

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 698

Short Title: Amend Child Welfare Laws/Comply W/Fed Laws.-AB (Public)

Sponsors: Representatives Glazier, Goodwin, Barnhart, Parmon (Primary Sponsors);
Alexander, Carney, Harrison, Insko, Lucas, Wainwright, and Wray.

Referred to: Judiciary II.

March 15, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH
2 FEDERAL LAW AND REGULATIONS.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7B-506(b) reads as rewritten:

6 "(b) At a hearing to determine the need for continued custody, the court shall
7 receive testimony and shall allow the guardian ad litem, or juvenile, and the juvenile's
8 parent, guardian, custodian, or caretaker ~~an opportunity~~the right to introduce evidence,
9 to be heard in the person's own behalf, and to examine witnesses. The State shall bear
10 the burden at every stage of the proceedings to provide clear and convincing evidence
11 that the juvenile's placement in custody is necessary. The court shall not be bound by
12 the usual rules of evidence at such hearings."

13 **SECTION 2.** G.S. 7B-901 reads as rewritten:

14 "**§ 7B-901. Dispositional hearing.**

15 The dispositional hearing shall take place immediately following the adjudicatory
16 hearing and shall be concluded within 30 days of the conclusion of the adjudicatory
17 hearing. The dispositional hearing may be informal and the court may consider written
18 reports or other evidence concerning the needs of the juvenile. The juvenile and the
19 juvenile's parent, guardian, or custodian shall have ~~an opportunity~~the right to present
20 evidence, and they may advise the court concerning the disposition they believe to be in
21 the best interests of the juvenile. The court may consider any evidence, including
22 hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant,
23 reliable, and necessary to determine the needs of the juvenile and the most appropriate
24 disposition. The court may exclude the public from the hearing unless the juvenile
25 moves that the hearing be open, which motion shall be granted."

26 **SECTION 3.** G.S. 7B-906(a) reads as rewritten:

27 "(a) In any case where custody is removed from a parent, guardian, custodian, or
28 caretaker the court shall conduct a review hearing within 90 days from the date of the

1 dispositional hearing and shall conduct a review hearing within six months thereafter.
2 The director of social services shall make a timely request to the clerk to calendar each
3 review at a session of court scheduled for the hearing of juvenile matters. The clerk
4 shall give 15 days' notice of the review and its purpose to the parent, the juvenile, if 12
5 years of age or more, the guardian, any foster parent, relative, or preadoptive parent
6 providing care for the child, the custodian or agency with custody, the guardian ad
7 litem, and any other person or agency the court may specify, indicating the court's
8 impending review. Nothing in this subsection shall be construed to make any foster
9 parent, relative, or preadoptive parent a party to the proceeding solely based on
10 receiving notice and ~~an opportunity~~the right to be heard."

11 **SECTION 4.** G.S. 7B-907(a) reads as rewritten:

12 "(a) In any case where custody is removed from a parent, guardian, custodian, or
13 caretaker, the judge shall conduct a review hearing designated as a permanency
14 planning hearing within 12 months after the date of the initial order removing custody,
15 and the hearing may be combined, if appropriate, with a review hearing required by
16 G.S. 7B-906. The purpose of the permanency planning hearing shall be to develop a
17 plan to achieve a safe, permanent home for the juvenile within a reasonable period of
18 time. Subsequent permanency planning hearings shall be held at least every six months
19 thereafter, or earlier as set by the court, to review the progress made in finalizing the
20 permanent plan for the juvenile, or if necessary, to make a new permanent plan for the
21 juvenile. The Director of Social Services shall make a timely request to the clerk to
22 calendar each permanency planning hearing at a session of court scheduled for the
23 hearing of juvenile matters. The clerk shall give 15 days' notice of the hearing and its
24 purpose to the parent, the juvenile if 12 years of age or more, the guardian, any foster
25 parent, relative, or preadoptive parent providing care for the child, the custodian or
26 agency with custody, the guardian ad litem, and any other person or agency the court
27 may specify, indicating the court's impending review. Nothing in this provision shall be
28 construed to make any foster parent, relative, or preadoptive parent a party to the
29 proceeding solely based on receiving notice and ~~an opportunity~~the right to be heard."

