

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 308  
Committee Substitute Favorable 3/18/25  
Committee Substitute #2 Favorable 4/1/25

Short Title: Criminal Law Changes.

(Public)

Sponsors:

Referred to:

March 6, 2025

A BILL TO BE ENTITLED  
AN ACT TO AMEND STRANGULATION PENALTIES, TO MAKE CLARIFYING  
CHANGES REGARDING THE MISDEMEANOR CRIME OF DOMESTIC VIOLENCE,  
TO CREATE A FELONY CRIME OF HABITUAL DOMESTIC VIOLENCE, TO  
CLARIFY EXPUNCTIONS MAY NOT BE GRANTED FOR PERSONS WITH PENDING  
CHARGES, TO CLARIFY WHO MAY REQUEST CONFIRMATION OF EXPUNCTION,  
AND TO REMOVE THE CONCURRENT SENTENCING DEFAULT.

The General Assembly of North Carolina enacts:

**AMEND STRANGULATION PENALTIES**

**SECTION 1.(a)** G.S. 14-32.4 reads as rewritten:

**"§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.**

(a) Unless the conduct is covered under some other provision of law providing greater punishment, any person who assaults another person and inflicts serious bodily injury is guilty of a Class ~~F-E~~ felony.

(a1) The following definitions apply to this section:

(1) "~~Serious bodily injury~~" is defined as ~~bodily~~ Serious bodily injury. – Bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

(2) Strangulation. – Impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of the person or by obstructing the nose and mouth of the person.

(a2) Unless the conduct is covered under some other provision of law providing greater punishment, any person who assaults another person by strangulation is guilty of a Class H felony.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, any person who assaults another person and inflicts physical injury by strangulation is guilty of a Class ~~H-G~~ felony."

**SECTION 1.(b)** G.S. 143B-1023(a) reads as rewritten:

"(a) There is established within the North Carolina Center for Missing Persons the Blue Alert System. The purpose of the Blue Alert System is to aid in the apprehension of a suspect who kills or inflicts serious bodily injury on a law enforcement officer by providing a statewide



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system for the rapid dissemination of information regarding the suspect. The term "serious bodily injury" is as defined in ~~G.S. 14-32.4(a)~~. G.S. 14-32.4."

**SECTION 1.(c)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **CLARIFYING CHANGES REGARDING MISDEMEANOR CRIME OF DOMESTIC VIOLENCE**

**SECTION 2.(a)** G.S. 14-33 is amended by adding a new subsection to read:

"(e) An offense under this section shall not be considered a lesser included offense of misdemeanor crime of domestic violence under G.S. 14-32.5."

**SECTION 2.(b)** G.S. 14-33.2 reads as rewritten:

### **"§ 14-33.2. Habitual misdemeanor assault.**

A person commits the offense of habitual misdemeanor assault if that person (i) violates any of the provisions of G.S. 14-33 and causes physical injury, G.S. 14-32.5, or G.S. 14-34, and (ii) has two or more prior convictions for ~~either misdemeanor or assault,~~ felony assault, or a violation of G.S. 14-32.5, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation. A conviction under this section shall not be used as a prior conviction for any other habitual offense statute. A person convicted of violating this section is guilty of a Class H felony."

**SECTION 2.(c)** G.S. 15A-401(b) reads as rewritten:

"(b) Arrest by Officer Without a Warrant. –

- (1) Offense in Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense, or has violated a pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2), in the officer's presence.
- (2) Offense Out of Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to ~~believe~~ believe has committed or violated any of the following:
  - a. ~~Has committed a felony; or~~ A felony.
  - b. ~~Has committed a misdemeanor, and;~~ A misdemeanor, when the person meets at least one of the following criteria:
    1. Will not be apprehended unless immediately ~~arrested,~~ or arrested.
    2. May cause physical injury to himself or others, or damage to property unless immediately ~~arrested; or~~ arrested.
  - c. ~~Has committed a~~ A misdemeanor under G.S. 14-72.1, 14-134.3, 20-138.1, or ~~20-138.2; or~~ 20-138.2.
  - d. ~~Has committed a~~ A misdemeanor under G.S. 14-33(a), 14-33(c)(1), 14-33(c)(2), or 14-34 when the offense was committed by a person with whom the alleged victim has a personal relationship as defined in ~~G.S. 50B-1; or~~ G.S. 50B-1.
  - e. ~~Has committed a~~ A misdemeanor under ~~G.S. 50B-4.1(a); or~~ G.S. 50B-4.1(a).
  - f. ~~Has violated a~~ A pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2).
  - g. A misdemeanor under G.S. 14-32.5.

