

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS35251-NDa-34A

Short Title: Equity in Justice Act of 2021. (Public)

Sponsors: Senators Mohammed, Chaudhuri, and Murdock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CRIMINAL JUSTICE, POLICING, AND JUVENILE JUSTICE
3 REFORM, AND TO APPROPRIATE FUNDS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. FUNDS TO EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM TO ALL**
7 **COUNTIES IN THE STATE**

8 **SECTION 1.1.** G.S. 17C-20 reads as rewritten:

9 **"§ 17C-20. Definitions.**

10 As used in this Article, the following definitions apply:

11 ...

12 (5) Eligible county. – ~~A county with a population of less than 125,000 according~~
13 ~~to the latest federal decennial census or a county designated as a development~~
14 ~~tier one area pursuant to G.S. 143B-437.08, or both.~~ Any county of this State.

15"

16 **SECTION 1.2.** There is appropriated from the General Fund to the Department of
17 Justice six hundred sixty-three thousand five hundred seventy-nine dollars (\$663,579) in
18 recurring funds for the 2021-2022 fiscal year to be allocated to the North Carolina Criminal
19 Justice Fellows Program to continue to recruit qualified in-State high school seniors or
20 unemployed/underemployed graduates and provide them with a forgivable community college
21 loan to pursue.

22 **SECTION 1.3.** Section 1.2 of this Part becomes effective July 1, 2021. The
23 remainder of this Part is effective when it becomes law.

24
25 **PART II. EXEMPT IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS**
26 **FROM RULE MAKING**

27 **SECTION 2.1.** G.S. 150B-1(d) reads as rewritten:

28 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the
29 following:

30 ...

31 (6a) The Criminal Justice Education and Training Standards Commission with
32 respect to establishing minimum standards for in-service training for criminal
33 justice officers under G.S. 17C-6(a)(14).

34 (6b) The Sheriffs' Education and Training Standards Commission with respect to
35 establishing minimum standards for in-service training for justice officers
36 under G.S. 17E-4(a)(11).



...."

PART III. MODIFY VARIOUS LAW ENFORCEMENT STANDARDS, PRACTICES, AND REPORTING REQUIREMENTS

SECTION 3.1. G.S. 15A-401(d) reads as rewritten:

"(d) Use of Force in Arrest. –

...

(2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:

...

Strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck shall be considered the use of deadly force under this subdivision.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

(3) A law-enforcement officer that witnesses another law-enforcement officer using excessive force not justified under this section or otherwise abusing a suspect or arrestee has a duty to intervene and to report the use of excessive force or the abuse in writing to the law-enforcement officer's supervisor, department head, or other appropriate authority. No law-enforcement officer that submits a report pursuant to this subdivision shall be retaliated against by termination, suspension, or other disciplinary action.

(4) Under all circumstances in which a law-enforcement officer uses force of any kind, a law-enforcement officer shall use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and shall attempt to utilize de-escalation tactics when possible."

SECTION 3.2. Article 4 of Chapter 20 of the General Statutes reads as rewritten:

"Article 4.

"State Highway Patrol.

...

"§ 20-196.6. Require State Troopers to render medical assistance to persons in custody.

It shall be a mandatory policy of the State Highway Patrol that every State Trooper shall have a first aid kit and shall be required to do the following when a person in a State Trooper's custody is injured or complains of an injury:

(1) Render immediate, reasonable medical assistance when it is safe to do so.

(2) Contact emergency medical services when appropriate.

"§ 20-196.7. Require use of force early intervention system.

The State Highway Patrol shall develop and implement a use of force intervention system to document and track State Trooper actions, behaviors, and citizen complaints regarding the use of force to help the State Highway Patrol manage personnel by intervening to correct State Trooper performance. The use of force intervention system shall, at a minimum, do the following:

(1) Identify State Troopers who receive two or more citizen complaints of any kind in a single month.

(2) Identify State Troopers who report two or more use of force incidents, or who receive two or more citizen complaints regarding the use of force, in a single quarter.

For purposes of this section, "use of force" shall include actions taken by law enforcement officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.

1 Until the Department of Justice determines which data shall be reported pursuant to
2 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
3 G.S. 143B-919(b1).

4 **"§ 20-196.8. Require regular use of force data reporting to the State Bureau of**
5 **Investigation.**

6 The State Highway Patrol shall report to the State Bureau of Investigation State Trooper use
7 of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

8 **"§ 20-196.9. Require regular Rap Back data reporting to the State Bureau of Investigation.**

9 The State Highway Patrol shall report to the State Bureau of Investigation information
10 requested pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's
11 Record of Arrest and Prosecution Background (Rap Back) Service.

12 If the State Highway Patrol fails to report as required by this section, it shall not be eligible
13 to receive funds from either the Governor's Crime Commission or the Governor's Highway Safety
14 Program.

15 **"§ 20-196.10. Require use of National Incident-Based Reporting System.**

16 (a) The State Highway Patrol shall utilize and submit all available data to the National
17 Incident-Based Reporting System.

18 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
19 section shall be made publicly available on the State Highway Patrol website.

20 **"§ 20-196.11. Require use of body-worn and dashboard cameras.**

21 (a) State Troopers shall utilize body-worn and dashboard cameras, as each term is defined
22 in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to,
23 the following:

24 (1) Traffic stops.

25 (2) Pursuits.

26 (3) Arrests.

27 (4) Searches.

28 (5) Interrogations not covered under G.S. 15A-211.

29 (6) Interviews with victims and witnesses.

30 (7) Interactions with inmates of a State correctional facility or local confinement
31 facility.

32 (b) The requirements of subsection (a) of this section shall not apply to State Troopers
33 during undercover operations."

34 **SECTION 3.3.** Chapter 74E of the General Statutes reads as rewritten:

35 **"Chapter 74E.**

36 **"Company Police Act.**

37 ...

38 **"§ 74E-10.1. Require company police to render medical assistance to persons in custody.**

39 It shall be a mandatory policy of a company police agency that every company police officer
40 shall have a first aid kit and shall be required to do the following when a person in a company
41 police officer's custody is injured or complains of an injury:

42 (1) Render immediate, reasonable medical assistance when it is safe to do so.

43 (2) Contact emergency medical services when appropriate.

44 **"§ 74E-10.2. Require use of force early intervention system.**

45 A company police agency shall develop and implement a use of force intervention system to
46 document and track company police officer actions, behaviors, and citizen complaints regarding
47 the use of force to help the company police agency manage personnel by intervening to correct
48 company police officer performance. The use of force intervention system shall, at a minimum,
49 do the following:

50 (1) Identify company police officers who receive two or more citizen complaints
51 of any kind in a single month.

(2) Identify company police officers who report two or more use of force incidents, or who receive two or more citizen complaints regarding the use of force, in a single quarter.

For purposes of this section, "use of force" shall include actions taken by law enforcement officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A. Until the Department of Justice determines which data shall be reported pursuant to G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in G.S. 143B-919(b1).

"§ 74E-10.3. Require regular use of force data reporting to the State Bureau of Investigation.

A company police agency shall report to the State Bureau of Investigation company police officer use of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

"§ 74E-10.4. Require regular Rap Back data reporting to the State Bureau of Investigation.

A company police agency shall report to the State Bureau of Investigation information requested pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service.

"§ 74E-10.5. Require use of National Incident-Based Reporting System.

(a) A company police agency shall utilize and submit all available data to the National Incident-Based Reporting System.

(b) Data submitted to the National Incident-Based Reporting System pursuant to this section shall be made publicly available on the company police agency website.

"§ 74E-10.6. Require use of body-worn and dashboard cameras.

(a) Company police officers shall utilize body-worn and dashboard cameras, as each term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

- (1) Arrests.
- (2) Searches.
- (3) Interrogations not covered under G.S. 15A-211.
- (4) Interviews with victims and witnesses.

(b) The requirements of subsection (a) of this section shall not apply to company police officers during undercover operations.

...."

SECTION 3.4. Chapter 74G of the General Statutes reads as rewritten:

"Chapter 74G.

"Campus Police Act.

...

"§ 74G-10.1. Require campus police to render medical assistance to persons in custody.

It shall be a mandatory policy of a campus police agency that every campus police officer shall have a first aid kit and shall be required to do the following when a person in a campus police officer's custody is injured or complains of an injury:

- (1) Render immediate, reasonable medical assistance when it is safe to do so.
- (2) Contact emergency medical services when appropriate.

"§ 74G-10.2. Require use of force early intervention system.

A campus police agency shall develop and implement a use of force intervention system to document and track campus police officer actions, behaviors, and citizen complaints regarding the use of force to help the campus police agency manage personnel by intervening to correct campus police officer performance. The use of force intervention system shall, at a minimum, do the following:

- (1) Identify campus police officers who receive two or more citizen complaints of any kind in a single month.

- 1 (2) Identify campus police officers who report two or more use of force incidents,
 2 or who receive two or more citizen complaints regarding the use of force, in a
 3 single quarter.

4 For purposes of this section, "use of force" shall include actions taken by law enforcement
 5 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
 6 Until the Department of Justice determines which data shall be reported pursuant to
 7 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
 8 G.S. 143B-919(b1).

9 **"§ 74G-10.3. Require regular use of force data reporting to the State Bureau of**
 10 **Investigation.**

11 A campus police agency shall report to the State Bureau of Investigation campus police
 12 officer use of force information requested by the Department of Justice pursuant to
 13 G.S. 114-2.7A.

14 **"§ 74G-10.4. Require regular Rap Back data reporting to the State Bureau of Investigation.**

15 A campus police agency shall report to the State Bureau of Investigation information
 16 requested pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's
 17 Record of Arrest and Prosecution Background (Rap Back) Service.

