

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 101\*  
PROPOSED COMMITTEE SUBSTITUTE S101-PCS75298-MN-3

Short Title: GSC Technical Corrections 2013.

(Public)

Sponsors:

Referred to:

February 20, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS  
3 RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The title of Article 9 of Chapter 7A of the General Statutes reads as  
6 rewritten:

7 "Article 9.

8 District Attorneys and ~~Judicial-Prosecutorial~~ Districts."

9 **SECTION 2.** G.S. 13-1 reads as rewritten:

10 "**§ 13-1. Restoration of citizenship.**

11 Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have  
12 such rights automatically restored upon the occurrence of any one of the following conditions:

- 13 (1) The unconditional discharge of an inmate, of a probationer, or of a parolee  
14 by the ~~Division of Adult Correction of the Department of Public Safety;~~  
15 agency of the State having jurisdiction of that person or of a defendant under  
16 a suspended sentence by the court.  
17 (2) The unconditional pardon of the offender.  
18 (3) The satisfaction by the offender of all conditions of a conditional pardon.  
19 (4) With regard to any person convicted of a crime against the United States, the  
20 unconditional discharge of such person by the agency of the United States  
21 having jurisdiction of such person, the unconditional pardon of such person  
22 or the satisfaction by such person of a conditional pardon.  
23 (5) With regard to any person convicted of a crime in another state, the  
24 unconditional discharge of such person by the agency of that state having  
25 jurisdiction of such person, the unconditional pardon of such person or the  
26 satisfaction by such person of a conditional pardon."

27 **SECTION 3.(a)** G.S. 14-17(a) reads as rewritten:

28 "(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical  
29 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment,  
30 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which  
31 shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex  
32 offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of  
33 a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any  
34 person who commits such murder shall be punished with death or imprisonment in the State's  
35 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except  
36 that any such person who was under 18 years of age at the time of the murder shall be punished



\* S 1 0 1 - P C S 7 5 2 9 8 - M N - 3 \*

1 with imprisonment in the State's prison for life without parole, in accordance with Part 2A of  
 2 Article 81B of Chapter 15A of the General Statutes."

3 **SECTION 3.(b)** G.S. 15A-1340.17(c) reads as rewritten:

4 "(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart  
 5 Described. — The authorized punishment for each class of offense and prior record level is as  
 6 specified in the chart below. Prior record levels are indicated by the Roman numerals placed  
 7 horizontally on the top of the chart. Classes of offense are indicated by the letters placed  
 8 vertically on the left side of the chart. Each cell on the chart contains the following  
 9 components:

- 10 (1) A sentence disposition or dispositions: "C" indicates that a community  
 11 punishment is authorized; "I" indicates that an intermediate punishment is  
 12 authorized; "A" indicates that an active punishment is authorized; and "Life  
 13 Imprisonment Without Parole" indicates that the defendant shall be  
 14 imprisoned for the remainder of the prisoner's natural life.
- 15 (2) A presumptive range of minimum durations, if the sentence of imprisonment  
 16 is neither aggravated or mitigated; any minimum term of imprisonment in  
 17 that range is permitted unless the court finds pursuant to G.S. 15A-1340.16  
 18 that an aggravated or mitigated sentence is appropriate. The presumptive  
 19 range is the middle of the three ranges in the cell.
- 20 (3) A mitigated range of minimum durations if the court finds pursuant to  
 21 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in  
 22 such a case, any minimum term of imprisonment in the mitigated range is  
 23 permitted. The mitigated range is the lower of the three ranges in the cell.
- 24 (4) An aggravated range of minimum durations if the court finds pursuant to  
 25 G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified;  
 26 in such a case, any minimum term of imprisonment in the aggravated range  
 27 is permitted. The aggravated range is the higher of the three ranges in the  
 28 cell.

29 PRIOR RECORD LEVEL

	I	II	III	IV	V	VI	
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts	
A	<del>Life Imprisonment Without Parole or Death</del> With Parole or Without Parole, or Death, as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	276-345	317-397	365-456	Life Imprisonment Without Parole		Aggravated
B1	192-240	221-276	254-317	292-365	336-420	386-483	PRESUMPTIVE
	144-192	166-221	190-254	219-292	252-336	290-386	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	180-225	207-258	238-297	273-342	314-393	Aggravated
B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE
	94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
	A	A	A	A	A	A	DISPOSITION
	73-92	83-104	96-120	110-138	127-159	146-182	Aggravated
C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
	44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
	A	A	A	A	A	A	DISPOSITION
	64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
	38-51	44-59	51-67	58-78	67-89	77-103	Mitigated

