief and take the appropriate administrative action~~
6 ~~to dispense with the motion.~~

7 (c) ~~The judge who presided at the trial of the defendant is empowered to act upon the~~
8 ~~motion for appropriate relief even though the judge is in another district or even though the~~
9 ~~judge's commission has expired; however, if the judge who presided at the trial is still unavailable~~
10 ~~to act, the senior resident superior court judge shall assign a judge who is empowered to act under~~
11 ~~subsection (b) of this section.~~

12 (d) ~~All motions for appropriate relief filed in superior court seeking resentencing under~~
13 ~~the provisions of this Part shall, when filed, be referred to the senior resident superior court judge,~~
14 ~~who shall assign the motion as provided by this section for review and administrative action,~~
15 ~~including, as may be appropriate, dismissal, calendaring for hearing, entry of a scheduling order~~
16 ~~for subsequent events in the case, or other appropriate actions.~~

17 **"§ 15A-1340.19D. Incidents of parole.**

18 (a) ~~Except as otherwise provided in this section, a defendant sentenced to life~~
19 ~~imprisonment with parole eligible for parole consideration under this Part shall be subject to the~~
20 ~~conditions and procedures set forth in Article 85 of Chapter 15A of the General Statutes,~~
21 ~~including the notification requirement in G.S. 15A-1371(b)(3).~~

22 (b) ~~The term of parole for a person released from imprisonment from a sentence of life~~
23 ~~imprisonment with parole based on parole consideration pursuant to this Part shall be five years~~
24 ~~and may not be terminated earlier by the Post-Release Supervision and Parole Commission.~~

25 (c) ~~A defendant sentenced to life imprisonment with parole who is paroled, and paroled~~
26 ~~pursuant to this Part, and who then violates a condition of parole and is returned to prison to serve~~
27 ~~the life remainder of his or her sentence, shall not be eligible for parole for five years from the~~
28 ~~date of the return to confinement.~~

29 (d) ~~Life imprisonment with parole under this Part means that unless the defendant~~
30 ~~receives parole, the defendant shall remain imprisoned for the defendant's natural life."~~

31 **SECTION 13.3.** G.S. 15A-1371(a) reads as rewritten:

32 "(a) Eligibility. – Unless his sentence includes a minimum sentence, a prisoner serving a
33 term of imprisonment for a conviction of impaired driving under G.S. 20-138.1 other than one
34 included in a sentence of special probation imposed under authority of this Subchapter is eligible
35 for release on parole at any time. A prisoner whose sentence includes a minimum term of
36 imprisonment imposed under authority of this Subchapter is eligible for release on parole only
37 upon completion of the service of that minimum term or one fifth of the maximum penalty
38 allowed by law for the offense for which the prisoner is sentenced, whichever is less, less any
39 credit allowed under G.S. 15A-1355(c) and Article 19A of Chapter 15 of the General Statutes. A
40 prisoner sentenced under the Fair Sentencing Act for a Class D through Class J felony, who meets
41 the criteria established pursuant to this section, is eligible for parole consideration after
42 completion of the service of at least 20 years imprisonment less any credit allowed under
43 applicable State law. A prisoner who is sentenced under the Fair Sentencing Act, and who was
44 under the age of 18 at the time of the offense, shall be eligible for parole consideration after
45 completion of 20 years imprisonment."

46 **SECTION 13.4.** This Part becomes effective December 1, 2023, and applies to
47 offenses committed on or after that date.

48
49 **PART XIV. RESTRICT USE OF CASH BONDS FOR CONDITIONS OF PRETRIAL**
50 **RELEASE FOR CLASS 1, 2, AND 3 MISDEMEANORS**

51 **SECTION 14.1.** G.S. 15A-534 reads as rewritten:

1 **"§ 15A-534. Procedure for determining conditions of pretrial release.**

2 (a) In determining conditions of pretrial release a judicial official must impose at least
3 one of the following conditions:

- 4 (1) Release the defendant on ~~his~~the defendant's written promise to appear.
5 (2) Release the defendant upon ~~his~~the defendant's execution of an unsecured
6 appearance bond in an amount specified by the judicial official.
7 (3) Place the defendant in the custody of a designated person or organization
8 agreeing to supervise ~~him~~the defendant.

9 ...

