

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 92*
Committee Substitute Favorable 5/8/13
Third Edition Engrossed 5/13/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H92-PCS70464-MN-6

Short Title: GSC Technical Corrections 2013.

(Public)

Sponsors:

Referred to:

February 13, 2013

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS
RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND OTHERS, TO
MAKE A TECHNICAL CORRECTION TO THE STATUTE PROVIDING THAT CAR
RENTAL AGENCIES ARE INNOCENT OWNERS IF A RENTED VEHICLE
BECOMES SUBJECT TO SEIZURE UNDER CHAPTER 20 OF THE GENERAL
STATUTES, AND TO ALLOW THE NORTH CAROLINA BOARD OF
ARCHITECTURE TO ACQUIRE AND DEAL WITH REAL PROPERTY.

The General Assembly of North Carolina enacts:

**PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL
STATUTES COMMISSION**

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

"Article 9.

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

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

"§ 13-1. Restoration of citizenship.

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

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



* H 9 2 - P C S 7 0 4 6 4 - M N - 6 *

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

"(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 18 years of age at the time of the murder shall be punished ~~with imprisonment in the State's prison for life without parole.~~ in accordance with Part 2A of Article 81B of Chapter 15A of the General Statutes."

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

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

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

PRIOR RECORD LEVEL

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	Life Imprisonment Without Parole or Death <u>With Parole or Without Parole, or Death,</u> as Established by Statute						
	A 240-300	A 276-345	A 317-397	A 365-456	A Life Imprisonment Without Parole	A	DISPOSITION Aggravated
B1	192-240 144-192	221-276 166-221	254-317 190-254	292-365 219-292	336-420 252-336	386-483 290-386	PRESUMPTIVE Mitigated
	A 157-196	A 180-225	A 207-258	A 238-297	A 273-342	A 314-393	DISPOSITION Aggravated

1	B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE
2		94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
3		A	A	A	A	A	A	DISPOSITION
4		73-92	83-104	96-120	110-138	127-159	146-182	Aggravated
5	C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
6		44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
7		A	A	A	A	A	A	DISPOSITION
8		64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
9	D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
10		38-51	44-59	51-67	58-78	67-89	77-103	Mitigated
11		I/A	I/A	A	A	A	A	DISPOSITION
12		25-31	29-36	33-41	38-48	44-55	50-63	Aggravated
13	E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
14		15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
15		I/A	I/A	I/A	A	A	A	DISPOSITION
16		16-20	19-23	21-27	25-31	28-36	33-41	Aggravated
17	F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
18		10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
19		I/A	I/A	I/A	I/A	A	A	DISPOSITION
20		13-16	14-18	17-21	19-24	22-27	25-31	Aggravated
21	G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
22		8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
23		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
24		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
25	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
26		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
27		C	C/I	I	I/A	I/A	I/A	DISPOSITION
28		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
29	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
30		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.

1 ...
2 (c) A person may file a petition, in the court where the person was convicted, for
3 expunction of a nonviolent misdemeanor or nonviolent felony conviction from the person's
4 criminal record if the person has no other misdemeanor or felony convictions, other than a
5 traffic violation, and was convicted of a nonviolent misdemeanor or nonviolent felony that is
6 eligible pursuant to subsection (b) of this section. The petition shall not be filed
7 earlier than 15 years after the date of the conviction or when any active sentence, period of
8 probation, and post-release supervision has been served, whichever occurs later. The petition
9 shall contain, but not be limited to, the following:

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

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

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

46 If the court, after hearing, finds that the petitioner has not previously been granted an
47 expunction under this section, G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or
48 15A-145.4; the petitioner has remained of good moral character; the petitioner has no
49 outstanding warrants or pending criminal cases; the petitioner has no other felony or
50 misdemeanor convictions other than a traffic violation; the petitioner has no outstanding
51 restitution orders or civil judgments representing amounts ordered for restitution entered

1 against the petitioner; and the petitioner was convicted of an offense eligible for expunction
2 under this section and was convicted of, and completed any sentence received for, the
3 nonviolent misdemeanor or nonviolent felony at least 15 years prior to the filing of the petition,
4 it may order that such person be restored, in the contemplation of the law, to the status the
5 person occupied before such arrest or indictment or information. If the court denies the petition,
6 the order shall include a finding as to the reason for the denial.