1		I/A	I/A	A	A	A	A	DISPOSITION
2		25-31	29-36	33-41	38-48	44-55	50-63	Aggravated
3	E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
4		15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
5		I/A	I/A	I/A	A	A	A	DISPOSITION
6		16-20	19-23	21-27	25-31	28-36	33-41	Aggravated
7	F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
8		10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
9		I/A	I/A	I/A	I/A	A	A	DISPOSITION
10		13-16	14-18	17-21	19-24	22-27	25-31	Aggravated
11	G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
12		8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
13		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
14		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
15	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
16		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
17		C	C/I	I	I/A	I/A	I/A	DISPOSITION
18		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
19	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
20		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

**SECTION 4.** G.S. 15A-145.5 reads as rewritten:

**"§ 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.**

(a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent felony" means any misdemeanor or felony except the following:

- (1) A Class A through G felony or a Class A1 misdemeanor.
- (2) An offense that includes assault as an essential element of the offense.
- (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
- (4) Any of the following sex-related or stalking offenses: G.S. 14-27.7A(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1.
- (5) Any felony offense in Chapter 90 of the General Statutes where the offense involves methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine.
- (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for which punishment was determined pursuant to G.S. 14-3(c).
- (7) An offense under G.S. 14-401.16.
- (8) Any felony offense in which a commercial motor vehicle was used in the commission of the offense.

...

(c) A person may file a petition, in the court where the person was convicted, for expunction of a nonviolent misdemeanor or nonviolent felony conviction from the person's criminal record if the person has no other misdemeanor or felony convictions, other than a traffic violation, and was convicted of a nonviolent misdemeanor or nonviolent felony that is eligible pursuant to subsection (b) of this section. The petition shall not be filed earlier than 15 years after the date of the conviction or when any active sentence, period of probation, and post-release supervision has been served, whichever occurs later. The petition shall contain, but not be limited to, the following:

- 1 (1) An affidavit by the petitioner that the petitioner has been of good moral  
2 character since the date of conviction for the nonviolent misdemeanor or  
3 nonviolent felony and has not been convicted of any other felony or  
4 misdemeanor, other than a traffic violation, under the laws of the United  
5 States or the laws of this State or any other state.
- 6 (2) Verified affidavits of two persons who are not related to the petitioner or to  
7 each other by blood or marriage, that they know the character and reputation  
8 of the petitioner in the community in which the petitioner lives and that the  
9 petitioner's character and reputation are good.
- 10 (3) A statement that the petition is a motion in the cause in the case wherein the  
11 petitioner was convicted.
- 12 (4) An application on a form approved by the Administrative Office of the  
13 Courts requesting and authorizing a name-based State and national criminal  
14 history record check by the Department of Justice using any information  
15 required by the Administrative Office of the Courts to identify the  
16 individual, a search by the Department of Justice for any outstanding  
17 warrants on pending criminal cases, and a search of the confidential record  
18 of expunctions maintained by the Administrative Office of the Courts. The  
19 application shall be forwarded to the Department of Justice and to the  
20 Administrative Office of the Courts, which shall conduct the searches and  
21 report their findings to the court.
- 22 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
23 representing amounts ordered for restitution entered against the petitioner  
24 are outstanding.

25 Upon filing of the petition, the petition shall be served upon the district attorney of the court  
26 wherein the case was tried resulting in conviction. The district attorney shall have 30 days  
27 thereafter in which to file any objection thereto and shall be duly notified as to the date of the  
28 hearing of the petition. Upon good cause shown, the court may grant the district attorney an  
29 additional 30 days to file objection to the petition. The district attorney shall make his or her  
30 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior  
31 to the date of the hearing.

32 The presiding judge is authorized to call upon a probation officer for any additional  
33 investigation or verification of the petitioner's conduct since the conviction. The court shall  
34 review any other information the court deems relevant, including, but not limited to, affidavits  
35 or other testimony provided by law enforcement officers, district attorneys, and victims of  
36 crimes committed by the petitioner.