30 **SECTION 5.** G.S. 7B-908 reads as rewritten:

31 **"§ 7B-908. Post termination of parental rights' placement court review.**

32 (a) The purpose of each placement review is to ensure that every reasonable
33 effort is being made to provide for a permanent placement plan for the juvenile who has
34 been placed in the custody of a county director or licensed child-placing agency, which
35 is consistent with the juvenile's best interests. At each review hearing the court may
36 consider information from the department of social services, the licensed child-placing
37 agency, the guardian ad litem, the child, any foster parent, relative, or preadoptive
38 parent providing care for the child, and any other person or agency the court determines
39 is likely to aid in the review. The court may consider any evidence, including hearsay
40 evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable,
41 and necessary to determine the needs of the juvenile and the most appropriate
42 disposition.

43 (b) The court shall conduct a placement review not later than six months from the
44 date of the termination hearing when parental rights have been terminated by a petition

1 brought by any person or agency designated in G.S. 7B-1103(2) through (5) and a
2 county director or licensed child-placing agency has custody of the juvenile. The court
3 shall conduct reviews every six months thereafter until the juvenile is ~~placed for~~
4 ~~adoption and the adoption petition is filed by the adoptive parents:~~the subject of a
5 decree of adoption:

6 (1) No more than 30 days and no less than 15 days prior to each review,
7 the clerk shall give notice of the review to the juvenile if the juvenile is
8 at least 12 years of age, the legal custodian of the juvenile, any foster
9 parent, relative, or preadoptive parent providing care for the juvenile,
10 the guardian ad litem, if any, and any other person or agency the court
11 may specify. Only the juvenile, if the juvenile is at least 12 years of
12 age, the legal custodian of the juvenile, any foster parent, relative, or
13 preadoptive parent providing care for the juvenile, and the guardian ad
14 litem shall attend the review hearings, except as otherwise directed by
15 the court. Nothing in this subdivision shall be construed to make any
16 foster parent, relative, or preadoptive parent a party to the proceeding
17 solely based on receiving notice and ~~an opportunity~~the right to be
18 heard. Any individual whose parental rights have been terminated shall
19 not be considered a party to the proceeding unless an appeal of the
20 order terminating parental rights is pending, and a court has stayed the
21 order pending the appeal.

22 (2) If a guardian ad litem for the juvenile has not been appointed
23 previously by the court in the termination proceeding, the court, at the
24 initial six-month review hearing, may appoint a guardian ad litem to
25 represent the juvenile. The court may continue the case for such time
26 as is necessary for the guardian ad litem to become familiar with the
27 facts of the case.

28 (c) The court shall consider at least the following in its review:

29 (1) The adequacy of the plan developed by the county department of
30 social services or a licensed child-placing agency for a permanent
31 placement relative to the juvenile's best interests and the efforts of the
32 department or agency to implement such plan;

33 (2) Whether the juvenile has been listed for adoptive placement with the
34 North Carolina Adoption Resource Exchange, the North Carolina
35 Photo Adoption Listing Service (PALS), or any other specialized
36 adoption agency; and

37 (3) The efforts previously made by the department or agency to find a
38 permanent home for the juvenile.

39 (d) The court, after making findings of fact, shall affirm the county department's
40 or child-placing agency's plans or require specific additional steps which are necessary
41 to accomplish a permanent placement which is in the best interests of the juvenile.

42 (e) If the juvenile ~~has been placed for~~is the subject of a decree of adoption prior
43 to the date scheduled for the review, written notice of ~~said placement~~the issuance of the
44 decree of adoption shall be given to the clerk to be placed in the court file, and the

1 review hearing shall be cancelled with notice of said cancellation given by the clerk to
2 all persons previously notified.