7"

8 **SECTION 4.1.** G.S. 19A-2, as amended by S.L. 2013-3, reads as rewritten:

9 **"§ 19A-2. Purpose.**

10 It shall be the purpose of this Article to provide a civil remedy for the protection and
11 humane treatment of animals in addition to any criminal remedies that are available and it shall
12 be proper in any action to combine causes of action against one or more defendants for the
13 protection of one or more animals. A real party in interest as plaintiff shall be held to include
14 any person even though the person does not have a possessory or ownership right in an animal;
15 a real party in interest as defendant shall include any person who owns or has possession of an
16 animal. Venue for any action filed under this ~~Chapter~~ Article shall only be in the county in
17 ~~superior court~~ where any violation is alleged to have occurred."

18 **SECTION 4.2.** G.S. 20-171.19(a) reads as rewritten:

19 "(a) No person shall operate an all-terrain vehicle on a public street or highway or public
20 vehicular area when such operation is otherwise permitted by law, unless the person wears eye
21 protection and a safety helmet meeting United States Department of Transportation standards
22 for motorcycle helmets."

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

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

- 26 (1) Historic vehicles, as ~~defined~~ described in ~~G.S. 20-79.4(b)(63).~~
27 G.S. 20-79.4(b)(88).
28 (2) Buses titled to a local board of education and subject to the school bus
29 inspection requirements specified by the State Board of Education and
30 G.S. 115C-248."

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

32 "(e) Rules of Civil Procedure. – Unless the clerk of superior court otherwise directs,
33 ~~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~~
34 of Civil Procedure, shall apply to estate proceedings. Upon motion of a party or the clerk of
35 superior court, the clerk may further direct that any or all of the remaining Rules of Civil
36 Procedure shall apply, including, without limitation, discovery rules; however, nothing in Rule
37 17 requires the appointment of a guardian ad litem for a party represented except as provided in
38 G.S. 28A-2-7. In applying these Rules to an estate proceeding pending before the clerk of
39 superior court, the term "judge" shall mean "clerk of superior court.""

40 **SECTION 6.1.** G.S. 62-333 reads as rewritten:

41 **"§ 62-333. Screening employment applications.**

42 The Chief Personnel ~~Officer or his designee~~ Officer, or that person's designee, of any public
43 utility franchised to do business in North Carolina shall be permitted to obtain from the State
44 Bureau of Investigation a confidential copy of criminal history record information for screening
45 an applicant for employment with or an employee of a utility or utility contractor where the
46 employment or job to be performed falls within a class or category of positions certified by the
47 North Carolina Utilities Commission as permitting or requiring access to nuclear power
48 facilities or access to or control over nuclear material.

49 The State Bureau of Investigation shall charge a reasonable fee to defray the administrative
50 costs of providing criminal history record information for purposes of employment application
51 screening. The State Bureau of Investigation is authorized to retain fees charged pursuant to

1 this section and to expend those fees in accordance with the ~~Executive Budget Act~~ State Budget
2 Act for the purpose of discharging its duties under this section."

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

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

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

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

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

20 "**§ 74-67. Exemptions.**

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

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

31 "**§ 90B-3. Definitions.**

32 The following definitions apply in this Chapter:

- 33 (1) Board. – The North Carolina Social Work Certification and Licensure
34 Board.
- 35 (2) ~~Licensed Clinical Social Worker. – A person who is competent to function~~
36 ~~independently, who holds himself or herself out to the public as a social~~
37 ~~worker, and who offers or provides clinical social work services or~~
38 ~~supervises others engaging in clinical social work practice.~~
- 39 (3) Certified Master Social Worker. – A person who is certified under this
40 Chapter to practice social work as a master social worker and is engaged in
41 the practice of social work.
- 42 (4) Certified Social Work Manager. – A person who is certified under this
43 Chapter to practice social work as a social work manager and is engaged in
44 the practice of social work.
- 45 (5) Certified Social Worker. – A person who is certified under this Chapter to
46 practice social work as a social worker and is engaged in the practice of
47 social work.
- 48 (6) Clinical Social Work Practice. – The professional application of social work
49 theory and methods to the biopsychosocial diagnosis, treatment, or
50 prevention, of emotional and mental disorders. Practice includes, by
51 whatever means of communications, the treatment of individuals, couples,