37 If the court, after hearing, finds that the petitioner has not previously been granted an  
38 expunction under this section, G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or  
39 15A-145.4; the petitioner has remained of good moral character; the petitioner has no  
40 outstanding warrants or pending criminal cases; the petitioner has no other felony or  
41 misdemeanor convictions other than a traffic violation; the petitioner has no outstanding  
42 restitution orders or civil judgments representing amounts ordered for restitution entered  
43 against the petitioner; and the petitioner was convicted of an offense eligible for expunction  
44 under this section and was convicted of, and completed any sentence received for, the  
45 nonviolent misdemeanor or nonviolent felony at least 15 years prior to the filing of the petition,  
46 it may order that such person be restored, in the contemplation of the law, to the status the  
47 person occupied before such arrest or indictment or information. If the court denies the petition,  
48 the order shall include a finding as to the reason for the denial.

49 ...."

50 **SECTION 5.** G.S. 20-183.2(a1) reads as rewritten:

1 "(a1) Safety Inspection Exceptions. – The following vehicles shall not be subject to a  
2 safety inspection pursuant to this Article:

3 (1) Historic vehicles, as ~~defined~~described in ~~G.S. 20-79.4(b)(63).~~  
4 G.S. 20-79.4(b)(88).

5 (2) Buses titled to a local board of education and subject to the school bus  
6 inspection requirements specified by the State Board of Education and  
7 G.S. 115C-248."

8 **SECTION 6.** G.S. 28A-2-6(e) reads as rewritten:

9 "(e) Rules of Civil Procedure. – Unless the clerk of superior court otherwise directs,  
10 ~~Rules 4.5, Rules 4, 5, 6(a), 6(d), 6(e), 18, 19, 20, 21, 24, 45, 56, and 65 of G.S. 1A-1, the Rules~~  
11 of Civil Procedure, shall apply to estate proceedings. Upon motion of a party or the clerk of  
12 superior court, the clerk may further direct that any or all of the remaining Rules of Civil  
13 Procedure shall apply, including, without limitation, discovery rules; however, nothing in Rule  
14 17 requires the appointment of a guardian ad litem for a party represented except as provided in  
15 G.S. 28A-2-7. In applying these Rules to an estate proceeding pending before the clerk of  
16 superior court, the term "judge" shall mean "clerk of superior court.""

17 **SECTION 7.(a)** G.S. 74-54(b) reads as rewritten:

18 "(b) The applicant shall have the option of filing a separate bond for each operating  
19 permit or of filing a blanket bond covering all mining operations within the State for which the  
20 applicant holds a permit. The amount of each bond shall be based upon the area of affected land  
21 to be reclaimed under the approved reclamation plan or plans to which the bond pertains, less  
22 any area where reclamation has been completed and released from coverage by the Department,  
23 pursuant to G.S. 74-56, or based on any other criteria established by the ~~North Carolina Mining~~  
24 ~~and Energy~~ Commission. The Department shall set the amount of the required bond in all  
25 cases, based upon a schedule established by the ~~North Carolina Mining and Energy~~  
26 Commission."

27 **SECTION 7.(b)** G.S. 74-54.1(c) reads as rewritten:

28 "(c) The Department shall annually report on or before ~~1 September~~ September 1 to the  
29 Environmental Review Commission, the Fiscal Research Division, and the ~~North Carolina~~  
30 ~~Mining and Energy~~ Commission on the cost of implementing this Article. The report shall  
31 include the fees established, collected, and disbursed under this section and any other  
32 information requested by the General Assembly or the Commission."

33 **SECTION 7.(c)** G.S. 74-67 reads as rewritten:

34 **"§ 74-67. Exemptions.**

35 The provisions of this Article shall not apply to those activities of the Department of  
36 Transportation, nor of any person, firm, or corporation acting under contract with ~~said the~~  
37 Department of Transportation, on highway rights-of-way or borrow pits maintained solely in  
38 connection with the construction, repair, and maintenance of the public road systems of North  
39 Carolina; provided, that this exemption shall not become effective until the Department of  
40 Transportation shall have adopted reclamation standards applying to such activities and such  
41 standards have been approved by the ~~North Carolina Mining and Energy~~ Commission. The  
42 provisions of this Article shall not apply to mining on federal lands under a valid permit from  
43 the U.S. Forest Service or the U.S. Bureau of Land Management."

44 **SECTION 8.** G.S. 90B-3 reads as rewritten:

45 **"§ 90B-3. Definitions.**

46 The following definitions apply in this Chapter:

47 (1) Board. – The North Carolina Social Work Certification and Licensure  
48 Board.

