

Courts, Justice, and Corrections

See full summary documents for additional detail

H29 - Standing Up for Rape Victims Act of 2019. (SL 2019-221)

S.L. 2019-221 establishes processes and protocols for testing untested sexual assault kits, requires a law enforcement agency to notify the North Carolina State Crime Lab (Crime Lab) of an arrest or conviction resulting from a hit in the Combined DNA Index System (CODIS), and appropriates funds to the Department of Justice to cover costs associated with implementing this act.

This act became effective September 18, 2019.

H99 - Transfer ALE/Move Boxing Advisory Commission.

Part I: Transfer Ale. (SL 2019-203)

Part I of S.L. 2019-203 relocates the Alcohol Law Enforcement Branch (ALE) from within the State Bureau of Investigation (SBI) to create a new Division of the Department of Public Safety and clarifies the jurisdiction of ALE agents. Co-location of SBI/ALE offices will continue until funding is appropriated.

This act became effective October 1, 2019.

H106 - Inmate Health Care & 340B Program. (SL 2019-135)

S.L. 2019-135 makes a number of changes in to improve medical care to inmates and contain costs.

- Part I of the act requires the Department of Public Safety (DPS) to develop a plan to increase the use of the Central Prison Healthcare Complex and to submit the plan to the Joint Legislative Oversight Committee on Justice and Public Safety; requires a quarterly report on the reimbursement rate for contracted providers; adds a new statute pertaining to Medicaid services for inmates and requires progress reports; requires the issuance of two Requests for Proposals (RFP) to develop an electronic inventory system for medical supplies; requires DPS to study and develop initiatives pertaining to the salaries of all in-prison health services employees; and requires the establishment of a telemedicine pilot program to provide physical health services to inmates.
- Part II requires DPS to partner with the Department of Health and Human Services to access medication pricing under the federal 340B Program; requires DPS to issue a RFP for partnerships between entities covered under the federal 340B Program and four prison regions; requires DPS to develop a Memorandum of Agreement with the University of North Carolina Healthcare Services for the 340B Program; requires periodic reporting; and codifies reporting requirements.

The section of the act pertaining to Medicaid services for inmates and related reporting requirements became effective October 1, 2019, the remainder of the act became effective July 19, 2019.

H108 - PED/Safekeeper Health Care Cost Recov. Pract. (SL 2019-171)

S.L. 2019-171 modifies the data collection and cost recovery practices for health care services provided to inmates who are transferred from a local jail to the State prison system pursuant to a safekeeping order.

This act became effective October 1, 2019, and applies to all prisoners transferred on or after that date.

H126 - Pay Increases/State Highway Patrol. (SL 2019-210)

S.L. 2019-210 awards legislatively mandated salary increases and special annual leave to the law enforcement officers of the State Highway Patrol.

This act became effective July 1, 2019.

H301 - Court Improvement Project Revisions/Juvenile Code. (SL 2019-33)

S.L. 2019-33 makes revisions to the Juvenile Code as recommended by Juvenile Code Revision Subcommittee of the North Carolina Court Improvement Program (CIP).

This act became effective October 1, 2019.

H323 - Assess Costs of Local LEO Crime Lab Analysis. (SL 2019-150)

S.L. 2019-150 allows judges to order, and local governments and local law enforcement units to receive, court costs for lab services performed by a privately-owned lab or for the services of an expert witness employed by a privately-owned lab.

The act became effective July 1, 2019, and applies to costs assessed on or after that date.

H415 - Photos of Juveniles/Show-Ups. (SL 2019-47)

S.L. 2019-47 creates an exception in the law governing non-testimonial identification procedures for juveniles to allow a photograph to be taken of a juvenile suspected in committing a crime at the time of a show-up and establishes procedures to be followed when a juvenile is photographed for a show-up.

This act became effective on June 26, 2019.

H470 - Administration of Justice Changes. (SL 2019-243)

S.L. 2019-243 does the following:

- Makes changes and technical corrections requested by the Administrative Office of the Courts (AOC).
- Directs the Supreme Court to make rules regarding e-filing and e-signing of court documents.
- Requires the Administrative Office of the Courts to report the rules created to the General Assembly by March 31, 2020.
- Amends fees and makes changes to processes in civil court, as recommended by the Conference of Superior Court Clerks.
- Makes technical corrections, conforming changes, and clarifications to various statutes as requested by State agencies.
- Amends the rules of civil and criminal procedure by requiring a judge to grant a continuance if requested to fulfill certain obligations to the State.
- Clarifies that the scope of Judicial Standards Commission investigations is limited to conduct and not matters of law.

This act has various effective dates. Please see the full summary for more detail, and the act for specific effective dates.

H578 - Modify Legitimations Provisions. (SL 2019-42)

S.L. 2019-42 removes language in regard to the legitimation process that conflicts with current case law.

This act became effective June 21, 2019, and applies to birth certificates issued on or after that date.

H609 - Salary Increases/Adult Correctional Employees. (SL 2019-208)

S.L. 2019-208 provides salary increases and other compensation to State employees employed in a position based in one or more State adult correctional facilities as of June 30 of each year of the fiscal biennium.

This act became effective July 1, 2019.

H617 - Allow Repeat Referral to Teen Court. (SL 2019-41)

S.L. 2019-41 allows a juvenile to be referred to a teen court program more than once by removing the prohibition on referring a juvenile to a teen court program if the juvenile has been referred to a teen court program previously.

This act became effective on June 21, 2019.

H747 - North Carolina Missing Person Information Sharing. (SL 2019-90)

S.L. 2019-90 authorizes law enforcement agencies to enter information from a missing person report or about unidentified persons into the National Missing and Unidentified Persons System (NamUS) after 30 days have passed and the person has not been found or identified.