...."

**SECTION 2.(d)** G.S. 15A-534.1(a) reads as rewritten:

"(a) In all cases in which the defendant is charged with assault on, stalking, communicating a threat to, or committing a felony provided in Articles 7B, 8, 10, or 15 of Chapter 14 of the General Statutes upon a spouse or former spouse, a person with whom the defendant

lives or has lived as if married, or a person with whom the defendant is or has been in a dating relationship as defined in G.S. 50B-1(b)(6), with domestic criminal trespass, with violation of G.S. 14-32.5, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes, the judicial official who determines the conditions of pretrial release shall be a judge. The judge shall direct a law enforcement officer or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of release. After setting conditions of release, the judge shall return the report to the providing agency or department. No judge shall unreasonably delay the determination of conditions of pretrial release for the purpose of reviewing the defendant's criminal history report. The following provisions shall apply in addition to the provisions of G.S. 15A-534:

- (1) Upon a determination by the judge that the immediate release of the defendant will pose a danger of injury to the alleged victim or to any other person or is likely to result in intimidation of the alleged victim and upon a determination that the execution of an appearance bond as required by G.S. 15A-534 will not reasonably assure that such injury or intimidation will not occur, a judge may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.
- (2) A judge may impose the following conditions on pretrial release:
  - a. That the defendant stay away from the home, school, business or place of employment of the alleged victim.
  - b. That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim.
  - c. That the defendant refrain from removing, damaging or injuring specifically identified property.
  - d. That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.
  - e. That the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, and that any violation of this condition be reported by the monitoring provider to the district attorney.The conditions set forth above may be imposed in addition to requiring that the defendant execute a secured appearance bond.
- (3) Should the defendant be mentally ill and dangerous to himself or others or a substance abuser and dangerous to himself or others, the provisions of Article 5 of Chapter 122C of the General Statutes shall apply."

**SECTION 2.(e)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **CREATE FELONY CRIME OF HABITUAL DOMESTIC VIOLENCE**

**SECTION 3.(a)** Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

### **"§ 14-32.6. Habitual domestic violence.**

**(a) A person commits the offense of habitual domestic violence if that person commits an offense under G.S. 14-32.5, or commits an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5, and has two or more prior convictions that include either of the following combination of offenses, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation:**

(1) Two or more convictions of an offense under G.S. 14-32.5 or an offense committed in another jurisdiction substantially similar to an offense under G.S. 14-32.5.

(2) One prior conviction of an offense described in subdivision (1) of this subsection and at least one prior conviction of an offense in this State or another jurisdiction involving an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5.

(b) A conviction under this section shall not be used as a prior conviction for any other habitual offense statute. A person convicted of violating this section is guilty of a Class H felony for the first offense. Subsequent convictions for violating this section shall each be punished at a level which is one offense class higher than the offense class of the most recent prior conviction under this section, not to exceed a Class C felony."

**SECTION 3.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **EXPUNCTION MODIFICATIONS**

**SECTION 4.(a)** G.S. 15A-145(b) reads as rewritten:

"(b) If the court, after hearing, finds that the petitioner had remained of good behavior and been free of conviction of any felony or misdemeanor, other than a traffic violation, for two years from the date of conviction of the misdemeanor in question, the petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him, and (i) petitioner was not 18 years old at the time of the offense in question, or (ii) petitioner was not 21 years old at the time of the offense of possession of alcohol pursuant to G.S. 18B-302(b)(1), it shall order that such person be restored, in the contemplation of the law, to the status he occupied before such arrest or indictment or ~~information~~ information, unless the court finds one of the following:

(1) The petitioner has outstanding warrants or pending criminal cases, is under indictment, or a finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.

(2) The petitioner is free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction under this section granted."

**SECTION 4.(b)** G.S. 15A-145.1(b) reads as rewritten:

"(b) If the court, after hearing, finds that (i) the petitioner was dismissed and the proceedings against the petitioner discharged pursuant to G.S. 14-50.29 and that the person had not yet attained 18 years of age at the time of the offense or (ii) the petitioner has remained of good behavior and been free of conviction of any felony or misdemeanor other than a traffic violation for two years from the date of conviction of the offense in question, the petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner, and the petitioner had not attained the age of 18 years at the time of the offense in question, it shall order that such person be restored, in the contemplation of the law, to the status occupied by the petitioner before such arrest or indictment or information, and that the record be expunged from the records of the ~~court~~ court, unless the court finds one of the following:

(1) The petitioner has outstanding warrants or pending criminal cases, is under indictment, or a finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.