18 **"§ 74G-10.5. Require use of National Incident-Based Reporting System.**

19 (a) A campus police agency shall utilize and submit all available data to the National
 20 Incident-Based Reporting System.

21 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
 22 section shall be made publicly available on the campus police agency website.

23 **"§ 74G-10.6. Require use of body-worn and dashboard cameras.**

24 (a) Campus police officers shall utilize body-worn and dashboard cameras, as each term
 25 is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not
 26 limited to, the following:

- 27 (1) Traffic stops.
 28 (2) Pursuits.
 29 (3) Arrests.
 30 (4) Searches.
 31 (5) Interrogations not covered under G.S. 15A-211.
 32 (6) Interviews with victims and witnesses.

33 (b) The requirements of subsection (a) of this section shall not apply to campus police
 34 officers during undercover operations.

35"

36 **SECTION 3.5.** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
 37 Statutes reads as rewritten:

38 "Subpart C. State Bureau of Investigation.

39 ...

40 **"§ 143B-927.1. Require Bureau law enforcement officers to render medical assistance to**
 41 **persons in custody.**

42 It shall be a mandatory policy of the State Bureau of Investigation that every law enforcement
 43 officer shall have a first aid kit and shall be required to do the following when a person in a law
 44 enforcement officer's custody is injured or complains of an injury:

- 45 (1) Render immediate, reasonable medical assistance when it is safe to do so.
 46 (2) Contact emergency medical services when appropriate.

47 **"§ 143B-927.2. Require use of force early intervention system.**

48 The State Bureau of Investigation shall develop and implement a use of force intervention
 49 system to document and track law enforcement officer actions, behaviors, and citizen complaints
 50 regarding the use of force to help the State Bureau of Investigation manage personnel by

1 intervening to correct law enforcement officer performance. The use of force intervention system
2 shall, at a minimum, do the following:

- 3 (1) Identify law enforcement officers who receive two or more citizen complaints
4 of any kind in a single month.
- 5 (2) Identify law enforcement officers who report two or more use of force
6 incidents, or who receive two or more citizen complaints regarding the use of
7 force, in a single quarter.

8 For purposes of this section, "use of force" shall include actions taken by law enforcement
9 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
10 Until the Department of Justice determines which data shall be reported pursuant to
11 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
12 G.S. 143B-919(b1).

13 **"§ 143B-927.3. Require regular use of force data reporting.**

14 The State Bureau of Investigation shall make publicly available law enforcement officer use
15 of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

16 **"§ 143B-927.4. Require use of National Incident-Based Reporting System.**

17 (a) The State Bureau of Investigation shall utilize and submit all available data to the
18 National Incident-Based Reporting System.

19 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
20 section shall be made publicly available on the State Bureau of Investigation website.

21 **"§ 143B-927.5. Require use of body-worn and dashboard cameras.**

22 (a) Law enforcement officers of the State Bureau of Investigation shall utilize body-worn
23 and dashboard cameras, as each term is defined in G.S. 132-1.4A, in all interactions with
24 members of the public, including, but not limited to, the following:

- 25 (1) Traffic stops.
- 26 (2) Pursuits.
- 27 (3) Arrests.
- 28 (4) Searches.
- 29 (5) Interrogations not covered under G.S. 15A-211.
- 30 (6) Interviews with victims and witnesses.
- 31 (7) Interactions with inmates of a State correctional facility or local confinement
32 facility.

33 (b) The requirements of subsection (a) of this section shall not apply to law enforcement
34 officers of the State Bureau of Investigation during undercover operations.

35 ...

36 **"§ 143B-929A. Participation in the federal Record of Arrest and Prosecution Background**
37 **Service.**

38 (a) The State Bureau of Investigation, in consultation with the Criminal Justice Education
39 and Training Standards Commission and the Sheriffs' Education and Training Standards
40 Commission, shall participate in the Federal Bureau of Investigation's Record of Arrest and
41 Prosecution Background (Rap Back) Service by submitting requested or necessary information
42 regarding all sworn law enforcement officers with the power to arrest in the State. Operation and
43 management shall be under the sole direction and control of the Director of the State Bureau of
44 Investigation.

45 (b) The Criminal Justice Education and Training Standards Commission and the Sheriffs'
46 Education and Training Standards Commission shall create a publicly accessible database of law
47 enforcement officers with adverse actions required to be reported to the federal Rap Back
48 Service.

49 (c) All law enforcement agencies in the State, including, but not limited to, the State
50 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police

1 departments, campus police agencies, and company police agencies, shall provide to the State
2 Bureau of Investigation information requested pursuant to this section."

3 **SECTION 3.6.** Part 1 of Article 10 of Chapter 153A of the General Statutes reads as
4 rewritten:

5 "Part 1. Law Enforcement.

6 ...

7 **"§ 153A-213. Require county law enforcement officers to render medical assistance to**
8 **persons in custody.**

9 It shall be a mandatory policy of a county that every county law enforcement officer shall
10 have a first aid kit and shall be required to do the following when a person in a county law
11 enforcement officer's custody is injured or complains of an injury:

12 (1) Render immediate, reasonable medical assistance when it is safe to do so.

13 (2) Contact emergency medical services when appropriate.

14 **"§ 153A-213.1. Require use of force early intervention system.**

15 A county shall develop and implement a use of force intervention system to document and
16 track county law enforcement officer actions, behaviors, and citizen complaints regarding the use
17 of force to help the county manage personnel by intervening to correct county law enforcement
18 officer performance. The use of force intervention system shall, at a minimum, do the following:

19 (1) Identify county law enforcement officers who receive two or more citizen
20 complaints of any kind in a single month.

21 (2) Identify county law enforcement officers who report two or more use of force
22 incidents, or who receive two or more citizen complaints regarding the use of
23 force, in a single quarter.

24 For purposes of this section, "use of force" shall include actions taken by law enforcement
25 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
26 Until the Department of Justice determines which data shall be reported pursuant to
27 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
28 G.S. 143B-919(b1).

29 **"§ 153A-213.2. Require regular use of force data reporting to the State Bureau of**
30 **Investigation.**

31 A county shall report to the State Bureau of Investigation county law enforcement officer use
32 of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

33 **"§ 153A-213.3. Require regular Rap Back data reporting to the State Bureau of**
34 **Investigation.**

35 (a) A county shall report to the State Bureau of Investigation information requested
36 pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's Record of
37 Arrest and Prosecution Background (Rap Back) Service.

38 (b) Prior to hiring a county law enforcement officer, a county shall request and review
39 Rap Back Service information from the State Bureau of Investigation regarding the applicant for
40 a county law enforcement officer position.

41 **"§ 153A-213.4. Require use of National Incident-Based Reporting System.**

42 (a) A county shall utilize and submit all available data to the National Incident-Based
43 Reporting System.

44 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
45 section shall be made publicly available on the county website.

46 **"§ 153A-213.5. Require use of body-worn and dashboard cameras.**

47 (a) County law enforcement officers shall utilize body-worn and dashboard cameras, as
48 each term is defined in G.S. 132-1.4A, in all interactions with members of the public, including,
49 but not limited to, the following:

50 (1) Traffic stops.

51 (2) Pursuits.

- 1 (3) Arrests.
- 2 (4) Searches.
- 3 (5) Interrogations not covered under G.S. 15A-211.
- 4 (6) Interviews with victims and witnesses.
- 5 (7) Interactions with inmates of a State correctional facility or local confinement
- 6 facility.

7 (b) The requirements of subsection (a) of this section shall not apply to county law
 8 enforcement officers during undercover operations.

9 "

10 **SECTION 3.7.** Article 13 of Chapter 160A of the General Statutes reads as rewritten:
 11 "Article 13.
 12 "Law Enforcement.

13 ...

14 "**§ 160A-290. Require city law enforcement officers to render medical assistance to persons**
 15 **in custody.**

16 It shall be a mandatory policy of a city that every city law enforcement officer shall have a
 17 first aid kit and shall be required to do the following when a person in a city law enforcement
 18 officer's custody is injured or complains of an injury:

- 19 (1) Render immediate, reasonable medical assistance when it is safe to do so.
- 20 (2) Contact emergency medical services when appropriate.

21 "**§ 160A-290.1. Require use of force early intervention system.**

22 A city shall develop and implement a use of force intervention system to document and track
 23 city law enforcement officer actions, behaviors, and citizen complaints regarding the use of force
 24 to help the city manage personnel by intervening to correct city law enforcement officer
 25 performance. The use of force intervention system shall, at a minimum, do the following:

- 26 (1) Identify city law enforcement officers who receive two or more citizen
 27 complaints of any kind in a single month.
- 28 (2) Identify city law enforcement officers who report two or more use of force
 29 incidents, or who receive two or more citizen complaints regarding the use of
 30 force, in a single quarter.

31 For purposes of this section, "use of force" shall include actions taken by law enforcement
 32 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
 33 Until the Department of Justice determines which data shall be reported pursuant to
 34 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
 35 G.S. 143B-919(b1).

36 "**§ 160A-290.2. Require regular use of force data reporting to the State Bureau of**
 37 **Investigation.**

38 A city shall report to the State Bureau of Investigation city law enforcement officer use of
 39 force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

40 "**§ 160A-290.3. Require regular Rap Back data reporting to the State Bureau of**
 41 **Investigation.**

42 (a) A city shall report to the State Bureau of Investigation information requested pursuant
 43 to G.S. 143B-929A to be included in the Federal Bureau of Investigation's Record of Arrest and
 44 Prosecution Background (Rap Back) Service.

45 (b) Prior to hiring a city law enforcement officer, a county shall request and review Rap
 46 Back Service information from the State Bureau of Investigation regarding the applicant for a
 47 city law enforcement officer position.