1 families, and groups, including the use of psychotherapy and referrals to and
2 collaboration with other health professionals when appropriate. Clinical
3 social work practice shall not include the provision of supportive daily living
4 services to persons with severe and persistent mental illness as defined in
5 G.S. 122C-3(33a).

6 (6a) Licensed Clinical Social Worker. – A person who is competent to function
7 independently, who holds himself or herself out to the public as a social
8 worker, and who offers or provides clinical social work services or
9 supervises others engaging in clinical social work practice.

10 (6b) Licensed Clinical Social Worker Associate. – A person issued an associate
11 license to provide clinical social work services pursuant to G.S. 90B-7(f).

12 (7) Practice of Social Work. – To perform or offer to perform services, by
13 whatever means of communications, for other people that involve the
14 application of social work values, principles, and techniques in areas such as
15 social work services, consultation and administration, and social work
16 planning and research.

17 (8) Social Worker. – A person certified, licensed, or associate licensed by this
18 Chapter or otherwise exempt under G.S. 90B-10."

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

20 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

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

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

35 Group Two – four trustees, elected by the board of commissioners of the county in which
36 the institution is located. Provided, however, if the administrative area of the institution is
37 composed of two or more counties, the trustees shall be elected jointly by the boards of
38 commissioners of all those counties, each board having one vote in the election of each trustee.
39 Provided, also, the county commissioners of the county in which the community college has
40 established a satellite campus may elect an additional two members if the board of trustees of
41 the community college agrees. No more than one trustee from Group Two may be a member of
42 a board of county commissioners. Should the boards of education or the boards of
43 commissioners involved be unable to agree on one or more trustees the senior resident superior
44 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the
45 institution is located shall fill the position or positions by appointment.

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

47 Group Four – the president of the student government or the chairman of the executive
48 board of the student body of each community college established pursuant to ~~G.S. 115D~~this
49 Chapter shall be an ex officio nonvoting member of the board of trustees of each said
50 institution.

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

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

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

14 **SECTION 9.1.** G.S. 116-201(b)(1) reads as rewritten:

15 "(1) "Article" or "this Article" means ~~this article 23~~ Article 23 of Chapter 116 of
 16 the General Statutes of North Carolina, presently comprising G.S. 116-201
 17 through 116-209.24; Carolina."

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

19 **"§ 120-12.1. Reports on vacant positions in the Judicial Department and ~~three~~two other**
 20 **departments.**

21 The Judicial Department, the Department of Justice, and the Department of Public Safety
 22 shall each report by February 1 of each year to the Chairs of the House and Senate
 23 Appropriations Committees and the Chairs of the House and Senate Appropriations
 24 Subcommittees on Justice and Public Safety on all positions within that department that have
 25 remained vacant for 12 months or more. The report shall include the original position vacancy
 26 dates, the dates of any postings or repostings of the positions, and an explanation for the length
 27 of the vacancies."

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

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

- 31 (1) Physicians and psychologists engaged in private office ~~practice~~; practice.
- 32 (2) General hospitals licensed under Article 5 of Chapter 131E of the General
 33 Statutes, that operate special units for the mentally ill, developmentally
 34 disabled, or substance ~~abusers~~; abusers.
- 35 (3) State and federally operated ~~facilities~~; facilities.
- 36 (4) Adult care homes licensed under Chapter 131D of the General
 37 ~~Statutes~~; Statutes.
- 38 (5) Developmental child care centers licensed under Article 7 of Chapter 110 of
 39 the General ~~Statutes~~; Statutes.
- 40 (6) Persons subject to licensure under rules of the Social Services
 41 ~~Commission~~; Commission.
- 42 (7) Persons subject to rules and regulations of the Division of Vocational
 43 Rehabilitation ~~Services~~; Services.
- 44 (8) Facilities that provide occasional respite care for not more than two
 45 individuals at a time; provided that the primary purpose of the facility is
 46 other than as defined in ~~G.S. 122C-3(14)~~; G.S. 122C-3(14).
- 47 (9) Twenty-four-hour nonprofit facilities established for the purposes of shelter
 48 care and recovery from alcohol or other drug addiction through a 12-step,
 49 self-help, peer role modeling, and self-governance ~~approach~~; approach.
- 50 (10) Inpatient chemical dependency or substance abuse facilities that provide
 51 services exclusively to inmates of the Division of Adult Correction of the