(2) The petitioner is free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime

which would prohibit the person from having his or her petition for expunction granted under this section."

**SECTION 4.(c)** G.S. 15A-145.2 is amended by adding a new subsection to read:

"(c1) Notwithstanding the provisions of this section, no order of expunction shall be issued pursuant to this section if the court finds one of the following:

(1) The petitioner has outstanding warrants or pending criminal cases, is under indictment, or a finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.

(2) The petitioner is free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction granted under this section."

**SECTION 4.(d)** G.S. 15A-145.3 is amended by adding a new subsection to read:

"(c1) Notwithstanding the provisions of this section, no order of expunction shall be issued pursuant to this section if the court finds one of the following:

(1) The petitioner has outstanding warrants or pending criminal cases, is under indictment, or a finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.

(2) The petitioner is free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction granted under this section."

**SECTION 4.(e)** G.S. 15A-145.4(e) reads as rewritten:

"(e) The court may order that the person be restored, in the contemplation of the law, to the status the person occupied before the arrest or indictment or information if the court finds all of the following after a hearing:

(1) The petitioner has remained of good moral character and has been free of conviction of any felony or misdemeanor, other than a traffic violation, for four years from the date of conviction of the nonviolent felony in question or any active sentence, period of probation, or post-release supervision has been served, whichever is later.

(2) The petitioner has not previously been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state.

(3) The petitioner has no outstanding warrants or pending criminal ~~cases~~, is not under indictment, and no finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.

(3a) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction under this section granted.

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

(5) The petitioner was less than 18 years old at the time of the commission of the offense in question.

(6) The petitioner has performed at least 100 hours of community service since the time of the conviction and possesses a high school diploma, a high school graduation equivalency certificate, or a General Education Development degree.

- 1 (7) The search of the confidential records of expunctions conducted by the  
2 Administrative Office of the Courts shows that the petitioner has not been  
3 previously granted an expunction."

4 **SECTION 4.(f)** G.S. 15A-145.6(f) reads as rewritten:

5 "(f) The court shall order that the person be restored, in the contemplation of the law, to  
6 the status the person occupied before the arrest or indictment or information if the court finds all  
7 of the following after a hearing:

- 8 (1) The criteria set out in subsection (b) of this section are satisfied.  
9 (2) The petitioner has remained of good moral character and has been free of  
10 conviction of any felony or misdemeanor, other than a traffic violation, since  
11 the date of conviction of the prostitution offense in question.  
12 (3) The petitioner has no outstanding warrants or pending criminal ~~cases-cases~~, is  
13 not under indictment, and no finding of probable cause exists against the  
14 defendant for a felony in any federal court or state court in the United States.  
15 (3a) The petitioner is not free on bond or personal recognizance pending trial,  
16 appeal, or sentencing in any federal court or state court in the United States  
17 for a crime which would prohibit the person from having his or her petition  
18 for expunction under this section granted.  
19 (4) The petitioner has no outstanding restitution orders or civil judgments  
20 representing amounts ordered for restitution entered against the petitioner.  
21 (5) The search of the confidential records of expunctions conducted by the  
22 Administrative Office of the Courts shows that the petitioner has not been  
23 previously granted an expunction, other than an expunction for a prostitution  
24 offense."

25 **SECTION 4.(g)** G.S. 15A-145.8A reads as rewritten:

26 **"§ 15A-145.8A. Expunction of records for offenders under the age of 18 at the time of**  
27 **commission of certain misdemeanors and felonies upon completion of the**  
28 **sentence.**

29 (a) A person, the district attorney, or an attorney at the request of a person eligible for  
30 expunction under this section, may file, in the court of the county where the person was  
31 convicted, a petition for expunction from the person's criminal record of any misdemeanor or  
32 Class H or I felony not excluded by subsection (b) of this section if the offense was committed  
33 prior to December 1, 2019, and while the person was less than 18 years of age, but at least 16  
34 years of age. The petition shall not be filed until (i) any active sentence, period of probation, and  
35 post-release supervision ordered for the offense has been served and (ii) the person has no  
36 restitution orders for the offense or outstanding civil judgments representing amounts ordered for  
37 restitution for the offense.

38 (b) An offense is not eligible for expunction under this section if it is (i) a violation of the  
39 motor vehicle laws under Chapter 20 of the General Statutes, including any offense involving  
40 impaired driving as defined in G.S. 20-4.01(24a) or (ii) an offense requiring registration pursuant  
41 to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently  
42 required to register.