10 If condition (5) is imposed, the defendant must execute a secured appearance bond under
11 subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect
12 to execute an appearance bond under subdivision (4). If the defendant is required to provide
13 fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to
14 G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been
15 taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial
16 official shall make the collection of the fingerprints or DNA sample a condition of pretrial
17 release. The judicial official may also place restrictions on the travel, associations, conduct, or
18 place of abode of the defendant as conditions of pretrial release. The judicial official may include
19 as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified
20 by the use of a continuous alcohol monitoring system, of a type approved by the Division of
21 Adult Correction and Juvenile Justice of the Department of Public Safety, and that any violation
22 of this condition be reported by the monitoring provider to the district attorney.

23 (b) The judicial official in granting pretrial release must impose condition (1), (2), or (3)
24 in subsection (a) ~~above of this section~~ unless he~~the~~ judicial official determines that ~~such~~this
25 release will not reasonably assure the appearance of the defendant as required; will pose a danger
26 of injury to any person; or is likely to result in destruction of evidence, subornation of perjury,
27 or intimidation of potential witnesses. Upon making the determination, the judicial official must
28 then impose condition (4) or (5) in subsection (a) ~~above of this section~~ instead of condition (1),
29 (2), or (3), and must record the reasons for so doing in writing to the extent provided in the
30 policies or requirements issued by the senior resident superior court judge pursuant to
31 G.S. 15A-535(a).

32 (b1) Notwithstanding subsection (b) of this section, a judicial official must not impose
33 condition (4) of subsection (a) of this section as a condition of pretrial release if the most severe
34 charge brought against a defendant is a Class 1, 2, or 3 misdemeanor, unless the judicial official
35 determines that the defendant will pose a danger of injury to any witness. If the judicial official
36 imposes condition (4) of subsection (a) of this section as a condition of pretrial release under the
37 circumstances outlined in this subsection, the judicial official must record the reasons for doing
38 so in writing.

39 (c) In determining which conditions of release to impose, the judicial official must, on
40 the basis of available information, take into account the nature and circumstances of the offense
41 charged; the weight of the evidence against the defendant; the defendant's family ties,
42 employment, financial resources, character, and mental condition; whether the defendant is
43 intoxicated to ~~such~~ a degree that ~~he~~the defendant would be endangered by being released without
44 supervision; the length of ~~his~~the defendant's residence in the community; ~~his~~the defendant's
45 record of convictions; ~~his~~the defendant's history of flight to avoid prosecution or failure to appear
46 at court proceedings; and any other evidence relevant to the issue of pretrial release.

47 (d) The judicial official authorizing pretrial release under this section must issue an
48 appropriate order containing a statement of the conditions imposed, if any; inform the defendant
49 in writing of the penalties applicable to violations of the conditions of ~~his~~the defendant's release;
50 and advise ~~him~~the defendant that ~~his~~the defendant's arrest will be ordered immediately upon
51 any violation. The order of release must be filed with the clerk and a copy given the defendant

1 and any surety, or the agent thereof who is executing the bond for the defendant's release pursuant
2 to that order.

3 (d1) When conditions of pretrial release are being imposed on a defendant who has failed
4 on one or more prior occasions to appear to answer one or more of the charges to which the
5 conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release
6 that are recommended in any order for the arrest of the defendant that was issued for the
7 defendant's most recent failure to appear. If no conditions are recommended in that order for
8 arrest, the judicial official shall require the execution of a secured appearance ~~bond in an amount~~
9 ~~at least double the amount of the most recent previous secured or unsecured bond for the charges~~
10 ~~or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
11 ~~(\$1,000) bond.~~ The judicial official shall also impose such restrictions on the travel, associations,
12 conduct, or place of abode of the defendant as will assure that the defendant will not again fail to
13 appear. The judicial official shall indicate on the release order that the defendant was arrested or
14 surrendered after failing to appear as required under a prior release order. If the information
15 available to the judicial official indicates that the defendant has failed on two or more prior
16 occasions to appear to answer the charges, the judicial official shall indicate that fact on the
17 release order.

18 ...

19 (e) A magistrate or a clerk may modify ~~his the magistrate or clerk's own~~ pretrial release
20 order at any time prior to the first appearance before the district court judge. At or after ~~such the~~
21 first appearance, except when the conditions of pretrial release have been reviewed by the
22 superior court pursuant to G.S. 15A-539, a district court judge may modify a pretrial release order
23 of the magistrate or clerk or any pretrial release order entered by ~~him the district court judge~~
24 at any time prior to:

25 ...