3 ~~(f) The process of selection of specific adoptive parents shall be the~~
4 ~~responsibility of and within the discretion of the county department of social services or~~
5 ~~licensed child placing agency. The guardian ad litem may request information from and~~
6 ~~consult with the county department or child placing agency concerning the selection~~
7 ~~process. If the guardian ad litem requests information about the selection process, the~~
8 ~~county shall provide the information within five days. Any issue of abuse of discretion~~
9 ~~by the county department or child placing agency in the selection process must be~~
10 ~~raised by the guardian ad litem within 10 days following the date the agency notifies the~~
11 ~~court and the guardian ad litem in writing of the filing of the adoption petition."~~

12 **SECTION 6.** G.S. 7B-909 reads as rewritten:

13 **"§ 7B-909. Review of agency's plan for placement.**

14 (a) The director of social services or the director of the licensed private
15 child-placing agency shall promptly notify the clerk to calendar the case for review of
16 the department's or agency's plan for the juvenile at a session of court scheduled for the
17 hearing of juvenile matters in any case where:

18 (1) One parent has surrendered a juvenile for adoption under the
19 provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes
20 and the termination of parental rights proceedings have not been
21 instituted against the nonsurrendering parent within six months of the
22 surrender by the other parent, or

23 (2) Both parents have surrendered a juvenile for adoption under the
24 provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes
25 and that juvenile has not been placed for adoption within six months
26 from the date of the more recent parental surrender.

27 ~~(b) In any case where an adoption is dismissed or withdrawn and the juvenile~~
28 ~~returns to foster care with a department of social services or a licensed private~~
29 ~~child placing agency, then the department of social services or licensed child placing~~
30 ~~agency shall notify the clerk, within 30 days from the date the juvenile returns to care,~~
31 ~~to calendar the case for review of the agency's plan for the juvenile at a session of court~~
32 ~~scheduled for the hearing of juvenile matters.~~

33 (c) Notification of the court ~~required under subsection (a) or (b) of this section~~
34 shall be by a petition for review. The petition shall set forth the circumstances
35 necessitating the review under subsection (a) ~~or (b) of this section.~~ The review shall be
36 conducted within 30 days following the filing of the petition for review unless the court
37 shall otherwise direct. The court shall conduct reviews every six months until the
38 juvenile is ~~placed for adoption and the adoption petition is filed by the adoptive~~
39 ~~parents.~~ the subject of a decree of adoption. The initial review and all subsequent
40 reviews shall be conducted pursuant to G.S. 7B-908. Any individual whose parental
41 rights have been terminated shall not be considered a party to the review unless an
42 appeal of the order terminating parental rights is pending, and a court has stayed the
43 order pending the appeal."

44 **SECTION 7.** G.S. 48-1-101(5a) reads as rewritten:

1 "In this Chapter, the following definitions apply:

2 ...

3 (5a) "~~Criminal history~~" means a county, State, or federal ~~eriminal history of~~
4 ~~conviction of a felony by a court of competent jurisdiction or a~~
5 ~~pending felony indictment of a erime, whether a misdemeanor or a~~
6 ~~felony, that bears upon an individual's fitness to have responsibility for~~
7 ~~the safety and well-being of children, including the following North~~
8 ~~Carolina crimes contained in any of the following Articles of Chapter~~
9 ~~14 of the General Statutes: Article 6, Homicide; Article 7A, Rape and~~
10 ~~Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and~~
11 ~~Abduction; Article 13, Malicious Injury or Damage by Use of~~
12 ~~Explosive or Incendiary Device or Material; Article 26, Offenses~~
13 ~~Against Public Morality and Decency; Article 27, Prostitution; Article~~
14 ~~39, Protection of Minors; Article 40, Protection of the Family; and~~
15 ~~Article 59, Public Intoxication. Such crimes also include possession or~~
16 ~~sale of drugs in violation of the North Carolina Controlled Substances~~
17 ~~Act, Article 5 of Chapter 90 of the General Statutes, and~~
18 ~~alcohol-related offenses such as sale to underage persons in violation~~
19 ~~of G.S. 18B 302 or driving while impaired in violation of~~
20 ~~G.S. 20 138.1 through G.S. 20 138.5. In addition to the North Carolina~~
21 ~~erimes listed in this subdivision, such crimes also include~~
22 ~~crime for~~ child abuse or neglect, spousal abuse, a crime against a child,
23 including child pornography, or for a crime involving violence,
24 including rape, sexual assault, or homicide, other than physical assault
25 or battery; a county, State, or federal conviction of a felony by a court
26 of competent jurisdiction or a pending felony indictment for physical
27 assault, battery, or a drug-related offense, if the offense was committed
28 within the past five years; or similar crimes under federal law or under
29 the laws of other states."