48 "**§ 160A-290.4. Require use of National Incident-Based Reporting System.**

49 (a) A city shall utilize and submit all available data to the National Incident-Based
 50 Reporting System.

1 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
2 section shall be made publicly available on the city website.

3 **"§ 160A-290.5. Require use of body-worn and dashboard cameras.**

4 (a) City law enforcement officers shall utilize body-worn and dashboard cameras, as each
5 term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but
6 not limited to, the following:

7 (1) Traffic stops.

8 (2) Pursuits.

9 (3) Arrests.

10 (4) Searches.

11 (5) Interrogations not covered under G.S. 15A-211.

12 (6) Interviews with victims and witnesses.

13 (7) Interactions with inmates of a State correctional facility or local confinement
14 facility.

15 (b) The requirements of subsection (a) of this section shall not apply to city law
16 enforcement officers during undercover operations."

17 **SECTION 3.8.** This Part becomes effective October 1, 2021.

18
19 **PART IV. REQUIRE STATE BUREAU OF INVESTIGATION TO INVESTIGATE**
20 **OFFICER-INVOLVED USE OF FORCE INCIDENTS AND REQUIRE A SPECIAL**
21 **PROSECUTOR BE APPOINTED FOR THOSE CASES**

22 **SECTION 4.1.** G.S. 143B-919 is amended by adding a new subsection to read:

23 "(b1) The Bureau shall investigate and prepare evidence in the event of any of the following
24 officer-involved use of force incidents related to the actions of a sworn law enforcement officer
25 of the State or any local subdivision of the State:

26 (1) An officer discharges the officer's firearm in the performance of the officer's
27 duties.

28 (2) An officer uses force in the performance of the officer's duties that results in
29 the death of a person.

30 (3) An officer is alleged to have sexually assaulted a person in the performance
31 of the officer's duties.

32 (4) An officer is alleged to have committed an act of domestic violence.

33 (5) A person dies while in the custody of an officer.

34 Investigations required by this subsection shall be criminal investigations. If an employee of
35 the Bureau is investigated pursuant to this subsection, the Bureau shall have an independent entity
36 perform the investigation.

37 Within 24 hours of an officer-involved use of force incident required to be investigated by
38 the Bureau under this section, a law enforcement agency shall report the incident to the Bureau
39 by methods developed by the Bureau for that purpose. A law enforcement agency that fails to
40 report shall be ineligible to receive funds from the Governor's Crime Commission and the
41 Governor's Highway Safety Program until the required report is delivered to the Bureau. A law
42 enforcement agency that repeatedly fails to timely report shall be provided written notice that
43 any further failure to timely report shall result in the ineligibility to receive funds from either the
44 Governor's Crime Commission or the Governor's Highway Safety Program for a period of two
45 years. Following the receipt of notice and upon a determination by the Bureau that a subsequent
46 failure to timely report has occurred, the Bureau shall notify the law enforcement agency in
47 writing of the agency's ineligibility to receive the named funds and the date upon which the
48 agency will once again be eligible to receive the named funds.

49 Prosecutions under this subsection shall be performed by a Special Prosecutor under
50 G.S. 114-11.6."

51 **SECTION 4.2.** This Part becomes effective October 1, 2021.

1
2 **PART V. REQUIRED DATA COLLECTION, DATA REPORTING, AND USE OF**
3 **BODY-WORN AND DASHBOARD CAMERAS**

4 **SECTION 5.1.** Article 1 of Chapter 114 of the General Statutes is amended by
5 adding the following new sections to read:

6 **"§ 114-2.7A. Define use of force and develop data standards for regular reporting to the**
7 **State Bureau of Investigation.**

8 (a) The Department of Justice, in consultation with the Department of Public Safety, the
9 North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police,
10 shall develop a uniform definition for what constitutes law enforcement officer use of force and
11 shall determine a standard set of data regarding law enforcement officer use of force to be
12 regularly reported to the State Bureau of Investigation.

13 (b) All law enforcement agencies in the State, including, but not limited to, the State
14 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
15 departments, campus police agencies, and company police agencies, shall provide to the State
16 Bureau of Investigation information required by the Department of Justice under subsection (a)
17 of this section.

18 (c) The State Bureau of Investigation shall make publicly available any use of force
19 information collected pursuant to this section.

20 **"§ 114-2.7B. Require use of National Incident-Based Reporting System.**

21 (a) All law enforcement agencies in the State, including, but not limited to, the State
22 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
23 departments, campus police agencies, and company police agencies, shall utilize and submit all
24 available data to the National Incident-Based Reporting System.

25 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
26 section shall be made publicly available on the law enforcement agency website.

27 **"§ 114-2.7C. Require use of body-worn and dashboard cameras.**

28 (a) All sworn law enforcement officers with the power of arrest, including, but not limited
29 to, those employed by the State Highway Patrol, the State Bureau of Investigation, county
30 sheriffs' offices, municipal police departments, campus police agencies, and company police
31 agencies, shall utilize body-worn and dashboard cameras, as each term is defined in
32 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
33 following:

34 (1) Traffic stops.

35 (2) Pursuits.

36 (3) Arrests.

37 (4) Searches.

38 (5) Interrogations not covered under G.S. 15A-211.

39 (6) Interviews with victims and witnesses.

40 (7) Interactions with inmates of a State correctional facility or local confinement
41 facility.

42 (b) The requirements of subsection (a) of this section shall not apply to law enforcement
43 officers during undercover operations.

44 (c) All departments, offices, and agencies required to provide body-worn and dashboard
45 cameras to law enforcement officers under this section shall have until October 1, 2022, to
46 comply with this section."

47 **SECTION 5.2.** This Part becomes effective October 1, 2021.

48
49 **PART VI. SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS**

50 **SECTION 6.1.** Article 11 of Chapter 15A of the General Statutes reads as rewritten:
51 "Article 11.

"Search Warrants.

"§ 15A-242. Items subject to seizure under a search warrant.

An item is subject to seizure pursuant to a search warrant if there is probable cause to believe ~~that it is~~ any of the following:

- (1) ~~Is It is~~ stolen or ~~embezzled; or~~ embezzled.
- (2) ~~Is It is~~ contraband or otherwise unlawfully ~~possessed; or~~ possessed.
- (3) ~~Has It has~~ been used or is possessed for the purpose of being used to commit or conceal the commission of a ~~crime; or~~ crime.
- (4) ~~Constitutes It constitutes~~ evidence of an offense or the identity of a person participating in an offense.

"§ 15A-244. Contents of the application for a search warrant.

(a) Each application for a search warrant must be made in writing upon oath or affirmation. All applications must contain:

- (1) The name and title of the ~~applicant; and~~ applicant.
- (2) A statement that there is probable cause to believe that items subject to seizure under G.S. 15A-242 may be found in or upon a designated or described place, vehicle, or ~~person; and~~ person.
- (3) Allegations of fact supporting the statement. The statements must be supported by one or more affidavits particularly setting forth the facts and circumstances establishing probable cause to believe that the items are in the places or in the possession of the individuals to be ~~searched; and~~ searched.
- (4) A request that the court issue a search warrant directing a search for and the seizure of the items in question.

(b) For an officer to be able to break and enter any premises or vehicle in the execution of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under subsection (a) of this section must also contain:

- (1) A statement that there is probable cause to believe that the giving of notice of the execution of the search warrant would endanger the life or safety of any person.
- (2) Allegations of fact particularly setting forth the facts and circumstances establishing probable cause to believe that the giving of notice of the execution of the search warrant would endanger the life or safety of any person.

"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.

(a) Before acting on the application, the issuing official may examine on oath the applicant or any other person who may possess pertinent information, but information other than that contained in the affidavit may not be considered by the issuing official in determining whether probable cause exists for the issuance of the warrant unless the information is either recorded or contemporaneously summarized in the record or on the face of the warrant by the issuing official. The information must be shown by one or more of the following:

- (1) ~~Affidavit; or~~ Affidavit.
- (2) Oral testimony under oath or affirmation before the issuing ~~official; or~~ official.

(b) If the issuing official finds that the application meets the requirements of this Article and finds there is probable cause to believe that the search will discover items specified in the application which are subject to seizure under G.S. 15A-242, ~~he the official~~ must issue a search warrant in accordance with the requirements of this Article. The issuing official must retain a copy of the warrant and warrant application and must promptly file them with the clerk. If ~~he the official~~ does not so find, the official must deny the application.

"§ 15A-246. Form and content of the search warrant.

A search warrant must contain:

- (1) The name and signature of the issuing official with the time and date of issuance above ~~his signature;~~ and the issuing official's signature.
- (2) The name of a specific officer or the classification of officers to whom the warrant is ~~addressed;~~ addressed.
- (3) The names of the applicant and of all persons whose affidavits or testimony were given in support of the ~~application;~~ application.
- (4) A designation sufficient to establish with reasonable certainty the premises, vehicles, or persons to be ~~searched;~~ searched.
- (5) A description or a designation of the items constituting the object of the search and authorized to be seized.

"§ 15A-247. Who may execute a search warrant.

A search warrant may be executed by any law-enforcement officer acting within ~~his~~ the law-enforcement officer's territorial jurisdiction, whose investigative authority encompasses the crime or crimes involved.

...

"§ 15A-249. Officer to give notice of identity and purpose.

The officer executing a search warrant must, before entering the premises, give appropriate notice of ~~his~~ the officer's identity and purpose to the person to be searched, or the person in apparent control of the premises to be searched. If it is unclear whether anyone is present at the premises to be searched, ~~he~~ the officer must give the notice in a manner likely to be heard by anyone who is present.

...

"§ 15A-251. Entry by force.