26 After a case is before the superior court, a superior court judge may modify the pretrial release
27 order of a magistrate, clerk, or district court judge, or any ~~such pretrial release~~ order entered by
28 ~~him, the superior court judge,~~ at any time prior to the time set out in G.S. 15A-536(a).

29 ...

30 (g) In imposing conditions of pretrial release and in modifying and revoking orders of
31 release under this section, the judicial official must take into account all evidence available to
32 ~~him the judicial official~~ which ~~he the judicial official~~ considers reliable and is not strictly bound
33 by the rules of evidence applicable to criminal trials.

34 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor
35 throughout all stages of the proceeding in the trial division of the General Court of Justice until
36 the entry of judgment in the district court from which no appeal is taken or the entry of judgment
37 in the superior court. The obligation of an obligor, however, is terminated at an earlier time ~~if~~
38 ~~if~~ either:

- 39 (1) A judge authorized to do so releases the obligor from ~~his bond; or the obligor's~~
40 bond.
- 41 (2) The principal is surrendered by a surety in accordance with ~~G.S. 15A-540;~~
42 G.S. 15A-540.
- 43 (3) The proceeding is terminated by voluntary dismissal by the State before
44 forfeiture is ordered under ~~G.S. 15A-544.3; or G.S. 15A-544.3.~~
- 45 (4) Prayer for judgment has been continued indefinitely in the district ~~court;~~
46 court.
- 47 (5) The court has placed the defendant on probation pursuant to a deferred
48 prosecution or conditional discharge.

49"

50 **SECTION 14.2.** This Part becomes effective October 1, 2023, and applies to
51 conditions of release imposed on or after that date.

1
2 **PART XV. REVISE FEES IMPOSED FOR HAVING A DRIVERS LICENSE**
3 **SUSPENDED OR REVOKED**

4 **SECTION 15.1.** G.S. 20-24.1 reads as rewritten:

5 "**§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle**
6 **offenses.**

7 (a) The Division ~~must~~ shall revoke the driver's license of a person upon receipt of notice
8 from a court that the person was charged with a motor vehicle offense and ~~he~~ the person:

9 (1) ~~failed~~ Failed to appear, after being notified to do so, when the case was called
10 for a trial or ~~hearing~~; or hearing.

11 (2) ~~failed~~ Failed to pay a fine, penalty, or court costs ordered by the court.

12 Revocation orders entered under the authority of this section are effective on the sixtieth day
13 after the order is mailed or personally delivered to the person.

14 (b) ~~A~~ Except as otherwise provided in subsection (g) of this section, a license revoked
15 under this section remains revoked until the person whose license has been revoked:one of the
16 following occurs:

17 (1) The person disposes of the charge in the trial division in which ~~he~~ the person
18 failed to appear when the case was last called for trial or ~~hearing~~; or hearing.

19 (2) The person demonstrates to the court that ~~he~~ the person is not the person
20 charged with the ~~offense~~; or offense.

21 (3) The person pays the penalty, fine, or costs ordered by the ~~court~~; or court.

22 (4) The person demonstrates to the court that ~~his~~ the person's failure to pay the
23 penalty, fine, or costs was not willful and that ~~he~~ the person is making a good
24 faith effort to pay or that the penalty, fine, or costs should be remitted.

25 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
26 applicable to his case, the Division ~~must~~ shall restore the person's license as provided in
27 subsection (c). In addition, if the person whose license is revoked is not a resident of this State,
28 the Division may notify the driver licensing agency in the person's state of residence that the
29 person's license to drive in this State has been revoked.

30 ...

31 (c) If the person satisfies the conditions of subsection (b) that are applicable to ~~his~~ the
32 person's case before the effective date of the revocation order, the revocation order and any
33 entries on ~~his~~ the person's driving record relating to it shall be deleted and the person does not
34 have to pay the restoration fee set by G.S. 20-7(i1). ~~For~~ Except as otherwise provided in
35 subsection (g) of this section all other revocation orders issued pursuant to this section,
36 G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other
37 applicable requirements of this Article before the person may be relicensed.

38 ...