30 **SECTION 8.** G.S. 48-3-203 is amended by adding a new subsection to read:

31 "(b1) The process of selection of specific adoptive parents is the responsibility of
32 and within the discretion of the county department of social services or a licensed
33 child-placing agency. A minor's guardian ad litem may request information from and
34 consult with the county department of social services or the child-placing agency
35 concerning the selection process. If the guardian ad litem requests information about the
36 selection process, the county department of social services or the child-placing agency
37 shall provide the information within five days. Any issue of abuse of discretion by the
38 county department of social services or the child-placing agency in the selection process
39 shall be raised by the minor's guardian ad litem within 10 days following the date the
40 agency notifies the guardian ad litem in writing of the filing of the adoption petition."

41 **SECTION 9.** G.S. 48-3-303(d) reads as rewritten:

42 "(d) The agency shall conduct an investigation for any criminal record as
43 permitted by law. If a prospective adoptive parent is seeking to adopt a minor who is in
44 the custody or placement responsibility of a county department of social services, a

1 county department of social services shall have the prospective adoptive parent's
2 criminal history and the criminal histories of all individuals 18 years of age or older
3 who reside in the prospective adoptive home investigated pursuant to G.S. 48-3-309,
4 and ~~based on the criminal history, in~~ accordance with G.S. 48-3-309(b), make a
5 determination as to the prospective adoptive parent's fitness to have responsibility for
6 the safety and well-being of children and as to whether other individuals required to be
7 checked are fit for an adoptive child to reside with them in the home."

8 **SECTION 10.** G.S. 48-3-309(b) reads as rewritten:

9 "(b) A county department of social services shall issue an unfavorable
10 preplacement assessment to a prospective adoptive parent if an individual required to
11 submit to a criminal history check pursuant to subsection (a) of this section has a
12 criminal history. A county department of social services shall issue an unfavorable
13 preplacement assessment to a prospective adoptive parent if the county department of
14 social services determines, pursuant to G.S. 48-3-303(e), that, based on other criminal
15 convictions, whether felony or misdemeanor, revealed by the criminal histories, histories
16 checked pursuant to subsection (a) of this section, the prospective adoptive parent is
17 unfit to have responsibility for the safety and well-being of children or other individuals
18 required to be checked are unfit for an adoptive child to reside with them in the home."

19 **SECTION 11.** G.S. 48-3-309(d) reads as rewritten:

20 "(d) At the time of the request for a preplacement assessment or at a subsequent
21 time prior to placement, any individual whose criminal history is to be checked shall be
22 furnished with a statement substantially similar to the following:

23
24 **"NOTICE**

25
26 MANDATORY CRIMINAL HISTORY CHECK: NORTH CAROLINA LAW
27 REQUIRES THAT A CRIMINAL HISTORY CHECK BE CONDUCTED
28 PRIOR TO PLACEMENT ON PROSPECTIVE ADOPTIVE PARENTS
29 SEEKING TO ADOPT A MINOR WHO IS IN THE CUSTODY OR
30 PLACEMENT RESPONSIBILITY OF A COUNTY DEPARTMENT OF
31 SOCIAL SERVICES AND ON ALL PERSONS 18 YEARS OF AGE OR
32 OLDER WHO RESIDE IN THE PROSPECTIVE ADOPTIVE HOME.