An officer may break and enter any premises or vehicle when necessary to the execution of the warrant ~~if~~ under either of the following circumstances:

- (1) The officer has previously announced ~~his~~ the officer's identity and purpose as required by G.S. 15A-249 and reasonably believes either that admittance is being denied or unreasonably delayed or that the premises or vehicle is ~~unoccupied;~~ unoccupied.
- (2) ~~The officer has probable cause to believe that the giving of notice would endanger the life or safety of any person.~~ warrant includes the statement and allegations of fact required by G.S. 15A-244(b).

...

"§ 15A-253. Scope of the search; seizure of items not named in the warrant.

The scope of the search may be only such as is authorized by the warrant and is reasonably necessary to discover the items specified therein. Upon discovery of the items specified, the officer must take possession or custody of them. If in the course of the search the officer inadvertently discovers items not specified in the warrant which are subject to seizure under G.S. 15A-242, ~~he~~ the officer may also take possession of the items so discovered.

"§ 15A-254. List of items seized.

Upon seizing items pursuant to a search warrant, an officer must write and sign a receipt itemizing the items taken and containing the name of the court by which the warrant was issued. If the items were taken from a person, the receipt must be given to the person. If items are taken from a place or vehicle, the receipt must be given to the owner, or person in apparent control of the premises or vehicle if the person is present; ~~or if he~~ the person is not, ~~not present,~~ the officer must leave the receipt in the premises or vehicle from which the items were taken.

"§ 15A-255. Frisk of persons present in premises or vehicle to be searched.

An officer executing a warrant directing a search of premises or of a vehicle may, if the officer reasonably believes that ~~his~~ the officer's safety or the safety of others then present so

1 requires, search for any dangerous weapons by an external patting of the clothing of those
2 present. If in the course of such a frisk ~~he~~the officer feels an object which ~~he~~the officer
3 reasonably believes to be a dangerous weapon, ~~he~~the officer may take possession of the object.
4"

5 **SECTION 6.2.** This Part becomes effective October 1, 2021, and applies to search
6 warrants issued on or after that date.

7
8 **PART VII. REQUIRE DISCLOSURE OF VIDEO FROM BODY-WORN OR**
9 **DASHBOARD CAMERAS TO CITIZENS' REVIEW BOARDS AND REQUIRE**
10 **EVENTUAL RELEASE OF ALL VIDEO INVOLVING CRITICAL INCIDENTS**

11 **SECTION 7.1.** G.S. 132-1.4A reads as rewritten:

12 "**§ 132-1.4A. Law enforcement agency recordings.**

13 (a) Definitions. – The following definitions apply in this section:

14 ...

15 (1a) Citizens' review board. – A board or commission, by whatever name, legally
16 constituted and empowered by a city council or board of county
17 commissioners to review law enforcement matters or complaints against a law
18 enforcement agency and individual law enforcement officers.

19 (1b) Critical incident. – An incident involving either (i) the discharge of a law
20 enforcement officer's firearm in the performance of duty when interacting
21 with the public or (ii) the use of force by a law enforcement officer that results
22 in death or serious bodily injury.

23 ...

24 (b) Public Record and Personnel Record Classification. – Recordings are not public
25 records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of
26 Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

27 ...

28 (c1) Disclosure of Recordings; Local Government Purposes. – Notwithstanding the
29 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency
30 shall disclose a recording, upon request, to a citizens' review board in a closed session with each
31 review board member having signed a confidentiality agreement.

32 Any person who knowingly violates the confidentiality agreement required by this subsection
33 is guilty of a Class 1 misdemeanor.

34 ...

35 (h1) Release of Recordings; Deadline for Release. – Notwithstanding any other provision
36 of this section, a custodial law enforcement agency shall release a recording involving a critical
37 incident, upon request, after 45 days have passed from the date of the recording, unless a court
38 finds that release would compromise the integrity of a criminal investigation.

39 Any custodial law enforcement agency may file an action in the superior court in any county
40 where any portion of the recording was made for an order restricting release of the recording.
41 The request must state the date and time of the activity captured in the recording or otherwise
42 identify the activity. The court may conduct an in-camera review of the recording. In determining
43 whether to restrict the release of all or a portion of the recording, the court shall consider whether
44 release would compromise the integrity of a criminal investigation.

45 The court shall restrict the release of only those portions of the recording that are relevant to
46 protecting the integrity of a criminal investigation.

47 In any proceeding pursuant to this subsection, the following persons shall be notified and
48 those persons, or their designated representative, shall be given an opportunity to be heard at any
49 proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement
50 agency personnel whose image or voice is in the recording and the head of that person's
51 employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to

1 this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings
2 in such actions shall be accorded priority by the trial and appellate courts.

3"

4 **SECTION 7.2.** This Part becomes effective October 1, 2021.

5
6 **PART VIII. NORTH CAROLINA LAW ENFORCEMENT ACCREDITATION**
7 **PROGRAM FUNDING**

8 **SECTION 8.1.** There is appropriated from the General Fund to the Criminal Justice
9 Education and Training Standards Commission the sum of one hundred thirty-four thousand five
10 hundred forty dollars (\$134,540) in recurring funds for each fiscal year of the 2021-2023 fiscal
11 biennium to be used to hire one full-time program manager to continue the development and
12 implementation of the North Carolina Law Enforcement Accreditation Program.

13 **SECTION 8.2.** There is appropriated from the General Fund to the Sheriffs'
14 Education and Training Standards Commission the sum of one hundred thirty-four thousand five
15 hundred forty dollars (\$134,540) in recurring funds for each fiscal year of the 2021-2023 fiscal
16 biennium to be used to hire one full-time program manager to continue the development and
17 implementation of the North Carolina Law Enforcement Accreditation Program.

18 **SECTION 8.3.** All law enforcement agencies in the State that fail to become
19 accredited pursuant to the North Carolina Law Enforcement Accreditation Program funded under
20 this Part shall not be eligible to receive funds from the Governor's Crime Commission or the
21 Governor's Highway Safety Program.

22 **SECTION 8.4.** The North Carolina Law Enforcement Accreditation Program funded
23 under this Part shall require, at a minimum, that agencies accredited by the Program have written
24 policies on each of the following matters:

- 25 (1) Use of force.
- 26 (2) Chokeholds.
- 27 (3) Duty to intervene and report.
- 28 (4) Vehicle pursuits.
- 29 (5) Early warning systems.
- 30 (6) Field training programs.
- 31 (7) Professional standards and conduct.

32 **SECTION 8.5.** This Part becomes effective July 1, 2021.

33
34 **PART IX. PUBLIC SAFETY AND VIOLENCE PREVENTION COMMUNITY GRANT**
35 **PROGRAMS**

36 **SECTION 9.1.** There is appropriated from the General Fund to the Department of
37 Justice five hundred thousand dollars (\$500,000) in recurring funds for each year of the
38 2021-2023 fiscal biennium to be used to provide grant funds to organizations that do any of the
39 following:

- 40 (1) Provide and promote peaceful strategies to help communities promote public
41 safety.
- 42 (2) Provide and promote violence prevention programs that treat violence as a
43 public health program.
- 44 (3) Provide and promote services such as mediation, mentoring, job training, and
45 counseling to vulnerable populations.

46 **SECTION 9.2.** This Part becomes effective July 1, 2021.

47
48 **PART X. DECRIMINALIZE MISDEMEANOR POSSESSION OF MARIJUANA OR**
49 **HASHISH**

50 **SECTION 10.1.** G.S. 90-95(d)(4) reads as rewritten:

1 "~~(4) A~~ Except as otherwise provided in this subdivision, a controlled substance
2 classified in Schedule VI shall be guilty of a ~~Class 3 misdemeanor, but any~~
3 ~~sentence of imprisonment imposed must be suspended and the judge may not~~
4 ~~require at the time of sentencing that the defendant serve a period of~~
5 ~~imprisonment as a special condition of probation. If the quantity of the~~
6 ~~controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana~~
7 ~~or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana,~~
8 ~~commonly known as hashish, the violation shall be punishable as a Class 1~~
9 ~~misdemeanor.~~ an infraction. If the quantity of the controlled substance
10 exceeds one and one-half ounces (avoirdupois) of marijuana, or
11 three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana,
12 commonly known as hashish, or if the controlled substance consists of any
13 quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated
14 from the resin of marijuana, the violation shall be punishable as a Class I
15 felony."

16 **SECTION 10.2.** Article 5 of Chapter 15A of the General Statutes is amended by
17 adding a new section to read:

18 "**§ 15A-145.8B. Expunction of certain possession of marijuana offenses.**

19 (a) If a person was charged with a misdemeanor violation of G.S. 90-95(a)(3) for
20 possession of marijuana or hashish, and the person was convicted, the conviction shall be ordered
21 to be automatically expunged no later than December 1, 2023, in the manner set forth in this
22 section.

23 (b) The clerk of each superior court shall determine which cases meet the criteria for
24 expunction set forth in subsection (a) of this section. Upon completing the review required under
25 this subsection, the clerk of each superior court shall prepare an order of expungement for each
26 case that meets the criteria set forth in subsection (a) of this section and was finalized in his or
27 her court. Upon completion of the order of expungement, the court shall order the expunction.
28 Upon order of expungement, the clerk shall forward the petition to the Administrative Office of
29 the Courts.

30 (c) No person as to whom such an order has been entered under this section shall be held
31 thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise
32 giving a false statement or response to any inquiry made for any purpose, by reason of the
33 person's failure to recite or acknowledge any expunged entries concerning apprehension, charge,
34 or trial.

35 (d) The court shall also order that the conviction ordered expunged under this section be
36 expunged from the records of the court and direct all law enforcement agencies bearing record
37 of the same to expunge their records of the conviction. The clerk shall notify State and local
38 agencies of the court's order as provided in G.S. 15A-150.