39 (f) ~~If a license is revoked under subdivision (2) of subsection (a) of this section, and for~~
40 ~~no other reason, the person subject to the order may apply to the court for a limited driving~~
41 ~~privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court~~
42 ~~are paid. The court may grant the limited driving privilege in the same manner and under the~~
43 ~~terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving~~
44 ~~privilege under this subsection only if the person has not had a limited driving privilege granted~~
45 ~~under this subsection within the three years prior to application.~~

46 (g) Except for a revocation order entered under this section resulting from a charge of
47 impaired driving, the Division shall automatically restore a license revoked pursuant to
48 subsection (a) of this section 12 months after the effective date of revocation."

49 **SECTION 15.2.** G.S. 20-7(i1) reads as rewritten:

50 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
51 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five

dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division prior to the issuance to such person of a new drivers license or the restoration of the drivers license. The restoration fee shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services. Notwithstanding any other provision of law, a restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the person responsible for payment of the restoration fee has been issued a drivers license by the Division after the effective date of the revocation for which the restoration fee is owed. The Division may also waive restoration fees and other service fees upon a finding by the Commissioner that the license holder has shown good cause for not being able to pay the fine. The Office of State Budget and Management shall annually report to the General Assembly the amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services under this subsection."

SECTION 15.3. Except for offenses involving impaired driving, the Division shall automatically restore any drivers license suspended for failure to pay after 12 months.

SECTION 15.4. This Part becomes effective October 1, 2023.

PART XVI. REQUIRE FIRST APPEARANCES WITHIN FORTY-EIGHT HOURS, REPEAL AUTOMATIC BOND DOUBLING, AND REQUIRE A PREVENTATIVE DETENTION HEARING WITHIN FIVE DAYS OF BEING HELD IN CUSTODY

SECTION 16.1. G.S. 15A-601 reads as rewritten:

"§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases in original jurisdiction of superior court; consolidation of first appearance before magistrate and before district court judge; first appearance before clerk of superior court; use of two-way audio and video transmission.~~

(a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a crime in the original jurisdiction of the superior court must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is ~~not~~ a critical stage of the proceedings against the ~~defendant~~ defendant and the defendant shall have a right to counsel at this proceeding.

Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is ~~not~~ a critical stage of the proceedings against the ~~defendant~~ defendant and the defendant shall have a right to counsel at this proceeding.

...

(c) Unless the courthouse is closed for transactions for a period longer than ~~72-48~~ hours or the defendant is released pursuant to Article 26 of this Chapter, Bail, first appearance before a district court judge must be held within ~~72-48~~ hours after the defendant is taken into custody or at the first regular session of the district court in the county, whichever occurs first. If the

1 courthouse is closed for transactions for a period longer than ~~72-48~~ hours, the first appearance
2 before a district court judge must be held within ~~96-72~~ hours after the defendant is taken into
3 custody or at the first regular session of the district court in the county, whichever occurs first. If
4 the defendant is not taken into custody, or is released pursuant to Article 26 of this Chapter, Bail,
5 prior to a first appearance, the first appearance must be held at the next session of district court
6 held in the county. This subsection does not apply to a defendant whose first appearance before
7 a district court judge has been set in a criminal summons pursuant to G.S. 15A-303(d).

8 ...

9 (e) The clerk of the superior court in the county in which the defendant is taken into
10 custody may conduct a first appearance as provided in this Article if a district court judge is not
11 available in the county within ~~72-48~~ hours after the defendant is taken into custody, or ~~96-72~~
12 hours after the defendant is taken into custody if the courthouse is closed for transactions for a
13 period longer than ~~72-48~~ hours. A magistrate may conduct the first appearance if the clerk is not
14 available. For the limited purpose of conducting a first appearance and notwithstanding any other
15 provision of law, the clerk or magistrate shall proceed under this Article as a district court judge
16 would and shall have the same authority that a district court judge would have at a first
17 appearance."

18 **SECTION 16.2.** G.S. 15A-534, as amended by Section 14.1 of this act, reads as
19 rewritten:

20 "**§ 15A-534. Procedure for determining conditions of pretrial release.**

21 ...