43 (c) If the petition was not filed by the district attorney, the petition shall be served upon  
44 the district attorney of the court wherein the case was tried resulting in conviction. The district  
45 attorney shall have 30 days thereafter in which to file any objection thereto and shall be duly  
46 notified as to the date of the hearing of the petition. The district attorney shall make his or her  
47 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior  
48 to the date of the hearing. Upon request by the victim, the victim has a right to be present at any  
49 hearing on the petition for expunction and the victim's views and concerns shall be considered  
50 by the court at such hearing.

(d) ~~If the court, after hearing, finds that (i) the offense was a misdemeanor or Class H or I felony eligible for expunction under this section, (ii) the offense was committed prior to December 1, 2019, and while the person was less than 18 years of age, but at least 16 years of age, (iii) any active sentence, period of probation, and post-release supervision ordered for the offense was completed, and (iv) the person has no restitution orders for the offense or outstanding civil judgments representing amounts ordered for restitution for the offense, the court shall order that the person be restored, in the contemplation of the law, to the status the person occupied before such arrest or indictment or information, and that the record be expunged from the records of the court. The court shall order that the person be restored, in contemplation of the law, to the status the person occupied before the arrest or indictment or information, and that the record be expunged from the records of the court, if the court finds all of the following after a hearing:~~

- (1) The offense was a misdemeanor or Class H or I felony eligible for expunction under this section.
- (2) The offense was committed prior to December 1, 2019, and while the person was less than 18 years of age but at least 16 years of age.
- (3) Any active sentence, period of probation, and post-release supervision ordered for the offense was completed.
- (4) The person has no restitution orders for the offense or outstanding civil judgments representing amounts ordered for restitution for the offense.
- (5) The petitioner has no outstanding warrants or pending criminal cases, is not under indictment, and no finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.
- (6) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction under this section granted.

(d1) A person convicted of multiple offenses shall be eligible to have those convictions expunged pursuant to this section.

(e) Any petition for expunction under this section shall be on a form approved by the Administrative Office of the Courts and shall be filed with the clerk of superior court in the county where the person was convicted. Upon order of expunction, the clerk shall forward the order to the Administrative Office of the Courts.

(f) No person as to whom such order has been entered shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of that person's failure to recite or acknowledge such arrest, or indictment, information, or trial, or response to any inquiry made of the person for any purpose.

(g) The court shall also order that the conviction be expunged from the records of the court. The court shall direct all law enforcement agencies, the Department of Adult Correction, the Division of Motor Vehicles, and any other State or local government agencies identified by the petitioner as bearing record of the same to expunge their records of the petitioner's conviction. The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150.

(h) A person who files a petition for expunction of a criminal record under this section must pay the clerk of superior court a fee of fifty-two dollars and fifty cents (\$52.50) at the time the petition is filed. Fees collected under this subsection are payable to the Administrative Office of the Courts. The fee shall be retained by the Administrative Office of the Courts and used to pay the costs of processing petitions for expunctions under this section. This subsection does not apply to petitions filed by an indigent."

**SECTION 4.(h)** G.S. 15A-145.9(f) reads as rewritten:

"(f) Restoration of Status. – The court shall order that the person be restored, in the contemplation of the law, to the status the person occupied before the arrest or indictment or information if the court finds all of the following after a hearing:

(1) The criteria set out in subsection (b) of this section are satisfied.

(2) The petitioner has no outstanding ~~warrants~~warrants or pending criminal cases, is not under indictment, and no finding of probable cause exists against the defendant for a felony in any federal court or state court in the United States.

(2a) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction under this section granted.

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

**SECTION 4.(i)** This section becomes effective December 1, 2025, and applies to petitions filed on or after that date.

**SECTION 5.(a)** G.S. 15A-151(a)(2) reads as rewritten:

"(2) Upon request of a ~~person~~person, or an attorney representing the person, requesting confirmation of the person's own discharge or expunction."

**SECTION 5.(b)** This section is effective when it becomes law and applies to requests made on or after that date.

## **REMOVE CONCURRENT SENTENCING DEFAULT**

**SECTION 6.(a)** G.S. 15A-1354(a) reads as rewritten:

"(a) Authority of Court. – When multiple sentences of imprisonment are imposed on a person at the same time or when a term of imprisonment is imposed on a person who is already subject to an undischarged term of imprisonment, including a term of imprisonment in another jurisdiction, the sentences may run either concurrently or consecutively, as determined by the court. ~~If not specified or not required by statute to run consecutively, sentences shall run concurrently.~~The court shall make a finding on the record stating the reasoning for the determination of the court."

**SECTION 6.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **EFFECTIVE DATE**

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