39 (e) Any other applicable State or local government agency shall expunge from its records
40 entries made as a result of the conviction ordered expunged under this section. The agency shall
41 also reverse any administrative actions taken against a person whose record is expunged under
42 this section as a result of the charges or convictions expunged. This subsection shall not apply to
43 the Department of Justice for DNA records and samples stored in the State DNA Database and
44 the State DNA Databank."

45 **SECTION 10.3.** Section 10.1 of this Part becomes effective December 1, 2021, and
46 applies to offenses committed on or after that date. The remainder of this Part becomes effective
47 December 1, 2021.

49 **PART XI. STUDY RECLASSIFYING CERTAIN CLASS 3 MISDEMEANOR**
50 **OFFENSES AS INFRACTIONS**

1 **SECTION 11.1.** Study. – The University of North Carolina at Chapel Hill School of
 2 Government (School of Government), in consultation with the North Carolina Sentencing and
 3 Policy Advisory Commission, shall study (i) which Class 3 misdemeanor offenses have a low
 4 impact on public safety, (ii) whether the offenses should be reclassified as infractions, and (iii)
 5 whether low-level traffic offenses should be moved to the North Carolina Administrative Code
 6 and enforced as a civil violation by the Division of Motor Vehicles or the Department of Public
 7 Safety.

8 **SECTION 11.2.** Report. – The School of Government shall report its findings from
 9 the study required under Section 11.1 of this Part, including any recommendations for legislative
 10 action, to the Joint Legislative Oversight Committee on Justice and Public Safety by March 7,
 11 2022.

12
 13 **PART XII. FUNDING FOR DRUG TREATMENT COURT PROGRAMS AND MENTAL**
 14 **HEALTH COURT PROGRAMS**

15 **SECTION 12.1.** There is appropriated the sum of four million two hundred thousand
 16 dollars (\$4,200,000) in recurring funds for each fiscal year of the 2021-2023 fiscal biennium
 17 from the General Fund to the Administrative Office of the Courts to be used to support the work
 18 of the North Carolina Drug Treatment Court Program in creating and sustaining local drug
 19 treatment court programs.

20 **SECTION 12.2.** There is appropriated the sum of four million two hundred thousand
 21 dollars (\$4,200,000) in recurring funds for each fiscal year of the 2021-2023 fiscal biennium
 22 from the General Fund to the Administrative Office of the Courts to be used to facilitate the
 23 creation and funding of new and existing mental health court programs to serve individuals that
 24 have a mental health diagnosis or treatment history and are defendants in the criminal justice
 25 system. Among other functions, the local mental health court programs funded by this section
 26 shall recommend mental health treatment plans for individuals served by the programs and shall
 27 monitor the progress of the individuals receiving treatment while the individuals remain in the
 28 program.

29 **SECTION 12.3.** This Part becomes effective July 1, 2021.

30
 31 **PART XIII. MODIFY DEFINITIONS OF DELINQUENT JUVENILE AND**
 32 **UNDISCIPLINED JUVENILE TO INCLUDE ONLY JUVENILES AT LEAST 12 YEARS**
 33 **OF AGE**

34 **SECTION 13.1.(a)** G.S. 7B-1501 reads as rewritten:
 35 "**§ 7B-1501. Definitions.**

36 In this Subchapter, unless the context clearly requires otherwise, the following words have
 37 the listed meanings. The singular includes the plural, unless otherwise specified:

- 38 ...
- 39 (7) Delinquent juvenile. –
- 40 a. Any juvenile who, while less than 16 years of age but at least ~~6~~12
 41 years of age, commits a crime or infraction under State law or under
 42 an ordinance of local government, including violation of the motor
 43 vehicle laws, or who commits indirect contempt by a juvenile as
 44 defined in G.S. 5A-31.
- 45 b. Any juvenile who, while less than 18 years of age but at least 16 years
 46 of age, commits a crime or an infraction under State law or under an
 47 ordinance of local government, excluding all violations of the motor
 48 vehicle laws under Chapter 20 of the General Statutes, or who commits
 49 indirect contempt by a juvenile as defined in G.S. 5A-31.

- 50 ...
- 51 (27) Undisciplined juvenile. –

- a. A juvenile who, while less than 16 years of age but at least ~~6-12~~ years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or
- b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

...."

SECTION 13.1.(b) G.S. 143B-805 reads as rewritten:

"§ 143B-805. Definitions.

In this Part, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(6) Delinquent juvenile. –

- a. Any juvenile who, while less than 16 years of age but at least ~~6-12~~ years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
- b. Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under State law or under an ordinance of local government, excluding all violations of the motor vehicle laws under Chapter 20 of the General Statutes, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

...

(20) Undisciplined juvenile. –

- a. A juvenile who, while less than 16 years of age but at least ~~6-12~~ years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or
- b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

...."

SECTION 13.1.(c) This section is effective when it becomes law and applies to delinquent or undisciplined acts committed on or after that date.

SECTION 13.2. G.S. 7B-1903(f) is repealed effective four years from the date this act becomes law.

SECTION 13.3. G.S. 7B-2102 reads as rewritten:

§ 7B-2102. Fingerprinting and photographing juveniles.

(a) A law enforcement officer or agency shall fingerprint and photograph a juvenile ~~who was 10 years of age or older~~ at the time the juvenile allegedly committed a nondivertible offense

1 as set forth in G.S. 7B-1701, when a complaint has been prepared for filing as a petition and the
2 juvenile is in physical custody of law enforcement or the Division.

3 ...

4 (b) If a law enforcement officer or agency does not take the fingerprints or a photograph
5 of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have
6 been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency
7 shall fingerprint and photograph a juvenile who has been adjudicated delinquent ~~if the juvenile~~
8 ~~was 10 years of age or older~~ at the time the juvenile committed an offense that would be a felony
9 if committed by an adult.

10 (c) A law enforcement officer, facility, or agency who fingerprints or photographs a
11 juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of
12 Investigation and the Federal Bureau of Investigation. After the ~~juvenile, who was 10 years of~~
13 ~~age or older at the time of the offense,~~ juvenile is adjudicated delinquent of an offense that would
14 be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be
15 transferred to the State Bureau of Investigation and placed in the Automated Fingerprint
16 Identification System (AFIS) to be used for all investigative and comparison purposes, and may
17 be entered into a local fingerprint database for the same purposes, if the law enforcement agency
18 with jurisdiction is served by a secure crime laboratory facility that maintains a local fingerprint
19 database. Photographs obtained pursuant to this section shall be placed in a format approved by
20 the State Bureau of Investigation and may be used for all investigative or comparison purposes.
21 The State Bureau of Investigation shall release any photograph it receives pursuant to this section
22 to the Division, upon the Division's request. The duty of confidentiality in subsection (d) of this
23 section applies to the Division, except as provided in G.S. 7B-3102.

24"

25 **SECTION 13.4.** G.S. 7B-2513(a) reads as rewritten:

26 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
27 juvenile ~~who is at least 10 years of age~~ to the Division for placement in a youth development
28 center. Commitment shall be for an indefinite term of at least six months."

29 **SECTION 13.5.(a)** G.S. 7B-2509 reads as rewritten:

30 **"§ 7B-2509. Registration of certain delinquent juveniles.**

31 In any case in which a juvenile, who was at least ~~11~~12 years of age at the time of the offense,
32 is adjudicated delinquent for committing a violation of G.S. 14-27.6 (attempted rape or sexual
33 offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape),
34 G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.26 (first-degree forcible sexual offense),
35 G.S. 14-27.27 (second-degree forcible sexual offense), or G.S. 14-27.29 (first-degree statutory
36 sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may
37 order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of the
38 General Statutes."

39 **SECTION 13.5.(b)** This section is effective when it becomes law and applies to
40 adjudications on or after that date.

41 **SECTION 13.6.** Except as otherwise provided, this Part is effective when it becomes
42 law.

43
44 **PART XIV. DEFINE THE TERM "SCHOOL RESOURCE OFFICER," REQUIRE**
45 **TRAINING FOR SCHOOL RESOURCE OFFICERS, AND REQUIRE A SCHOOL**
46 **ADMINISTRATOR OR SCHOOL SOCIAL WORKER TO SIGN A SCHOOL-BASED**
47 **COMPLAINT INITIATED BY A SCHOOL RESOURCE OFFICER PRIOR TO BEING**
48 **FILED IN JUVENILE COURT**

49 **SECTION 14.1.(a)** Article 8C of Chapter 115C of the General Statutes is amended
50 by adding a new section to read:

51 **"§ 115C-105.70. School resource officer.**

1 (a) A school resource officer is any law enforcement officer assigned to one or more
2 public schools within a public school unit for at least 20 hours per week for more than 12 weeks
3 per calendar year to assist with all of the following, consistent with any written memorandum of
4 understanding between the public school unit and the law enforcement agency governing the
5 school resource officer:

6 (1) School safety.

7 (2) School security.

8 (3) Emergency preparedness.

9 (4) Emergency response.

10 (5) Any additional responsibilities related to school safety or security assigned by
11 the officer's employer while the officer is acting as a school resource officer.

12 (b) All school resource officers shall comply with initial training standards, as established
13 by subsection (c) of this section, within one year of being assigned as a school resource officer.
14 After initial training, all school resource officers shall comply with continuing education
15 standards, as established by subsection (c) of this section.

16 (c) The North Carolina Criminal Justice Education and Training Standards Commission
17 and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration
18 with the Center for Safer Schools, shall establish initial training and continuing education
19 standards for school resource officers. These standards shall, at a minimum, include training on
20 the following topics:

21 (1) Mental health.

22 (2) Students with disabilities.

23 (3) Racial equity.

24 (4) Crisis intervention and de-escalation."