22 (d1) When conditions of pretrial release are being imposed on a defendant who has failed
23 on one or more prior occasions to appear to answer one or more of the charges to which the
24 conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release
25 that are recommended in any order for the arrest of the defendant that was issued for the
26 defendant's most recent failure to appear. If no conditions are recommended in that order for
27 arrest, the judicial official shall require the execution of a secured appearance bond. The judicial
28 official shall also impose ~~such~~ restrictions on the travel, associations, conduct, or place of abode
29 of the defendant as will assure that the defendant will not again fail to appear. The judicial official
30 shall indicate on the release order that the defendant was arrested or surrendered after failing to
31 appear as required under a prior release order. If the information available to the judicial official
32 indicates that the defendant has failed on two or more prior occasions to appear to answer the
33 charges, the judicial official shall indicate that fact on the release order.

34 ...

35 ~~(d3) When conditions of pretrial release are being determined for a defendant who is~~
36 ~~charged with an offense and the defendant is currently on pretrial release for a prior offense, the~~
37 ~~judicial official may require the execution of a secured appearance bond in an amount at least~~
38 ~~double the amount of the most recent previous secured or unsecured bond for the charges or, if~~
39 ~~no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
40 ~~(\$1,000).~~

41"

42 **SECTION 16.3.** Article 26 of Chapter 15A of the General Statutes is amended by
43 adding a new section to read:

44 "**§ 15A-534.8. Preventative detention hearing required.**

45 (a) Following an initial appearance, if the defendant remains in custody due to the
46 imposition of conditions of pretrial release under G.S. 15A-534(a)(4) or (5), the defendant shall
47 be brought before a district court judge in the district court district as defined in G.S. 7A-133 in
48 which the crime is charged to have been committed for a preventative detention hearing. The
49 preventative detention hearing shall occur within five days of the defendant's initial appearance.
50 The hearing shall be separate from the defendant's first appearance. The defendant shall have a

1 right to counsel at the hearing, which shall be provided by the State at the State's expense if the
2 defendant is found to be indigent.

3 (b) At a preventative detention hearing held pursuant to this section, the defendant shall
4 have the opportunity to present evidence and examine witnesses to determine whether conditions
5 of pretrial release under G.S. 15A-534(a)(4) or (5) are necessary to ensure the safety of any
6 person. The State shall also have an opportunity to respond, present evidence, and examine
7 witnesses during the hearing. If the district court judge finds by clear and convincing evidence
8 that the conditions of pretrial release under G.S. 15A-534(a)(4) or (5) are not necessary to
9 reasonably prevent injury to any person, the judge shall set new conditions of pretrial release
10 pursuant to G.S. 15A-534.

11 (c) If the district court judge does not rule in favor of the defendant pursuant to a
12 preventative detention hearing under this section, the judge shall record written findings as to
13 why the continued detention of the defendant is necessary. The conditions of pretrial release that
14 were at issue during the hearing shall remain the same unless otherwise lawfully modified by the
15 judge."

16 **SECTION 16.4.** This Part becomes effective October 1, 2023, and applies to
17 conditions of pretrial release imposed on or after that date.

18
19 **PART XVII. APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE**
20 **COURTS TO STRENGTHEN AND MAINTAIN ITS COURT DATE REMINDER**
21 **SYSTEM AND ALLOW CRIMINAL DEFENDANTS TO STRIKE A FAILURE TO**
22 **APPEAR UNDER CERTAIN CIRCUMSTANCES**

23 **SECTION 17.1.** The Administrative Office of the Courts shall automatically enroll
24 all criminal defendants into its court date reminder system. A criminal defendant shall be allowed
25 to opt out of this automatic enrollment by using processes developed by the Administrative Office
26 of the Courts. The processes that allow a criminal defendant to opt out of this automatic
27 enrollment shall be developed and implemented no later than December 1, 2023.

28 **SECTION 17.2.** Article 17 of Chapter 15A of the General Statutes is amended by
29 adding a new section to read:

30 **"§ 15A-306. Strike failure to appear under certain circumstances.**

31 (a) Notwithstanding any other provision of law, a person who fails to appear in court as
32 required by a citation or other criminal process served upon that person pursuant to this Article
33 shall have 20 calendar days from the missed court date to contact the clerk of superior court to
34 request a new court date. If a person contacts the clerk of superior court as required by this
35 section, the person's failure to appear in court, as well as any order for arrest or fines related to
36 the failure to appear in court, shall be stricken by the clerk of superior court, and the person shall
37 be provided a new court date in the case.