49 (2) ~~Licensed Clinical Social Worker. – A person who is competent to function~~  
50 ~~independently, who holds himself or herself out to the public as a social~~

~~worker, and who offers or provides clinical social work services or supervises others engaging in clinical social work practice.~~

- (3) Certified Master Social Worker. – A person who is certified under this Chapter to practice social work as a master social worker and is engaged in the practice of social work.
- (4) Certified Social Work Manager. – A person who is certified under this Chapter to practice social work as a social work manager and is engaged in the practice of social work.
- (5) Certified Social Worker. – A person who is certified under this Chapter to practice social work as a social worker and is engaged in the practice of social work.
- (6) Clinical Social Work Practice. – The professional application of social work theory and methods to the biopsychosocial diagnosis, treatment, or prevention, of emotional and mental disorders. Practice includes, by whatever means of communications, the treatment of individuals, couples, families, and groups, including the use of psychotherapy and referrals to and collaboration with other health professionals when appropriate. Clinical social work practice shall not include the provision of supportive daily living services to persons with severe and persistent mental illness as defined in G.S. 122C-3(33a).
- (6a) Licensed Clinical Social Worker. – A person who is competent to function independently, who holds himself or herself out to the public as a social worker, and who offers or provides clinical social work services or supervises others engaging in clinical social work practice.
- (6b) Licensed Clinical Social Worker Associate. – A person issued an associate license to provide clinical social work services pursuant to G.S. 90B-7(f).
- (7) Practice of Social Work. – To perform or offer to perform services, by whatever means of communications, for other people that involve the application of social work values, principles, and techniques in areas such as social work services, consultation and administration, and social work planning and research.
- (8) Social Worker. – A person certified, licensed, or associate licensed by this Chapter or otherwise exempt under G.S. 90B-10."

**SECTION 9.** G.S. 115D-12 reads as rewritten:

**"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

Group One – four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two – four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is

1 composed of two or more counties, the trustees shall be elected jointly by the boards of  
2 commissioners of all those counties, each board having one vote in the election of each trustee.  
3 Provided, also, the county commissioners of the county in which the community college has  
4 established a satellite campus may elect an additional two members if the board of trustees of  
5 the community college agrees. No more than one trustee from Group Two may be a member of  
6 a board of county commissioners. Should the boards of education or the boards of  
7 commissioners involved be unable to agree on one or more trustees the senior resident superior  
8 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the  
9 institution is located shall fill the position or positions by appointment.

10 Group Three – four trustees, appointed by the Governor.

11 Group Four – the president of the student government or the chairman of the executive  
12 board of the student body of each community college established pursuant to  
13 ~~G.S. 115D~~ Chapter 115D of the General Statutes shall be an ex officio nonvoting member of the  
14 board of trustees of each said institution.

15 (b) All trustees shall be residents of the administrative area of the institution for which  
16 they are selected or of counties contiguous thereto with the exception of members provided for  
17 in ~~G.S. 115D-12(a), Group Four~~, subsection (a) of this section, Group Four.

18 (b1) No person who has been employed full time by the community college within the  
19 prior 5 years and no spouse or child of a person currently employed full time by the community  
20 college shall serve on the board of trustees of that college.

21 (c) Vacancies occurring in any group for whatever reason shall be filled for the  
22 remainder of the unexpired term by the agency or agencies authorized to select trustees of that  
23 group and in the manner in which regular selections are made. Should the selection of a trustee  
24 not be made by the agency or agencies having the authority to do so within 60 days after the  
25 date on which a vacancy occurs, whether by creation or expiration of a term or for any other  
26 reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired  
27 term."

28 **SECTION 10.** G.S. 120-12.1 reads as rewritten:

29 "**§ 120-12.1. Reports on vacant positions in the Judicial Department and ~~three~~two other**  
30 **departments.**

31 The Judicial Department, the Department of Justice, and the Department of Public Safety  
32 shall each report by February 1 of each year to the Chairs of the House and Senate  
33 Appropriations Committees and the Chairs of the House and Senate Appropriations  
34 Subcommittees on Justice and Public Safety on all positions within that department that have  
35 remained vacant for 12 months or more. The report shall include the original position vacancy  
36 dates, the dates of any postings or repostings of the positions, and an explanation for the length  
37 of the vacancies."

38 **SECTION 11.** G.S. 122C-22(a) reads as rewritten:

39 "(a) ~~The~~ All of the following are excluded from the provisions of this Article and are not  
40 required to obtain licensure under this Article:

41 (1) Physicians and psychologists engaged in private office ~~practice~~; practice.

42 (2) General hospitals licensed under Article 5 of Chapter 131E of the General  
43 Statutes, that operate special units for the mentally ill, developmentally  
44 disabled, or substance ~~abusers~~; abusers.