25 **SECTION 14.1.(b)** G.S. 17C-6(a) is amended by adding a new subdivision to read:

26 "(21) Establish initial training and continuing education training standards for
27 school resource officers, as set forth in G.S. 115C-105.70."

28 **SECTION 14.1.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:

29 "(17) Establish initial training and continuing education training standards for
30 school resource officers, as set forth in G.S. 115C-105.70."

31 **SECTION 14.1.(d)** The North Carolina Criminal Justice Education and Training
32 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
33 Commission shall establish initial training standards for school resource officers no later than
34 January 15, 2022.

35 **SECTION 14.1.(e)** Subsection (a) of this section applies to school resource officers
36 assigned on or after January 1, 2022. All school resource officers assigned before January 1,
37 2022, shall complete initial training no later than December 31, 2022.

38 **SECTION 14.2.(a)** Article 18 of Chapter 7B of the General Statutes is amended by
39 adding a new section to read:

40 "**§ 7B-1802A. School-based complaints.**

41 A school-based complaint in which delinquency is alleged to have occurred initiated by a
42 school resource officer, as defined in G.S. 115C-105.70, shall be signed by a school administrator
43 or school social worker prior to being referred in accordance with G.S. 7B-1803 or filed in a
44 court of competent jurisdiction. For the purposes of this section, "a school-based complaint"
45 means a complaint in which delinquency is alleged to have occurred on school grounds, school
46 property, at a school bus stop, or at an off-campus school-sanctioned event, or whose victim is
47 identified as a school.

48 All school resource officers, school administrators, and school social workers shall be trained
49 regarding the provisions of this section."

50 **SECTION 14.2.(b)** This section becomes effective on January 1, 2022, and applies
51 to school-based complaints initiated on or after that date by school resource officers.

1 **SECTION 14.3.** Except as otherwise provided, this Part is effective when it becomes
2 law.

3
4 **PART XV. ALLOW PROSECUTORIAL DISCRETION FOR JUVENILES CHARGED**
5 **WITH OFFENSES THAT WOULD BE CLASS A THROUGH G FELONIES IF**
6 **COMMITTED BY AN ADULT**

7 **SECTION 15.1.** G.S. 7B-2200.5 reads as rewritten:

8 "**§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

9 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
10 an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the
11 court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults
12 unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this
13 section. A transfer shall occur after either of the following:

- 14 (1) Notice to the juvenile and a finding by the court that a bill of indictment has
15 been returned against the juvenile charging the commission of an offense that
16 constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
17 (2) Notice, hearing, and a finding of probable cause that the juvenile committed
18 an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if
19 committed by an adult.

20 (a1) The prosecutor may decline to prosecute in superior court a matter that would
21 otherwise be subject to mandatory transfer pursuant to subsection (a) of this section. If the
22 prosecutor declines to prosecute the matter in superior court, jurisdiction over the juvenile shall
23 remain in juvenile court following a finding of probable cause pursuant to G.S. 7B-2202. Prior
24 to adjudication, the prosecutor may choose to transfer the matter pursuant to subsection (a) of
25 this section.

26 "

27 **SECTION 15.2.** This Part becomes effective December 1, 2021, and applies to
28 offenses committed on or after that date.

29
30 **PART XVI. ELIMINATE LIFE WITHOUT PAROLE FOR JUVENILES AND MODIFY**
31 **PAROLE ELIGIBILITY FOR JUVENILES SENTENCED TO MORE THAN FIFTEEN**
32 **YEARS IMPRISONMENT**

33 **SECTION 16.1.** G.S. 15A-1340.13(d) reads as rewritten:

34 "(d) Service of Minimum Required; Earned Time Authorization. – An offender sentenced
35 to an active punishment shall serve the minimum term imposed, except as provided in
36 ~~G.S. 15A-1340.18.~~ G.S. 15A-1340.18 and Part 2A of this Article. The maximum term may be
37 reduced to, but not below, the minimum term by earned time credits awarded to an offender by
38 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or the
39 custodian of the local confinement facility, pursuant to rules adopted in accordance with law."

40 **SECTION 16.2.** Part 2A of Article 81B of Chapter 15A of the General Statutes reads
41 as rewritten:

42 "Part 2A. Sentencing and Parole Eligibility for Minors Subject to Life Imprisonment Without
43 Parole.Certain Minors.

44 ~~"§ 15A-1340.19A. Applicability.~~

45 ~~Notwithstanding the provisions of G.S. 14-17, a defendant who is convicted of first degree~~
46 ~~murder, and who was under the age of 18 at the time of the offense, shall be sentenced in~~
47 ~~accordance with this Part. For the purposes of this Part, "life imprisonment with parole" shall~~
48 ~~mean that the defendant shall serve a minimum of 25 years imprisonment prior to becoming~~
49 ~~eligible for parole.~~

50 "**§ 15A-1340.19B. Penalty and parole eligibility determination.**

- 51 (a) ~~In determining a sentence under this Part, the court shall do one of the following:~~

1 (1) If the sole basis for conviction of a count or each count of first degree murder
2 was the felony murder rule, then the court shall sentence the defendant to life
3 imprisonment with parole.

4 (2) If the court does not sentence the defendant pursuant to subdivision (1) of this
5 subsection, then the court shall conduct a hearing to determine whether the
6 defendant should be sentenced to life imprisonment without parole, as set
7 forth in G.S. 14-17, or a lesser sentence of life imprisonment with
8 parole. Notwithstanding the provisions of G.S. 14-17, Part 2 of this Article,
9 and G.S. 15A-1371, a defendant who is convicted of first degree murder, and
10 who was under the age of 18 at the time of the offense, shall be sentenced to
11 life imprisonment with parole and shall be eligible for parole consideration
12 after serving 25 years imprisonment.

13 (b) The hearing under subdivision (2) of subsection (a) of this section shall be conducted
14 by the trial judge as soon as practicable after the guilty verdict is returned. The State and the
15 defendant shall not be required to resubmit evidence presented during the guilt determination
16 phase of the case. Evidence, including evidence in rebuttal, may be presented as to any matter
17 that the court deems relevant to sentencing, and any evidence which the court deems to have
18 probative value may be received. Notwithstanding the provisions of G.S. 15A-1371, a defendant
19 who was (i) convicted of a crime other than first degree murder, (ii) under the age of 18 at the
20 time of the offense, and (iii) sentenced to more than 15 years imprisonment shall be eligible for
21 parole consideration after serving 15 years imprisonment.

22 (e) The defendant or the defendant's counsel may submit mitigating circumstances to the
23 court, including, but not limited to, the following factors:

24 (1) Age at the time of the offense.

25 (2) Immaturity.

26 (3) Ability to appreciate the risks and consequences of the conduct.

27 (4) Intellectual capacity.

28 (5) Prior record.

29 (6) Mental health.

30 (7) Familial or peer pressure exerted upon the defendant.

31 (8) Likelihood that the defendant would benefit from rehabilitation in
32 confinement.

33 (9) Any other mitigating factor or circumstance.

34 (d) The State and the defendant or the defendant's counsel shall be permitted to present
35 argument for or against the sentence of life imprisonment with parole. The defendant or the
36 defendant's counsel shall have the right to the last argument.

37 (e) The provisions of Article 58 of Chapter 15A of the General Statutes apply to
38 proceedings under this Part.

39 ~~§ 15A-1340.19C. Sentencing; assignment for resentencing.~~

40 (a) The court shall consider any mitigating factors in determining whether, based upon
41 all the circumstances of the offense and the particular circumstances of the defendant, the
42 defendant should be sentenced to life imprisonment with parole instead of life imprisonment
43 without parole. The order adjudging the sentence shall include findings on the absence or
44 presence of any mitigating factors and such other findings as the court deems appropriate to
45 include in the order.

46 (b) All motions for appropriate relief filed in superior court seeking resentencing under
47 the provisions of this Part may be heard and determined in the trial division by any judge (i) who
48 is empowered to act in criminal matters in the superior court district or set of districts as defined
49 in G.S. 7A-41.1, in which the judgment was entered and (ii) who is assigned pursuant to this
50 section to review the motion for appropriate relief and take the appropriate administrative action
51 to dispense with the motion.

1 (c) ~~The judge who presided at the trial of the defendant is empowered to act upon the~~
2 ~~motion for appropriate relief even though the judge is in another district or even though the~~
3 ~~judge's commission has expired; however, if the judge who presided at the trial is still unavailable~~
4 ~~to act, the senior resident superior court judge shall assign a judge who is empowered to act under~~
5 ~~subsection (b) of this section.~~

6 (d) ~~All motions for appropriate relief filed in superior court seeking resentencing under~~
7 ~~the provisions of this Part shall, when filed, be referred to the senior resident superior court judge,~~
8 ~~who shall assign the motion as provided by this section for review and administrative action,~~
9 ~~including, as may be appropriate, dismissal, calendaring for hearing, entry of a scheduling order~~
10 ~~for subsequent events in the case, or other appropriate actions.~~

11 **"§ 15A-1340.19D. Incidents of parole.**

12 (a) ~~Except as otherwise provided in this section, a defendant sentenced to life~~
13 ~~imprisonment with parole eligible for parole consideration under this Part shall be subject to the~~
14 ~~conditions and procedures set forth in Article 85 of Chapter 15A of the General Statutes,~~
15 ~~including the notification requirement in G.S. 15A-1371(b)(3).~~

16 (b) ~~The term of parole for a person released from imprisonment from a sentence of life~~
17 ~~imprisonment with parole based on parole consideration pursuant to this Part shall be five years~~
18 ~~and may not be terminated earlier by the Post-Release Supervision and Parole Commission.~~

