

GENERAL ASSEMBLY OF NORTH CAROLINA  
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(Public)

Sponsors:

Referred to:

May 4, 2026

A BILL TO BE ENTITLED

AN ACT TO MAKE CERTAIN MODIFICATIONS RELATED TO THE CRIMINAL LAWS  
OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

...

(4) For support of the General Court of Justice, the sum of one hundred ~~forty-seven-seventy-seven~~ dollars and fifty cents ~~(\$147.50)~~ ~~(\$177.50)~~ in the district court, including cases before a magistrate, and the sum of one hundred ~~fifty-four-eighty-four~~ dollars and fifty cents ~~(\$154.50)~~ ~~(\$184.50)~~ in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19.

...."

**SECTION 1.(b)** This section becomes effective December 1, 2026, and applies to costs assessed on or after that date.

**SECTION 2.(a)** G.S. 14-50.16A reads as rewritten:



\* H 1 1 7 3 - V - 5 \*

**"§ 14-50.16A. Criminal gang activity.**

Definitions. – The following definitions apply in this Article:

- (1) Criminal gang. – Any ongoing organization, association, or group of three or more persons, whether formal or informal, that ~~(i) has as one of its primary activities the commission of criminal or delinquent acts and (ii) shares a common name, identification, signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics, including common activities, customs, or behaviors. The term shall not include three or more persons associated in fact, whether formal or informal, who are not engaged in criminal gang activity behaviors, and engages in criminal gang activity.~~
- (2) Criminal gang activity. – The commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (i) any offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the following conditions is met:
  - a. The offense is committed with the intent to benefit, promote, or further the interests of a criminal gang or for the purposes of increasing a person's own standing or position within a criminal gang.
  - b. The participants in the offense are identified as criminal gang members acting individually or ~~collectively to further any criminal purpose of a criminal gang collectively.~~
- (3) Criminal gang leader or organizer. – Any criminal gang member who acts in any position of management with regard to the criminal gang and who meets ~~two or more~~ at least one of the following criteria:
  - a. Exercises decision-making authority over matters regarding a criminal gang.
  - b. Participates in the direction, planning, organizing, or commission of criminal gang activity.
  - c. Recruits other gang members.
  - d. Receives a larger portion of the proceeds of criminal gang activity.
  - e. ~~Exercises control and authority over other criminal gang members.~~ Supervises or directs the actions of another criminal gang member or members during criminal gang activity.
- (4) Criminal gang member. – Any person who (i) meets three or more of the following criteria: criteria or (ii) meets at least two of the following criteria, and one of the criteria is sub-subdivision a., b., or c. of this subdivision:
  - a. The person admits to being a member of a criminal gang.
  - b. The person is identified as a criminal gang member by a reliable source, including a parent or a guardian.
  - c. The person is in possession of or linked to a criminal gang by physical evidence, including ledgers, rosters, or membership documents.
  - ~~e-d.~~ d-e. The person has been previously involved in criminal gang activity.
  - ~~d-e.~~ e-f. The person has adopted symbols, hand signs, or graffiti associated with a criminal gang.
  - ~~e-f.~~ f. ~~The person is in possession of or linked to a criminal gang by physical evidence, including photographs, ledgers, rosters, written or electronic communications, or membership documents.~~

- 1 g. The person has tattoos or markings associated with a criminal gang.  
2 h. The person has adopted language or terminology associated with a  
3 criminal gang.  
4 i. The person appears in any form of photographs, social media-media,  
5 or written or electronic communication to promote a criminal  
6 gang-gang or document criminal gang activity."

7 **SECTION 2.(b)** This section becomes effective December 1, 2026, and applies to  
8 offenses committed on or after that date.

9 **SECTION 3.(a)** G.S. 14-50.17 reads as rewritten:

10 **"§ 14-50.17. Soliciting; encouraging participation.**

11 (a) It is unlawful for any person to cause, encourage, solicit, or coerce a person ~~16-18~~  
12 years of age or older to participate in criminal gang activity.

13 (b) A violation of this section is a ~~Class H~~ Class F felony."

14 **SECTION 3.(b)** G.S. 14-50.18 reads as rewritten:

15 **"§ 14-50.18. Soliciting; encouraging participation; minor.**

16 (a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under ~~16~~  
17 18 years of age to participate in criminal gang activity.

18 (b) A violation of this section is a ~~Class F~~ Class D felony.

19 (c) Nothing in this section shall preclude a person who commits a violation of this section  
20 from criminal culpability for the underlying offense committed by the minor under any other  
21 provision of law."

22 **SECTION 3.(c)** This section becomes effective December 1, 2026, and applies to  
23 offenses committed on or after that date.

24 **SECTION 4.(a)** Article 13A of Chapter 14 of the General Statutes is amended by  
25 adding a new section to read:

26 **"§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to**  
27 **or in furtherance of a serious felony, drug crime, or a crime of violence.**

28 (a) For the purposes of this section, the following definitions apply:

29 (1) Brandish. – To display all or part of a firearm or otherwise make the presence  
30 of the firearm known to another person.

31 (2) Crime of violence. – Any offense that would be chargeable by indictment  
32 under the laws of this State for which the State proves, based on the  
33 defendant's actual conduct in committing the offense, that the defendant or  
34 another participant acting in concert with the defendant, used, attempted to  
35 use, or threatened to use physical force against the person or property of  
36 another.