45 (3) State and federally operated ~~facilities~~; facilities.

46 (4) Adult care homes licensed under Chapter 131D of the General  
47 ~~Statutes~~; Statutes.

48 (5) Developmental child care centers licensed under Article 7 of Chapter 110 of  
49 the General ~~Statutes~~; Statutes.

50 (6) Persons subject to licensure under rules of the Social Services  
51 ~~Commission~~; Commission.

- 1 (7) Persons subject to rules and regulations of the Division of Vocational  
2 Rehabilitation ~~Services;~~Services.
- 3 (8) Facilities that provide occasional respite care for not more than two  
4 individuals at a time; provided that the primary purpose of the facility is  
5 other than as defined in ~~G.S. 122C-3(14);~~G.S. 122C-3(14).
- 6 (9) Twenty-four-hour nonprofit facilities established for the purposes of shelter  
7 care and recovery from alcohol or other drug addiction through a 12-step,  
8 self-help, peer role modeling, and self-governance ~~approach;~~approach.
- 9 (10) Inpatient chemical dependency or substance abuse facilities that provide  
10 services exclusively to inmates of the Division of Adult Correction of the  
11 Department of Public Safety, as described in ~~G.S. 148-19.1;~~  
12 ~~and~~G.S. 148-19.1.
- 13 (11) A charitable, nonprofit, faith-based, adult residential treatment facility that  
14 does not receive any federal or State funding and is a religious organization  
15 exempt from federal income tax under section 501(a) of the Internal  
16 Revenue ~~Code;~~ ~~and~~Code.
- 17 (12) A home in which up to three adults, two or more having a disability, co-own  
18 or co-rent a home in which the persons with disabilities are receiving three  
19 or more hours of day services in the home or up to 24 hours of residential  
20 services in the home. The individuals who have disabilities cannot be  
21 required to move if the individuals change services, change service  
22 providers, or discontinue services."

23 **SECTION 12.** G.S. 136-89.210(1) reads as rewritten:

24 "(1) ~~Reserved.~~"

25 **SECTION 13.** G.S. 143B-1100(a) reads as rewritten:

26 "(a) There is hereby created the Governor's Crime Commission of the Department of  
27 Public Safety. The Commission shall consist of ~~36~~37 voting members and ~~six~~five nonvoting  
28 members. The composition of the Commission shall be as follows:

- 29 (1) The voting members shall be:
- 30 a. The Governor, the Chief Justice of the Supreme Court of North  
31 Carolina (or the Chief Justice's designee), the Attorney General, the  
32 Director of the Administrative Office of the Courts, the Secretary of  
33 the Department of Health and Human Services, the Secretary of  
34 Public Safety (or the Secretary's designee), and the Superintendent of  
35 Public Instruction;
- 36 b. A judge of superior court, a judge of district court specializing in  
37 juvenile matters, a chief district court judge, a clerk of superior court,  
38 and a district attorney;
- 39 c. A defense attorney, three sheriffs (one of whom shall be from a "high  
40 crime area"), three police executives (one of whom shall be from a  
41 "high crime area"), eight citizens (two with knowledge of juvenile  
42 delinquency and the public school system, two of whom shall be  
43 under the age of 21 at the time of their appointment, one advocate for  
44 victims of all crimes, one representative from a domestic violence or  
45 sexual assault program, one representative of a "private juvenile  
46 delinquency program," and one in the discretion of the Governor),  
47 three county commissioners or county officials, and three mayors or  
48 municipal officials;
- 49 d. Two members of the North Carolina House of Representatives and  
50 two members of the North Carolina Senate.



- 1 (2) The nonvoting members shall be the Director of the State Bureau of  
2 Investigation, the Deputy Director of the Division of Juvenile Justice of the  
3 Department of Public Safety who is responsible for Intervention/Prevention  
4 programs, the Deputy Director of the Division of Juvenile Justice of the  
5 Department of Public Safety who is responsible for Youth Development  
6 programs, the Section Chief of the Section of Prisons of the Division of  
7 Adult Correction and the Section Chief of the Section of Community  
8 Corrections of the Division of Adult Correction."

