

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 584
PROPOSED COMMITTEE SUBSTITUTE S584-PCS35267-TT-28

Short Title: Criminal Law Reform.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO FUTURE CRIMINAL LAWS RELATED TO
3 REGULATORY OFFENSES AND CRIMES NOT CONTAINED IN CERTAIN
4 CHAPTERS OF THE GENERAL STATUTES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-4 reads as rewritten:

7 "**§ 14-4. Violation of local ordinances misdemeanor.**

8 (a) Except as provided in ~~subsection (b), if subsections (b) and (c) of this section,~~ any
9 person ~~shall violate~~ who violates an ordinance of a county, city, town, or metropolitan sewerage
10 district created under Article 5 of Chapter ~~162A, he shall be~~ 162A of the General Statutes is
11 guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).
12 No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum
13 fine is greater than fifty dollars (\$50.00).

14 (b) ~~If any~~ Any person shall violate who violates an ordinance of a county, city, or town
15 regulating the operation or parking of vehicles, he shall be vehicles is responsible for an infraction
16 and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

17 (c) Subsections (a) and (b) of this section do not apply to any ordinance created on or
18 after December 1, 2019.

19 (d) On or after December 1, 2020, no person who violates an ordinance of a county, city,
20 town, or metropolitan sewerage district created under Article 5 of Chapter 162A of the General
21 Statutes is guilty of a crime. Notwithstanding this subsection, criminal penalties may, by a
22 specific and explicit act of the General Assembly, be imposed for the violation of any ordinance
23 of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A
24 of the General Statutes, provided that the prohibited conduct is defined in this Chapter, Chapter
25 20 of the General Statutes, or Article 5 of Chapter 90 of the General Statutes.

26 (e) Nothing in this section shall restrict the authority of a county, city, town, or
27 metropolitan sewerage district to impose civil penalties for the violation of any ordinance
28 pursuant to G.S. 153A-123, 160A-175, or 162A-81."

29 **SECTION 2.** Article 1 of Chapter 14 of the General Statutes is amended by adding
30 two new sections to read:

31 "**§ 14-4.1. Legislative review of regulatory crimes.**

32 (a) Any rule adopted pursuant to Article 2A of Chapter 150B of the General Statutes that
33 creates a new criminal offense or otherwise subjects a person to criminal penalties is subject to
34 G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more
35 persons pursuant to G.S. 150B-21.3(b2).

36 (b) This section applies to rules adopted on or after December 1, 2019.



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1 **"§ 14-4.2. Notice of crimes.**

2 (a) Except as provided in subsection (b) of this section, no person shall be convicted of a
3 criminal offense unless the offense appears in this Chapter, Chapter 20 of the General Statutes,
4 or Article 5 of Chapter 90 of the General Statutes.

5 (b) Subsection (a) of this section does not apply to a person who has actual knowledge
6 that the behavior which is the basis for being charged with the offense constitutes a crime.

7 (c) This section applies to offenses created after December 1, 2019."

8 **SECTION 3.** Effective December 1, 2019, G.S. 150B-21.3(b1) reads as rewritten:

9 "(b1) Delayed Effective Dates. – ~~If~~ Except as provided in G.S. 14-4.1, if the Commission
10 received written objections to the rule in accordance with subsection (b2) of this section, the rule
11 becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of
12 the next regular session of the General Assembly that begins at least 25 days after the date the
13 Commission approved the rule, unless a different effective date applies under this section. If a
14 bill that specifically disapproves the rule is introduced in either house of the General Assembly
15 before the thirty-first legislative day of that session, the rule becomes effective on the earlier of
16 either the day an unfavorable final action is taken on the bill or the day that session of the General
17 Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency
18 adopting the rule specifies a later effective date than the date that would otherwise apply under
19 this subsection, the later date applies. A permanent rule that is not approved by the Commission
20 or that is specifically disapproved by a bill enacted into law before it becomes effective does not
21 become effective.

22 A bill specifically disapproves a rule if it contains a provision that refers to the rule by
23 appropriate North Carolina Administrative Code citation and states that the rule is disapproved.
24 Notwithstanding any rule of either house of the General Assembly, any member of the General
25 Assembly may introduce a bill during the first 30 legislative days of any regular session to
26 disapprove a rule that has been approved by the Commission and that either has not become
27 effective or has become effective by executive order under subsection (c) of this section."

28 **SECTION 4.** This act is effective when it becomes law.