38 (b) A person shall receive no more than one new court date in a criminal case pursuant
39 to this section."

40 **SECTION 17.3.** Section 17.1 of this Part becomes effective December 1, 2023, and
41 applies to criminal defendants arrested on or after that date. Section 17.2 of this Part becomes
42 effective October 1, 2023, and applies to failures to appear in court on or after that date. The
43 remainder of this Part is effective when it becomes law.

44
45 **PART XVIII. PROVIDE A RIGHT TO COUNSEL FOR CRIMINAL DEFENDANTS**
46 **FACING A FELONY OR MISDEMEANOR CHARGE AND APPROPRIATE FUNDS**
47 **TO INDIGENT DEFENSE SERVICES FOR THE PURPOSE OF IMPLEMENTING**
48 **THAT CHANGE**

49 **SECTION 18.1.** G.S. 7A-451(a) reads as rewritten:

50 "(a) An indigent person is entitled to services of counsel in the following actions and
51 proceedings:

(1) Any case in which ~~imprisonment, or a fine of five hundred dollars (\$500.00), or more, is likely to be adjudged a felony or misdemeanor is charged.~~

...

(3) A motion for appropriate relief under Chapter 15A of the General Statutes if appointment of counsel is authorized by Chapter 15A of the General Statutes and the defendant has been convicted of a felony, has been fined ~~five two~~ hundred dollars ~~(\$500.00)~~ (\$200.00) or more, or has been sentenced to a term of imprisonment.

...."

SECTION 18.2. There is appropriated from the General Fund to the Office of Indigent Defense Services, Private Assigned Counsel Fund, the sum of one million one hundred eighty thousand dollars (\$1,180,000) in recurring funds for each fiscal year of the 2023-2025 fiscal biennium to be used to fund the increased need of appointed counsel pursuant to the expansion of eligibility to receive appointed counsel under this Part.

SECTION 18.3. Section 18.2 of this Part becomes effective July 1, 2023. The remainder of this Part becomes effective October 1, 2023.

PART XIX. MAKE JURIES MORE REPRESENTATIVE OF THE POPULATION

SECTION 19.1. Article 1 of Chapter 9 of the General Statutes reads as rewritten:

"Article 1.

"Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

...

"§ 9-2. Preparation of master jury list; sources of names.

(a) It shall be the duty of the jury commission ~~during every odd numbered year to annually~~ prepare a master list of prospective jurors qualified under this Chapter to serve ~~in the biennium beginning on January 1 of the next year. Instead of providing a master list for an entire biennium, the commission may prepare a master list each year if the senior regular resident superior court judge requests in writing that it do so.~~

...

(f) The master list shall contain ~~not less than one and one quarter times and not more than three times as many names as were drawn for jury duty in all courts in the county during the previous biennium, or, if an annual list is being prepared as requested under subsection (a) of this section the master list shall contain~~ not less than one and one-quarter times and not more than three times as many names as were drawn for jury duty in all courts in the county during the previous ~~year-year,~~ but in no event shall the list include fewer than 500 names, except that in counties in which a different panel of jurors is selected for each day of the week, there is no limit to the number of names that may be placed on the master list.

...

"§ 9-2.1: Repealed by Session Laws 2012-180, s. 2, effective July 12, 2012.

...

"§ 9-4. Preparation and custody of alphabetized list; access to list.

(a) As the master jury list is prepared, the name of each qualified person selected for the list shall be recorded and alphabetically arranged. The alphabetized list shall be maintained in the office of the clerk of superior court, together with a statement of the sources used and procedures followed in preparing the list. The alphabetized list shall be kept under lock and key, but shall be available for public inspection during regular office hours. The clerk of court may elect to store an electronic copy of the alphabetized list for the county.

(b) Public access to juror information shall be limited to the alphabetized list of the names. The addresses and dates of birth of prospective jurors are confidential and not subject to disclosure without an order of the court.

...."

1 **SECTION 19.2.** G.S. 20-43.4 reads as rewritten:

2 "**§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.**

3 (a) The Commissioner of Motor Vehicles shall annually provide to each county jury
4 commission an alphabetical list of all persons that the Commissioner has determined are residents
5 of the county, who will be 18 years of age or older as of the first day of January of the following
6 year, and licensed to drive a motor vehicle as of July 1 of ~~each odd-numbered year, provided that~~
7 ~~if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the~~
8 ~~county jury commission shall be updated and provided annually.~~the year in which the list is
9 compiled.