9 **SECTION 14.(a)** G.S. 163-82.12 reads as rewritten:

10 **"§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

11 The State Board of Elections shall make all guidelines necessary to administer the statewide  
12 voter registration system established by this Article. All county boards of elections shall follow  
13 these guidelines and cooperate with the State Board of Elections in implementing guidelines.  
14 These guidelines shall include provisions for all of the following:

- 15 ...  
16 (8b) Notifying voter-registration applicants whose drivers license or last four  
17 digits of social security number does not result in a validation, attempting to  
18 resolve the discrepancy, initiating investigations under G.S. 163-33(3) or  
19 challenges under Article 8 of this Chapter where warranted, and notifying  
20 any voters of the requirement under ~~G.S. 163-166.2(b2)~~ G.S. 163-166.12(b2)  
21 to present identification when voting.

22 ...."

23 **SECTION 14.(b)** G.S. 163-166.12 reads as rewritten:

24 **"§ 163-166.12. Requirements for certain voters who register by mail.**

25 (a) Voting in Person. – An individual who has registered to vote by mail on or after  
26 January 1, 2003, and has not previously voted in an election that includes a ballot item for  
27 federal office in North Carolina, shall present to a local election official at a voting place before  
28 voting there one of the following:

- 29 (1) A current and valid photo identification.  
30 (2) A copy of one of the following documents that shows the name and address  
31 of the voter: a current utility bill, bank statement, government check,  
32 paycheck, or other government document.

33 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or  
34 after January 1, 2003, and has not previously voted in an election that includes a ballot item for  
35 federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the  
36 mailed-in absentee ballot one of the following:

- 37 (1) A copy of a current and valid photo identification.  
38 (2) A copy of one of the following documents that shows the name and address  
39 of the voter: a current utility bill, bank statement, government check,  
40 paycheck, or other government document.

41 (b1) Notation of Identification Proof. – The county board of elections shall note the type  
42 of identification proof submitted by the voter under the provisions of subsection (a) or (b) of  
43 this section and may dispose of the tendered copy of identification proof as soon as the type of  
44 proof is noted in the voter registration records.

45 (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an  
46 individual has registered by mail or by another method, if the individual has provided with the  
47 registration form a drivers license number or last four digits of a Social Security number but the  
48 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and  
49 the number has not been otherwise validated by the board of elections, in the first election in  
50 which the individual votes that individual shall submit with the ballot the form of identification  
51 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot

1 is voted in person or absentee. If that identification is provided and the board of elections does  
2 not determine that the individual is otherwise ineligible to vote a ballot, the failure of  
3 identification numbers to match shall not prevent that individual from registering to vote and  
4 having that individual's vote counted. If the individual registers and votes under  
5 G.S. 163-82.6A, the identification documents required in that section, rather than those  
6 described in subsection (a) or (b) of this section, apply.

7 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),  
8 (b), or (b2) of this section to present identification in order to vote, but that individual does not  
9 present the required identification, that individual may vote a provisional official ballot. If the  
10 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If  
11 the voter is voting by mail-in absentee ballot, the mailed ballot without the required  
12 identification shall be treated as a provisional official ballot.

13 (d) Exemptions. – This section does not apply to any of the following:

- 14 (1) An individual who registers by mail and submits as part of the registration  
15 application either of the following:  
16 a. A copy of a current and valid photo identification.  
17 b. A copy of one of the following documents that shows the name and  
18 address of the voter: a current utility bill, bank statement,  
19 government check, paycheck, or other government document.  
20 (2) An individual who registers by mail and submits as part of the registration  
21 application the individual's drivers license number or at least the last four  
22 digits of the individual's social security number where an election official  
23 matches either or both of the numbers submitted with an existing State  
24 identification record bearing the same number, name, and date of birth  
25 contained in the submitted registration. If any individual's number does not  
26 match, the individual shall provide identification as required in subsection  
27 (b2) of this section in the first election in which the individual votes.  
28 (3) An individual who is entitled to vote by absentee ballot under the Uniformed  
29 and Overseas Citizens Absentee Voting Act.  
30 (4) An individual who is entitled to vote otherwise than in person under section  
31 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped  
32 Act.  
33 (5) An individual who is entitled to vote otherwise than in person under any  
34 other federal law."

35 **SECTION 15.** The introductory language of Section 5 of S.L. 2012-11 reads as  
36 rewritten:

37 "**SECTION 5.** ~~G.S. 160A-60(a)~~ G.S. 160A-58.60(a) reads as rewritten:"

38 **SECTION 16.** The introductory language of Section 2(b) of S.L. 2012-120 reads as  
39 rewritten:

40 "**SECTION 2.(b)** ~~G.S. 140-3.15(e)~~ G.S. 140-5.13(g) reads as rewritten:"

41 **SECTION 17.** This act is effective when it becomes law.