1 Department of Public Safety, as described in ~~G.S. 148-19.1;~~
2 ~~and~~ G.S. 148-19.1.

3 (11) A charitable, nonprofit, faith-based, adult residential treatment facility that
4 does not receive any federal or State funding and is a religious organization
5 exempt from federal income tax under section 501(a) of the Internal
6 Revenue ~~Code; [and] Code.~~

7 (12) A home in which up to three adults, two or more having a disability, co-own
8 or co-rent a home in which the persons with disabilities are receiving three
9 or more hours of day services in the home or up to 24 hours of residential
10 services in the home. The individuals who have disabilities cannot be
11 required to move if the individuals change services, change service
12 providers, or discontinue services."

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

14 "(1) ~~Reserved.~~"

15 **SECTION 12.1.** The catchline of G.S. 143B-721 reads as rewritten:

16 "**§ 143B-721. Post-Release Supervision and Parole Commission – members; selection;**
17 **removal; ~~chairman; chair; compensation; quorum; services.~~"**

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

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

22 (1) The voting members shall be:

23 a. The Governor, the Chief Justice of the Supreme Court of North
24 Carolina (or the Chief Justice's designee), the Attorney General, the
25 Director of the Administrative Office of the Courts, the Secretary of
26 the Department of Health and Human Services, the Secretary of
27 Public Safety (or the Secretary's designee), and the Superintendent of
28 Public Instruction;

29 b. A judge of superior court, a judge of district court specializing in
30 juvenile matters, a chief district court judge, a clerk of superior court,
31 and a district attorney;

32 c. A defense attorney, three sheriffs (one of whom shall be from a "high
33 crime area"), three police executives (one of whom shall be from a
34 "high crime area"), eight citizens (two with knowledge of juvenile
35 delinquency and the public school system, two of whom shall be
36 under the age of 21 at the time of their appointment, one advocate for
37 victims of all crimes, one representative from a domestic violence or
38 sexual assault program, one representative of a "private juvenile
39 delinquency program," and one in the discretion of the Governor),
40 three county commissioners or county officials, and three mayors or
41 municipal officials;

42 d. Two members of the North Carolina House of Representatives and
43 two members of the North Carolina Senate.

44 (2) The nonvoting members shall be the Director of the State Bureau of
45 Investigation, the Deputy Director of the Division of Juvenile Justice of the
46 Department of Public Safety who is responsible for Intervention/Prevention
47 programs, the Deputy Director of the Division of Juvenile Justice of the
48 Department of Public Safety who is responsible for Youth Development
49 programs, the Section Chief of the Section of Prisons of the Division of
50 Adult Correction and the Section Chief of the Section of Community
51 Corrections of the Division of Adult Correction."

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

2 "**§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.**

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

7 ...

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

14 "

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

16 "**§ 163-166.12. Requirements for certain voters who register by mail.**

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

21 (1) A current and valid photo identification.

22 (2) A copy of one of the following documents that shows the name and address
23 of the voter: a current utility bill, bank statement, government check,
24 paycheck, or other government document.

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

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

37 (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
38 individual has registered by mail or by another method, if the individual has provided with the
39 registration form a drivers license number or last four digits of a Social Security number but the
40 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
41 the number has not been otherwise validated by the board of elections, in the first election in
42 which the individual votes that individual shall submit with the ballot the form of identification
43 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
44 is voted in person or absentee. If that identification is provided and the board of elections does
45 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
46 identification numbers to match shall not prevent that individual from registering to vote and
47 having that individual's vote counted. If the individual registers and votes under
48 G.S. 163-82.6A, the identification documents required in that section, rather than those
49 described in subsection (a) or (b) of this section, apply.