10 (b) The list shall include those persons whose license to drive has been suspended, and
11 those former licensees whose license has been canceled, except that the list shall not include the
12 name of any formerly licensed driver whose license is expired and has not been renewed for eight
13 years or more. The list shall contain the address and zip code of each driver, plus the driver's date
14 of birth, sex, race, social security number, and drivers license number, and may be in either
15 printed or computerized form, as requested by each county. Before providing the list to the county
16 jury commission, the Commissioner shall have computer-matched the list with the voter
17 registration list of the State Board of Elections to eliminate duplicates. The Commissioner shall
18 also remove from the list the names of those residents of the county who are (i) issued a drivers
19 license of limited duration under G.S. 20-7(s), (ii) issued a drivers license of regular duration
20 under G.S. 20-7(f) and who hold a valid permanent resident card issued by the United States, or
21 (iii) who are recently deceased, which names shall be supplied to the Commissioner by the State
22 Registrar under G.S. 130A-121(b). The Commissioner shall include in the list provided to the
23 county jury commission names of registered voters who do not have drivers licenses, and shall
24 indicate the licensed or formerly licensed drivers who are also registered voters, the licensed or
25 formerly licensed drivers who are not registered voters, and the registered voters who are not
26 licensed or formerly licensed drivers.

27 **(b1)** The raw data of date of birth, sex, and race used to develop the list provided by the
28 Commissioner under subsection (b) of this section shall be made available for analysis by clerks
29 of court, jury commissions, and the public to ensure compliance with applicable laws. The data
30 of date of birth, sex, and race in the list provided by the Commissioner under subsection (b) of
31 this section shall also be made available for analysis by clerks of court, jury commissions, and
32 the public to ensure compliance with applicable laws.

33 (c) ~~The~~Except as provided in subsection (b1) of this section, the list so provided shall be
34 used solely for jury selection and election records purposes and no other. Information~~Except as~~
35 provided in subsection (b1) of this section, information provided by the Commissioner to county
36 jury commissions and the State Board of Elections under this section shall remain confidential,
37 shall continue to be subject to the disclosure restriction provisions of G.S. 20-43.1, and shall not
38 be a public record for purposes of Chapter 132 of the General Statutes."

39 **SECTION 19.3.** G.S. 9-2, as amended by Section 19.1 of this act, is amended by
40 adding a new subsection to read:

41 "(l) The data of date of birth, sex, and race for the following lists shall be compiled by
42 each county and shall be public records under Chapter 132 of the General Statutes:

- 43 (1) The master list of prospective jurors.
- 44 (2) The list of jurors summoned.
- 45 (3) The list of jurors that have served.
- 46 (4) The list of jurors that have been excused.
- 47 (5) The list of jurors that have been disqualified.
- 48 (6) The list of jurors whose service has been deferred."

49 **SECTION 19.4.** Section 19.1 of this Part is effective when it becomes law and
50 applies to master jury lists prepared on or after that date. Section 19.2 of this Part is effective
51 when it becomes law and applies to lists compiled by the Commissioner of Motor Vehicles on or

1 after that date. Section 19.3 of this Part becomes effective October 1, 2023, and applies to lists
2 prepared on or after that date. The remainder of this Part is effective when it becomes law.

3
4 **PART XX. PROMOTING THE DIGNITY OF WOMEN WHO ARE INCARCERATED**

5 **SECTION 20.1.** Article 10 of Chapter 153A of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 153A-221.2. Treatment of pregnant prisoners; female prisoners.**

8 A local confinement facility established pursuant to this Part shall be subject to the
9 requirements of Article 83A of Chapter 15A of the General Statutes."

10 **SECTION 20.2.** This Part becomes effective October 1, 2023.

11
12 **PART XXI. SEVERABILITY CLAUSE**

13 **SECTION 21.1.** If any Part, section, or provision of this act is declared
14 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
15 any Part, section, or provision other than the Part, section, or provision so declared to be
16 unconstitutional or invalid.

17
18 **PART XXII. EFFECTIVE DATE**

19 **SECTION 22.1.** Except as otherwise provided, this act is effective when it becomes
20 law.