33 "Criminal history" means a county, ~~state,~~State, or federal ~~criminal history of~~
34 conviction of a felony by a court of competent jurisdiction or a pending felony
35 indictment of a crime, whether a misdemeanor or a felony, that bears upon a
36 prospective adoptive parent's fitness to have responsibility for the safety and
37 well-being of children and whether other individuals required to be checked are
38 fit for an adoptive child to reside with them in the home, including the following
39 North Carolina crimes contained in any of the following Articles of Chapter 14 of
40 the General Statutes: Article 6, Homicide; Article 7A, Rape and Kindred
41 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
42 Malicious Injury or Damage by Use of Explosive or Incendiary Device or
43 Material; Article 26, Offenses Against Public Morality and Decency; Article 27,
44 Prostitution; Article 39, Protection of Minors; Article 40, Protection of the

1 ~~Family; and Article 59, Public Intoxication; violation of the North Carolina~~
2 ~~Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and~~
3 ~~alcohol-related offenses such as sale to underage persons in violation of~~
4 ~~G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through~~
5 ~~G.S. 20-138.5; crime for child abuse or neglect, spousal abuse, a crime against a~~
6 ~~child, including child pornography, or for a crime involving violence, including~~
7 ~~rape, sexual assault, or homicide, other than physical assault or battery; a county,~~
8 ~~State, or federal conviction of a felony by a court of competent jurisdiction or a~~
9 ~~pending felony indictment for physical assault, battery, or a drug-related offense,~~
10 ~~if the offense was committed within the past five years; or similar crimes under~~
11 ~~federal law or under the laws of other states. Your fingerprints will be used to~~
12 ~~check the criminal history records of the State Bureau of Investigation (SBI) and~~
13 ~~the Federal Bureau of Investigation (FBI).~~

14 If it is determined, based on your criminal history, that you are unfit to have
15 responsibility for the safety and well being of children or have an adoptive child
16 reside with you, you shall have the opportunity to complete, or challenge the
17 accuracy of, the information contained in the SBI or FBI identification records.

18 If the prospective adoptive parent is denied a favorable preplacement assessment
19 by a county department of social services as a result of a criminal history check
20 as required under G.S. 48-3-309(a), the prospective adoptive parent may request
21 a review of the assessment pursuant to G.S. 48-3-308(a).

22 Any person who intentionally falsifies any information required to be furnished
23 to conduct the criminal history is guilty of a Class 2 misdemeanor."

24 Refusal to consent to a criminal history check by any individual required to be
25 checked under G.S. 48-3-309(a) is grounds for the issuance by a county department of
26 social services of an unfavorable preplacement assessment. Any person who
27 intentionally falsifies any information required to be furnished to conduct the criminal
28 history is guilty of a Class 2 misdemeanor."

29 **SECTION 12.** G.S. 131D-10.2(6a) reads as rewritten:

30 "For purposes of this Article, unless the context clearly implies otherwise:

31 ...

32 (6a) "Criminal History" means a county, ~~state,~~State, or federal ~~criminal~~
33 ~~history of conviction of a felony by a court of competent jurisdiction~~
34 ~~or a pending felony indictment of a crime, whether a misdemeanor or a~~
35 ~~felony, that bears upon an individual's fitness to have responsibility for~~
36 ~~the safety and well being of children, including the following North~~
37 ~~Carolina crimes contained in any of the following Articles of Chapter~~
38 ~~14 of the General Statutes: Article 6, Homicide; Article 7A, Rape and~~
39 ~~Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and~~
40 ~~Abduction; Article 13, Malicious Injury or Damage by Use of~~
41 ~~Explosive or Incendiary Device or Material; Article 26, Offenses~~
42 ~~Against Public Morality and Decency; Article 27, Prostitution; Article~~
43 ~~39, Protection of Minors; Article 40, Protection of the Family; and~~
44 ~~Article 59, Public Intoxication. Such crimes also include possession or~~

1 ~~sale of drugs in violation of the North Carolina Controlled Substances~~
2 ~~Act, Article 5 of Chapter 90 of the General Statutes, and~~
3 ~~alcohol-related offenses such as sale to underage persons in violation~~
4 ~~of G.S. 18B-302 or driving while impaired in violation of~~
5 ~~G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina~~
6 ~~crimes listed in this subdivision, such crimes also include~~crime for
7 child abuse or neglect, spousal abuse, a crime against a child,
8 including child pornography, or for a crime involving violence,
9 including rape, sexual assault, or homicide, other than physical assault
10 or battery; a county, State, or federal conviction of a felony by a court
11 of competent jurisdiction or a pending felony indictment for physical
12 assault, battery, or a drug-related offense, if the offense was committed
13 within the past five years; or similar crimes under federal law or under
14 the laws of other states.