50 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),
51 (b), or (b2) of this section to present identification in order to vote, but that individual does not

1 present the required identification, that individual may vote a provisional official ballot. If the
2 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If
3 the voter is voting by mail-in absentee ballot, the mailed ballot without the required
4 identification shall be treated as a provisional official ballot.

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

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

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

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

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

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

33 **SECTION 16.1.** Section 1(b) of S.L. 2013-1 reads as rewritten:

34 "**SECTION 1.(b)** The State Board of Education shall make high school diploma
35 endorsements, as provided under this section, available to students graduating from high school
36 beginning with the 2014-2015 school year. The State Board of Education shall report to the
37 Joint Legislative Education Oversight Committee on the progress toward establishing specific
38 college and career endorsements for high school diplomas and for awarding these endorsements
39 by February 1, 2014. The State Board of Education shall submit the report on the impact of
40 awarding the high school endorsements on high school graduation, college acceptance and
41 remediation, and post-high school employment rates by September 1, 2016, and annually
42 thereafter."

43 **SECTION 16.2.** The introductory language of Section 2 of S.L. 2013-26 reads as
44 rewritten:

45 "**SECTION 2.** Article II of Chapter 5 of the Charter of the City of ~~Charlotte~~Charlotte,
46 being S.L. 2000-26, is amended by adding the following new section:"

47 **SECTION 16.3.** The introductory language of Section 3 of S.L. 2013-55 reads as
48 rewritten:

49 "**SECTION 3.** ~~G.S. 47-29~~G.S. 47-29.1 is amended by adding a new subsection to read:"

50
51 **PART II. OTHER TECHNICAL AMENDMENTS AND OTHER CHANGES**

1 **SECTION 17.(a)** If House Bill 656, 2013 Regular Session, becomes law,
2 G.S. 20-28.2(a1)(2), as amended by Section 1 of the act, reads as rewritten:

3 "(2) Innocent Owner. – A motor vehicle owner:

4 ...

5 e. Who is (i) a rental car company as defined in ~~G.S. 66-201(a),~~
6 G.S. 66-201(a) and the vehicle was driven by a person who is not
7 listed as an authorized driver on the rental ~~agreement,~~ agreement as
8 defined in G.S. 66-201; or (ii) ~~is a rental car company as defined in~~
9 G.S. 66-201(a) and the vehicle was driven by a person who is listed
10 as an authorized driver on the rental agreement as defined in
11 G.S. 66-201 and if the offense resulting in seizure was an impaired
12 driving offense, the rental car company has no actual knowledge of
13 the revocation of the renter's drivers' license at the time the rental
14 agreement is entered, or if the offense resulting in seizure was a
15 felony speeding to elude arrest offense, the rental agreement
16 expressly prohibits use of the vehicle while committing a felony; or

17 "

18 **SECTION 17.(b)** This section becomes effective December 1, 2013.

19 **SECTION 18.** G.S. 83A-3 is amended by adding a new subsection to read:

20 "(c) The Board shall have the power to acquire, hold, rent, encumber, alienate, and
21 otherwise deal with real property in the same manner as a private person or corporation, subject
22 only to approval of the Governor and the Council of State. Collateral pledged by the Board for
23 an encumbrance shall be limited to the assets, income, and revenues of the Board."

24 **SECTION 19.(a)** If House Bill 276, 2013 Regular Session, becomes law, the
25 introductory language of G.S. 160A-388(b1), as enacted by Section 1 of the act, reads as
26 rewritten:

27 "(b1) Appeals. – The board of adjustment shall hear and decide appeals from decisions of
28 administrative officials charged with enforcement of the zoning or unified development
29 ordinance and may hear appeals arising out of any other ordinance that regulates land use or
30 development, pursuant to all of the following:"

31 **SECTION 19.(b)** This section becomes effective October 1, 2013.

32
33 **PART III. EFFECTIVE DATE**

34 **SECTION 20.** Except where otherwise provided, this act is effective when it
35 becomes law.