19 (c) ~~A defendant sentenced to life imprisonment with parole who is paroled, and paroled~~
20 ~~pursuant to this Part, and who then violates a condition of parole and is returned to prison to serve~~
21 ~~the life remainder of his or her sentence, shall not be eligible for parole for five years from the~~
22 ~~date of the return to confinement.~~

23 (d) ~~Life imprisonment with parole under this Part means that unless the defendant~~
24 ~~receives parole, the defendant shall remain imprisoned for the defendant's natural life."~~

25 **SECTION 16.3.** G.S. 15A-1371(a) reads as rewritten:

26 **"§ 15A-1371. Parole eligibility, consideration, and refusal.**

27 (a) ~~Eligibility. – Unless his sentence includes a minimum sentence, a prisoner serving a~~
28 ~~term of imprisonment for a conviction of impaired driving under G.S. 20-138.1 other than one~~
29 ~~included in a sentence of special probation imposed under authority of this Subchapter is eligible~~
30 ~~for release on parole at any time. A prisoner whose sentence includes a minimum term of~~
31 ~~imprisonment imposed under authority of this Subchapter is eligible for release on parole only~~
32 ~~upon completion of the service of that minimum term or one fifth of the maximum penalty~~
33 ~~allowed by law for the offense for which the prisoner is sentenced, whichever is less, less any~~
34 ~~credit allowed under G.S. 15A-1355(c) and Article 19A of Chapter 15 of the General Statutes. A~~
35 ~~prisoner sentenced under the Fair Sentencing Act for a Class D through Class J felony, who meets~~
36 ~~the criteria established pursuant to this section, is eligible for parole consideration after~~
37 ~~completion of the service of at least 20 years imprisonment less any credit allowed under~~
38 ~~applicable State law. A prisoner who is sentenced under the Fair Sentencing Act, and who was~~
39 ~~under the age of 18 at the time of the offense, shall be eligible for parole consideration after~~
40 ~~completion of 20 years imprisonment."~~

41 **SECTION 16.4.** This Part becomes effective December 1, 2021, and applies to
42 offenses committed on or after that date.

43
44 **PART XVII. RESTRICT USE OF CASH BONDS FOR CONDITIONS OF PRETRIAL**
45 **RELEASE FOR CLASS 1, 2, AND 3 MISDEMEANORS**

46 **SECTION 17.1.** G.S. 15A-534 reads as rewritten:

47 **"§ 15A-534. Procedure for determining conditions of pretrial release.**

48 (a) ~~In determining conditions of pretrial release a judicial official must impose at least~~
49 ~~one of the following conditions:~~

50 (1) ~~Release the defendant on ~~his~~ the defendant's written promise to appear.~~

- 1 (2) Release the defendant upon ~~his~~the defendant's execution of an unsecured
2 appearance bond in an amount specified by the judicial official.
3 (3) Place the defendant in the custody of a designated person or organization
4 agreeing to supervise ~~him~~the defendant.

5 ...

6 If condition (5) is imposed, the defendant must execute a secured appearance bond under
7 subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect
8 to execute an appearance bond under subdivision (4). If the defendant is required to provide
9 fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to
10 G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been
11 taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial
12 official shall make the collection of the fingerprints or DNA sample a condition of pretrial
13 release. The judicial official may also place restrictions on the travel, associations, conduct, or
14 place of abode of the defendant as conditions of pretrial release. The judicial official may include
15 as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified
16 by the use of a continuous alcohol monitoring system, of a type approved by the Division of
17 Adult Correction and Juvenile Justice of the Department of Public Safety, and that any violation
18 of this condition be reported by the monitoring provider to the district attorney.

19 (b) The judicial official in granting pretrial release must impose condition (1), (2), or (3)
20 in subsection (a) ~~above of this section~~ unless he the judicial official determines that such this
21 release will not reasonably assure the appearance of the defendant as required; will pose a danger
22 of injury to any person; or is likely to result in destruction of evidence, subornation of perjury,
23 or intimidation of potential witnesses. Upon making the determination, the judicial official must
24 then impose condition (4) or (5) in subsection (a) ~~above of this section~~ instead of condition (1),
25 (2), or (3), and must record the reasons for so doing in writing to the extent provided in the
26 policies or requirements issued by the senior resident superior court judge pursuant to
27 G.S. 15A-535(a).

28 **(b1) Notwithstanding subsection (b) of this section, a judicial official must not impose**
29 **condition (4) of subsection (a) of this section as a condition of pretrial release if the most severe**
30 **charge brought against a defendant is a Class 1, 2, or 3 misdemeanor, unless the judicial official**
31 **determines that the defendant will pose a danger of injury to any witness. If the judicial official**
32 **imposes condition (4) of subsection (a) of this section as a condition of pretrial release under the**
33 **circumstances outlined in this subsection, the judicial official must record the reasons for doing**
34 **so in writing.**

35 (c) In determining which conditions of release to impose, the judicial official must, on
36 the basis of available information, take into account the nature and circumstances of the offense
37 charged; the weight of the evidence against the defendant; the defendant's family ties,
38 employment, financial resources, character, and mental condition; whether the defendant is
39 intoxicated to ~~such~~ a degree that ~~he~~the defendant would be endangered by being released without
40 supervision; the length of ~~his~~the defendant's residence in the community; ~~his~~the defendant's
41 record of convictions; ~~his~~the defendant's history of flight to avoid prosecution or failure to appear
42 at court proceedings; and any other evidence relevant to the issue of pretrial release.

43 (d) The judicial official authorizing pretrial release under this section must issue an
44 appropriate order containing a statement of the conditions imposed, if any; inform the defendant
45 in writing of the penalties applicable to violations of the conditions of ~~his~~the defendant's release;
46 and advise ~~him~~the defendant that ~~his~~the defendant's arrest will be ordered immediately upon
47 any violation. The order of release must be filed with the clerk and a copy given the defendant
48 and any surety, or the agent thereof who is executing the bond for the defendant's release pursuant
49 to that order.

50 (d1) When conditions of pretrial release are being imposed on a defendant who has failed
51 on one or more prior occasions to appear to answer one or more of the charges to which the

1 conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release
 2 that are recommended in any order for the arrest of the defendant that was issued for the
 3 defendant's most recent failure to appear. If no conditions are recommended in that order for
 4 arrest, the judicial official shall require the execution of a secured appearance ~~bond in an amount~~
 5 ~~at least double the amount of the most recent previous secured or unsecured bond for the charges~~
 6 ~~or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
 7 ~~(\$1,000)-bond.~~ The judicial official shall also impose such restrictions on the travel, associations,
 8 conduct, or place of abode of the defendant as will assure that the defendant will not again fail to
 9 appear. The judicial official shall indicate on the release order that the defendant was arrested or
 10 surrendered after failing to appear as required under a prior release order. If the information
 11 available to the judicial official indicates that the defendant has failed on two or more prior
 12 occasions to appear to answer the charges, the judicial official shall indicate that fact on the
 13 release order.

14 ...

15 (e) A magistrate or a clerk may modify ~~his-the magistrate or clerk's own~~ pretrial release
 16 order at any time prior to the first appearance before the district court judge. At or after ~~such-the~~
 17 first appearance, except when the conditions of pretrial release have been reviewed by the
 18 superior court pursuant to G.S. 15A-539, a district court judge may modify a pretrial release order
 19 of the magistrate or clerk or any pretrial release order entered by ~~him-the district court judge~~ at
 20 any time prior to:

21 ...

22 After a case is before the superior court, a superior court judge may modify the pretrial release
 23 order of a magistrate, clerk, or district court judge, or any ~~such-pretrial release~~ order entered by
 24 ~~him,-the superior court judge,~~ at any time prior to the time set out in G.S. 15A-536(a).

25 ...

26 (g) In imposing conditions of pretrial release and in modifying and revoking orders of
 27 release under this section, the judicial official must take into account all evidence available to
 28 ~~him-the judicial official~~ which ~~he-the judicial official~~ considers reliable and is not strictly bound
 29 by the rules of evidence applicable to criminal trials.

30 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor
 31 throughout all stages of the proceeding in the trial division of the General Court of Justice until
 32 the entry of judgment in the district court from which no appeal is taken or the entry of judgment
 33 in the superior court. The obligation of an obligor, however, is terminated at an earlier time ~~if-if~~
 34 either:

- 35 (1) A judge authorized to do so releases the obligor from ~~his bond; or~~ the obligor's
 36 bond.
- 37 (2) The principal is surrendered by a surety in accordance with ~~G.S. 15A-540;~~
 38 ~~or~~ G.S. 15A-540.
- 39 (3) The proceeding is terminated by voluntary dismissal by the State before
 40 forfeiture is ordered under ~~G.S. 15A-544.3; or~~ G.S. 15A-544.3.
- 41 (4) Prayer for judgment has been continued indefinitely in the district ~~court;~~
 42 ~~or~~ court.
- 43 (5) The court has placed the defendant on probation pursuant to a deferred
 44 prosecution or conditional discharge.

45"

46 **SECTION 17.2.** This Part becomes effective October 1, 2021, and applies to
 47 conditions of release imposed on or after that date.

48
 49 **PART XVIII. REVISE FEES IMPOSED FOR HAVING A DRIVERS LICENSE**
 50 **SUSPENDED OR REVOKED**

51 **SECTION 18.1.** G.S. 20-24.1 reads as rewritten:

1 "§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle
2 offenses.

3 (a) The Division ~~must~~shall revoke the driver's license of a person upon receipt of notice
4 from a court that the person was charged with a motor vehicle offense and ~~he~~the person:

5 (1) ~~failed~~Failed to appear, after being notified to do so, when the case was called
6 for a trial or ~~hearing~~hearing.

7 (2) ~~failed~~Failed to pay a fine, penalty, or court costs ordered by the court.