15"

16 **SECTION 13.** G.S. 131D-10.3A(c) reads as rewritten:

17 "(c) The Department shall prohibit an individual from providing foster care by
18 denying or revoking the license to provide foster care if an individual required to submit
19 to a criminal history check pursuant to subsection (a) of this section has a criminal
20 history. The Department may prohibit an individual from providing foster care by
21 denying or revoking the license to provide foster care if the Department determines that
22 the safety and well-being of a child placed in the home for foster care would be at risk
23 based on other criminal convictions, whether felony or misdemeanor, revealed by the
24 criminal history check of the individuals required to be checked pursuant to subsection
25 (a) of this section."

26 **SECTION 14.** G.S. 131D-10.3A(e) reads as rewritten:

27 "(e) At the time of application, the individual whose criminal history is to be
28 checked shall be furnished with a statement substantially similar to the following:

29
30 "NOTICE

31 MANDATORY CRIMINAL HISTORY CHECK

32
33 NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL
34 HISTORY CHECK BE CONDUCTED ON ALL PERSONS 18
35 YEARS OF AGE OR OLDER WHO RESIDE IN A LICENSED
36 FAMILY FOSTER HOME.

37 "Criminal history" includes any county, ~~state,~~State, and federal
38 ~~convictions~~ conviction of a felony by a court of competent
39 jurisdiction or pending indictments of any crime, of any of the
40 following crimes: the following Articles of Chapter 14 of the
41 General Statutes: Article 6, Homicide; Article 7A, Rape and
42 Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and
43 Abduction; Article 13, Malicious Injury or Damage by Use of
44 Explosive or Incendiary Device or Material; Article 26, Offenses

1 ~~Against Public Morality and Decency; Article 27, Prostitution;~~
2 ~~Article 39, Protection of Minors; Article 40, Protection of the~~
3 ~~Family; and Article 59, Public Intoxication; violation of the North~~
4 ~~Carolina Controlled Substances Act, Article 5 of Chapter 90 of the~~
5 ~~General Statutes, and alcohol-related offenses such as sale to~~
6 ~~underage persons in violation of G.S. 18B-302 or driving while~~
7 ~~impaired in violation of G.S. 20-138.1 through~~
8 ~~G.S. 20-138.5; felony indictment of a crime for child abuse or~~
9 ~~neglect, spousal abuse, a crime against a child, including child~~
10 ~~pornography, or for a crime involving violence, including rape,~~
11 ~~sexual assault, or homicide, other than physical assault or battery; a~~
12 ~~county, State, or federal conviction of a felony by a court of~~
13 ~~competent jurisdiction or a pending felony indictment for physical~~
14 ~~assault, battery, or a drug-related offense, if the offense was~~
15 ~~committed within the past five years; or similar crimes under~~
16 federal law or under the laws of other states. Your fingerprints will
17 be used to check the criminal history records of the State Bureau of
18 Investigation (SBI) and the Federal Bureau of Investigation (FBI).

19 If it is determined, based on your criminal history, that you are
20 unfit to have a foster child reside with you, you shall have the
21 opportunity to complete or challenge the accuracy of the
22 information contained in the SBI or FBI identification records.

23 If licensure is denied or the foster home license is revoked by
24 the Department of Health and Human Services as a result of the
25 criminal history check, if you are a foster parent, or are applying to
26 become a foster parent, you may request a hearing pursuant to
27 Article 3 of Chapter 150B of the General Statutes, the
28 Administrative Procedure Act.

29 Any person who intentionally falsifies any information required
30 to be furnished to conduct the criminal history is guilty of a Class 2
31 misdemeanor."

32 Refusal to consent to a criminal history check is grounds for the Department to deny
33 or revoke a license to provide foster care. Any person who intentionally falsifies any
34 information required to be furnished to conduct the criminal history is guilty of a Class
35 2 misdemeanor."

36 **SECTION 15.** This act is effective when it becomes law.