The act became effective October 1, 2019.

H760 - Expand Loss Prevention Investigations. (SL 2019-193)

S.L. 2019-193 does the following:

- Expands the investigative authority of loss prevention workers by clarifying that those workers are not included in the definition of a private protective services profession.
- Clarifies that a prosecution for obtaining property by false pretenses is not barred because some acts constituting the crime did not occur within the State.

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

H1001 - Raise the Age Funding. (SL 2019-229)

S.L. 2019-229 (i) increases the number of full-time assistant district attorneys allowed in certain prosecutorial districts, (ii) adjusts the number of district court judges allowed in certain district court districts, and (iii) appropriates funds to the Administrative Office of the Courts, the Office of Indigent Defense Services, and the Department of Public Safety to cover costs associated with increased staff and other additional resources needed to implement Section 16D.4 of S.L. 2017-57 ("Raise the Age legislation").

Except as otherwise provided, the act became effective July 1, 2019.

S75 - Restore Ct. of Appeals Membership. (SL 2019-2)

S.L. 2019-2 increases the number of judges sitting on the North Carolina Court of Appeals from twelve to fifteen, and eliminates the requirement that three seats be abolished as vacancies arise.

This act became effective February 27, 2019.

S118 - Prison Safety/Temporary Assistance for Needy Families (TANF) State Plan/Clarifications. (SL 2019-223)

S.L. 2019-223 (i) makes various appropriations totaling \$4,471,149 in nonrecurring funds for the 2019-2020 fiscal year for the costs associated with listed prison safety expenditures, (ii) requires quarterly reporting to the Joint Legislative Oversight Committee on Justice and Public Safety starting on November 1, 2019, and until the end of the 2019-2021 biennium, delivered by the Department of Public Safety regarding listed prison reform initiatives, (iii) revises descriptive language regarding funds referenced in House Bill 966 of the 2019 Regular Session and other salary and benefits bills enacted in 2019 by using the term departmental receipts, and (iv) approves the 2019-2022 Temporary Assistance for Needy Families (TANF) State Plan.

This act became effective July 1, 2019.

S148 - Public Records/Release of LEO Recordings. (SL 2019-48)

S.L. 2019-48 amends G.S. 132-1.4A to clarify a law enforcement agency's responsibility to disclose and release certain recordings.

This act became effective on June 26, 2019.

S191 - Out-of-State Law Enforcement/2020 Republican Convention. (SL 2019-109)

S.L. 2019-109 authorizes a police department in a city with a population exceeding 500,000 to contract with an out-of-state law enforcement agency for the use of officers and equipment for a designated period.

This change becomes effective January 1, 2020, applies to all intergovernmental law enforcement agreements entered into on or after that date, and expires October 1, 2020.

Contingent upon House Bill 966 becoming law, the act also amends that bill's requirement that the Department of Administration select land in Granville County for relocation of certain State agency facilities. The amendment would require the selected land to be located in a specified business and industrial park if the land is donated to the State or conveyed for the sum of \$1.00. As of the date of this summary, a precondition to this provision becoming effective has not yet occurred, because the Governor's veto of House Bill 966 has not been overridden.

S250 - Remove Foreign Citizens from Voting Rolls. (Ratified)

Senate Bill 250 would do the following:

- Codify the case law requirement that jurors be United States citizens.
- Allow a chief district court judge to delegate hearing jury excuses to the clerk of court.

- Require applications for excusals from jury duty be made on a form developed by the Administrative Office of the Courts.
- Require clerks to maintain records of persons asking to be excused from jury duty due to disqualification, and share those records with the State Board of Elections (State Board) if the disqualification is due to citizenship for use in voter list maintenance efforts.
- Create a process for voter list maintenance removal of non-citizens reported as disqualified from jury duty.

Senate Bill 250 was ratified by the General Assembly on October 31, 2019, and vetoed by the Governor on November 6, 2019.

S413 - Raise the Age Modifications. (SL 2019-186)

S.L. 2019-186 modifies certain juvenile delinquency and juvenile justice statutes to facilitate implementation of the legislation known as "Raise the Age."

This act became effective on December 1, 2019, and applies to offenses committed on or after that date.

S493 - DVPO Abuser Treatment/Time of Expiration. (SL 2019-168)

Session Law 2019-168 does the following:

- Adds procedural efficiencies when a defendant is ordered to attend an abuser treatment program.
- Clarifies that a domestic violence protective order (DVPO) expires at 11:59 pm on the last day the order is valid.
- Clarifies any subsequent court order supersedes protective orders issued under Chapter 50B.

This act became effective December 1, 2019 and applies to court orders in effect on or after that date.

S579 - Prison Reform Act of 2019. (SL 2019-236)

S.L. 2019-236 directs the Program Evaluation Division to study alternative organization and management structures for the Division of Adult Correction and Juvenile Justice, and report findings to the General Assembly no later than November 1, 2020.

This act became effective November 1, 2019.

S682 - Implement Crime Victim Rights Amendment. (SL 2019-216)

S.L. 2019-216 implements the constitutional amendment to provide better protections and safeguards to victims of crime and acts of delinquency. The act expands a victim's right to be present and heard at court proceedings; provides an enforcement procedure for failure to comply with the constitutionally guaranteed rights of victims; creates a new Article in the Juvenile Code that models the Crime Victims' Rights Act;

and directs the Conference of District Attorneys and the Administrative Office of the Courts to develop procedures and forms required for implementation of this act.

The expanded protections for victims became effective August 31, 2019, and apply to offenses and acts of delinquency committed on or after that date. The portion of the act directing development of procedures and forms became effective September 4, 2019.