

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 584
Judiciary Committee Substitute Adopted 4/30/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S584-PCS45335-SA-61

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, TO EXTEND THE TIME FOR LOCAL GOVERNMENTS
4 TO REPORT ORDINANCES WITH CRIMINAL PENALTIES, AND TO REQUIRE THE
5 GENERAL STATUTES COMMISSION TO STUDY CURRENT OFFENSES NOT
6 ENACTED BY STATUTE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 1 of Chapter 14 of the General Statutes is amended by adding
9 a new section to read:

10 "§ 14-4.1. Legislative review of regulatory crimes.

11 (a) Any rule adopted or amended pursuant to Article 2A of Chapter 150B of the General
12 Statutes that creates a new criminal offense or otherwise subjects a person to criminal penalties
13 is subject to G.S. 150B-21.3(b1) regardless of whether the rule received written objections from
14 10 or more persons pursuant to G.S. 150B-21.3(b2).

15 (b) This section applies to rules adopted on or after January 1, 2020."

16 SECTION 2. Effective January 1, 2020, G.S. 150B-21.3(b1) reads as rewritten:

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

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



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1 **SECTION 3.** Section 1 of S.L. 2018-69 reads as rewritten:

2 "**SECTION 1.** All State agencies, boards, and commissions that have the power to define
3 conduct as a crime in the North Carolina Administrative Code shall create a list of all crimes
4 defined by the agency, board, or commission that are in effect or pending implementation. Each
5 agency, board, or commission shall submit the list to the Joint Legislative Administrative
6 Procedure Oversight Committee ~~and the Joint Legislative Oversight Committee on Justice and~~
7 ~~Public Safety~~ no later than ~~December 1, 2018~~ November 1, 2019."

8 **SECTION 4.** Section 3 of S.L. 2018-69 reads as rewritten:

9 "**SECTION 3.** Every ~~county, city, town, or metropolitan sewerage district~~ county with a
10 population of 20,000 or more according to the last federal decennial census, city or town with a
11 population of 1,000 or more according to the last federal decennial census, or metropolitan
12 sewerage district that has enacted an ordinance punishable pursuant to G.S. 14-4(a) shall create
13 a list of applicable ordinances with a description of the conduct subject to criminal punishment
14 in each ordinance. Each county, city, town, or metropolitan sewerage district shall submit the list
15 to the Joint Legislative Administrative Procedure Oversight Committee ~~and the Joint Legislative~~
16 ~~Oversight Committee on Justice and Public Safety~~ no later than ~~December 1, 2018~~ November 1,
17 2019."

18 **SECTION 5.** No ordinance adopted on or after January 1, 2020, and before January
19 1, 2022, by a county, city, or town that was required to report pursuant to Section 3 of S.L.
20 2018-69, as amended by Section 4 of this act, shall be subject to the criminal penalty provided
21 by G.S. 14-4 unless that county, city, or town submitted the required report on or before
22 November 1, 2019. Ordinances regulated by this section may still be subject to civil penalties as
23 authorized by G.S. 153A-123 or G.S. 160A-175.

24 **SECTION 6.** The General Statutes Commission shall study the reports received
25 pursuant to S.L. 2018-69, as amended by Section 3 and Section 4 of this act, and make
26 recommendations regarding whether any conduct currently criminalized either (i) by an
27 ordinance of a county, city, town, or metropolitan sewerage district or (ii) in the North Carolina
28 Administrative Code by an agency, board, or commission, should have criminal penalties
29 provided by a generally applicable State law. The Commission shall report to the 2020 Regular
30 Session of the 2019 General Assembly and to the Joint Oversight Committee on General
31 Government on or before May 1, 2020.

32 **SECTION 7.** G.S. 93A-8 reads as rewritten:

33 "**§ 93A-8. Penalty for violation of Chapter.**

34 Any person violating ~~the provisions of this Chapter~~ G.S. 93A-1 shall upon conviction thereof
35 be deemed guilty of a Class 1 misdemeanor."

36 **SECTION 8.** Section 7 becomes effective December 1, 2019, and applies to offenses
37 committed on or after that date. The remainder of this act is effective when it becomes law.