37 (3) Drug crime. – Any offense that would be chargeable by indictment under  
38 Article 5 of Chapter 90 of the General Statutes.

39 (4) Firearm. – Any (i) weapon, including a starter gun, which will or is designed  
40 to or may readily be converted to expel a projectile by the action of an  
41 explosive, or its frame or receiver, or (ii) firearm muffler or firearm silencer.  
42 This term does not include an antique firearm as defined in G.S. 14-409.11.

43 (5) Serious felony. – Any offense that would be chargeable under Chapter 14 of  
44 the General Statutes that is a Class A, B1, B2, C, D, or E felony.

45 (b) It shall be unlawful for any member of a criminal gang to use or carry a firearm during  
46 and in relation to, or to possess a firearm in furtherance of, any serious felony, drug crime, or  
47 crime of violence. A violation of this subsection is a Class G felony, unless subsection (c) or (d)  
48 of this section applies.

49 (c) If a firearm is brandished during the commission of the offense, then the violation is  
50 a Class F felony.

1 (d) If a firearm is discharged during the commission of the offense, then the violation is  
2 a Class D felony."

3 **SECTION 4.(b)** Article 13A of Chapter 14 of the General Statutes is amended by  
4 adding a new section to read:

5 "**§ 14-50.33. Sell, deliver, give, or transfer a firearm to a juvenile by a member of a criminal**  
6 **gang.**

7 (a) It shall be unlawful for a member of a criminal gang to sell, deliver, give, or otherwise  
8 transfer a firearm to a person whom the criminal gang member knows or has reasonable cause to  
9 believe is a juvenile. For purposes of this section, the term "juvenile" means a person who is less  
10 than 18 years of age.

11 (b) A violation of this section is a Class G felony."

12 **SECTION 4.(c)** Article 13A of Chapter 14 of the General Statutes is amended by  
13 adding a new section to read:

14 "**§ 14-50.34. Use of witness testimony.**

15 Criminal gang activity, membership, association, leadership, and existence may be proven  
16 through the testimony of a fact witness, an expert witness, or a combined fact and expert witness  
17 pursuant to Chapter 8C of the General Statutes. In any proceeding pursuant to this Article, expert  
18 testimony is admissible to show particular conduct, status, and customs indicative of criminal  
19 gangs and criminal gang activity, including any of the following:

20 (1) Characteristics of persons who are members of a criminal gang.

21 (2) Specific rivalries between criminal gangs.

22 (3) Common practices and operations of criminal gangs and members of those  
23 criminal gangs.

24 (4) Social customs and behavior of members of criminal gangs.

25 (5) Terminology used by members of criminal gangs.

26 (6) Codes of conduct, including criminal conduct, of particular criminal gangs.

27 (7) The types of crimes that are likely to be committed by a particular criminal  
28 gang or by criminal gangs in general."

29 **SECTION 4.(d)** Article 13A of Chapter 14 of the General Statutes is amended by  
30 adding a new section to read:

31 "**§ 14-50.35. Venue.**

32 In any criminal proceeding brought under this Article, the crime shall be construed to have  
33 been committed in any county in which any act was performed as part of criminal gang activity."

34 **SECTION 4.(e)** This section becomes effective December 1, 2026, and applies to  
35 offenses committed on or after that date.

36 **SECTION 5.(a)** Article 4 of Chapter 8C of the General Statutes is amended by  
37 adding a new section to read:

38 "**Rule 416. Evidence of criminal gang activity.**

39 (a) For purposes of this rule, the term "criminal gang activity" is as defined in  
40 G.S. 14-50.16A.

41 (b) In any proceeding in which a person is accused of conducting, participating in, or  
42 conspiring to commit criminal gang activity, or in any proceeding under Article 13B of Chapter  
43 14 of the General Statutes, evidence of the defendant's commission of criminal gang activity may  
44 be considered for the purpose of proving any element of the alleged criminal offense.

45 (c) In any proceeding in which the prosecution intends to offer evidence under this rule,  
46 the prosecutor shall disclose the evidence to the defendant, including statements of witnesses or  
47 a summary of the substance of any testimony that is expected to be offered, at least 10 days in  
48 advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the  
49 judge upon good cause shown.

50 (d) This rule shall not be the exclusive means to admit or consider the evidence described  
51 in this rule."

1           **SECTION 5.(b)** This section becomes effective December 1, 2026, and applies to  
2 offenses committed on or after that date.

3           **SECTION 6.(a)** G.S. 15A-1340.16E reads as rewritten:

4 "**§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as**  
5 **a part of criminal gang activity.**

6           (a) Except as otherwise provided in subsection (b) of this section, if a person is convicted  
7 of any felony other than a Class A, B1, or B2 felony, and it is found that the offense was  
8 committed as part of criminal gang activity as defined in G.S. 14-50.16A(2), then the person shall  
9 be sentenced at a felony class level ~~one class~~ two classes higher than the principal felony for  
10 which the person was convicted.

11           (b) If subsection (a) of this section applies and the person is found to be a criminal gang  
12 leader or organizer as defined in G.S. 14-50.16A(3), the person shall be sentenced at a felony  
13 class level ~~two~~ three classes higher than the principal felony for which the person was convicted.

14           ...."

15           **SECTION 6.(b)** This section becomes effective December 1, 2026, and applies to  
16 offenses committed on or after that date.

17           **SECTION 7.** Except as otherwise provided, this act is effective when it becomes  
18 law.