8 Revocation orders entered under the authority of this section are effective on the sixtieth day
9 after the order is mailed or personally delivered to the person.

10 (b) ~~A~~Except as otherwise provided in subsection (g) of this section, a license revoked
11 under this section remains revoked until the person whose license has been revoked:one of the
12 following occurs:

13 (1) The person disposes of the charge in the trial division in which ~~he~~the person
14 failed to appear when the case was last called for trial or ~~hearing~~hearing.

15 (2) The person demonstrates to the court that ~~he~~the person is not the person
16 charged with the ~~offense~~offense.

17 (3) The person pays the penalty, fine, or costs ordered by the ~~court~~court.

18 (4) The person demonstrates to the court that ~~his~~the person's failure to pay the
19 penalty, fine, or costs was not willful and that ~~he~~the person is making a good
20 faith effort to pay or that the penalty, fine, or costs should be remitted.

21 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
22 applicable to his case, the Division ~~must~~shall restore the person's license as provided in
23 subsection (c). In addition, if the person whose license is revoked is not a resident of this State,
24 the Division may notify the driver licensing agency in the person's state of residence that the
25 person's license to drive in this State has been revoked.

26 ...

27 (c) If the person satisfies the conditions of subsection (b) that are applicable to ~~his~~the
28 person's case before the effective date of the revocation order, the revocation order and any
29 entries on ~~his~~the person's driving record relating to it shall be deleted and the person does not
30 have to pay the restoration fee set by G.S. 20-7(i1). ~~For~~Except as otherwise provided in
31 subsection (g) of this section all other revocation orders issued pursuant to this section,
32 G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other
33 applicable requirements of this Article before the person may be relicensed.

34 ...

35 (f) ~~If a license is revoked under subdivision (2) of subsection (a) of this section, and for~~
36 ~~no other reason, the person subject to the order may apply to the court for a limited driving~~
37 ~~privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court~~
38 ~~are paid. The court may grant the limited driving privilege in the same manner and under the~~
39 ~~terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving~~
40 ~~privilege under this subsection only if the person has not had a limited driving privilege granted~~
41 ~~under this subsection within the three years prior to application.~~

42 (g) Except for a revocation order entered under this section resulting from a charge of
43 impaired driving, the Division shall automatically restore a license revoked pursuant to
44 subsection (a) of this section 12 months after the effective date of revocation."

45 **SECTION 18.2.** G.S. 20-7(i1) reads as rewritten:

46 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
47 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five
48 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall
49 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
50 prior to the issuance to such person of a new drivers license or the restoration of the drivers
51 license. The restoration fee shall be paid to the Division in addition to any and all fees which may

1 be provided by law. This restoration fee shall not be required from any licensee whose license
 2 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
 3 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
 4 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
 5 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
 6 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
 7 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
 8 Department of Health and Human Services. Notwithstanding any other provision of law, a
 9 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
 10 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
 11 person responsible for payment of the restoration fee has been issued a drivers license by the
 12 Division after the effective date of the revocation for which the restoration fee is owed. The
 13 Division may also waive restoration fees and other service fees upon a finding by the
 14 Commissioner that the license holder has shown good cause for not being able to pay the fine.
 15 The Office of State Budget and Management shall annually report to the General Assembly the
 16 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
 17 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
 18 Services under this subsection."

19 **SECTION 18.3.** Except for offenses involving impaired driving, the Division shall
 20 automatically restore any drivers license suspended for failure to pay after 12 months.

21 **SECTION 18.4.** This Part becomes effective October 1, 2021.

22
 23 **PART XIX. REQUIRE FIRST APPEARANCES WITHIN FORTY-EIGHT HOURS,**
 24 **REPEAL AUTOMATIC BOND DOUBLING, AND REQUIRE A PREVENTATIVE**
 25 **DETENTION HEARING WITHIN FIVE DAYS OF BEING HELD IN CUSTODY**

26 **SECTION 19.1.** G.S. 15A-601 reads as rewritten:

27 "**§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~**
 28 **~~in original jurisdiction of superior court; consolidation of first appearance~~**
 29 **~~before magistrate and before district court judge; first appearance before clerk~~**
 30 **~~of superior court; use of two-way audio and video transmission.~~**

31 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal
 32 process under Article 17 of this Chapter, Criminal Process, with a crime in the original
 33 jurisdiction of the superior court must be brought before a district court judge in the district court
 34 district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This
 35 first appearance before a district court judge is ~~not~~ a critical stage of the proceedings against the
 36 ~~defendant.~~ defendant and the defendant shall have a right to counsel at this proceeding.

37 Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under
 38 Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody
 39 must be brought before a district court judge in the district court district as defined in G.S. 7A-133
 40 in which the crime is charged to have been committed. This first appearance before a district
 41 court judge is a critical stage of the proceedings against the defendant, and the defendant shall
 42 have a right to counsel at this proceeding.

43 ...

44 (b) When a district court judge conducts an initial appearance as provided in
 45 G.S. 15A-511, ~~he~~ the judge may consolidate those proceedings and the proceedings under this
 46 Article.

47 (c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first
 48 appearance before a district court judge must be held within ~~96-48~~ hours after the defendant is
 49 taken into custody or at the first regular session of the district court in the county, whichever
 50 occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this
 51 Chapter, Bail, within ~~96-48~~ hours after being taken into custody, first appearance must be held at

1 the next session of district court held in the county. This subsection does not apply to a defendant
2 whose first appearance before a district court judge has been set in a criminal summons pursuant
3 to G.S. 15A-303(d).

4 ...

5 (e) The clerk of the superior court in the county in which the defendant is taken into
6 custody may conduct a first appearance as provided in this Article if a district court judge is not
7 available in the county within ~~96~~48 hours after the defendant is taken into custody. The clerk, in
8 conducting a first appearance, shall proceed under this Article as would a district court judge."

9 **SECTION 19.2.** G.S. 15A-534, as amended by Section 17.1 of this act, reads as
10 rewritten:

11 "**§ 15A-534. Procedure for determining conditions of pretrial release.**

12 ...

13 (d1) When conditions of pretrial release are being imposed on a defendant who has failed
14 on one or more prior occasions to appear to answer one or more of the charges to which the
15 conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release
16 that are recommended in any order for the arrest of the defendant that was issued for the
17 defendant's most recent failure to appear. If no conditions are recommended in that order for
18 arrest, the judicial official shall require the execution of a secured appearance bond in ~~an amount~~
19 ~~at least double the amount of the most recent previous secured or unsecured bond for the charges~~
20 ~~or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
21 (\$1,000). The judicial official shall also impose ~~such~~ restrictions on the travel, associations,
22 conduct, or place of abode of the defendant as will assure that the defendant will not again fail to
23 appear. The judicial official shall indicate on the release order that the defendant was arrested or
24 surrendered after failing to appear as required under a prior release order. If the information
25 available to the judicial official indicates that the defendant has failed on two or more prior
26 occasions to appear to answer the charges, the judicial official shall indicate that fact on the
27 release order.

28 ...

29 ~~(d3) When conditions of pretrial release are being determined for a defendant who is~~
30 ~~charged with an offense and the defendant is currently on pretrial release for a prior offense, the~~
31 ~~judicial official may require the execution of a secured appearance bond in an amount at least~~
32 ~~double the amount of the most recent previous secured or unsecured bond for the charges or, if~~
33 ~~no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
34 ~~(\$1,000).~~

35"

36 **SECTION 19.3.** Article 26 of Chapter 15A of the General Statutes is amended by
37 adding a new section to read:

38 "**§ 15A-534.8. Preventative detention hearing required.**

39 (a) Following an initial appearance, if the defendant remains in custody due to the
40 imposition of conditions of pretrial release under G.S. 15A-534(a)(4) or (5), the defendant shall
41 be brought before a district court judge in the district court district as defined in G.S. 7A-133 in
42 which the crime is charged to have been committed for a preventative detention hearing. The
43 preventative detention hearing shall occur within five days of the defendant's initial appearance.
44 The hearing shall be separate from the defendant's first appearance. The defendant shall have a
45 right to counsel at the hearing, which shall be provided by the State at the State's expense if the
46 defendant is found to be indigent.

47 (b) At a preventative detention hearing held pursuant to this section, the defendant shall
48 have the opportunity to present evidence and examine witnesses to determine whether conditions
49 of pretrial release under G.S. 15A-534(a)(4) or (5) are necessary to ensure the safety of any
50 person. The State shall also have an opportunity to respond, present evidence, and examine
51 witnesses during the hearing. If the district court judge finds by clear and convincing evidence

1 that the conditions of pretrial release under G.S. 15A-534(a)(4) or (5) are not necessary to
2 reasonably prevent injury to any person, the judge shall set new conditions of pretrial release
3 pursuant to G.S. 15A-534.

4 (c) If the district court judge does not rule in favor of the defendant pursuant to a
5 preventative detention hearing under this section, the judge shall record written findings as to
6 why the continued detention of the defendant is necessary. The conditions of pretrial release that
7 were at issue during the hearing shall remain the same unless otherwise lawfully modified by the
8 judge."

9 **SECTION 19.4.** This Part becomes effective October 1, 2021, and applies to
10 conditions of pretrial release imposed on or after that date.

11
12 **PART XX. APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE**
13 **COURTS TO STRENGTHEN AND MAINTAIN ITS COURT DATE REMINDER**
14 **SYSTEM AND ALLOW CRIMINAL DEFENDANTS TO STRIKE A FAILURE TO**
15 **APPEAR UNDER CERTAIN CIRCUMSTANCES**

16 **SECTION 20.1.** The Administrative Office of the Courts shall automatically enroll
17 all criminal defendants into its court date reminder system. A criminal defendant shall be allowed
18 to opt out of this automatic enrollment by using processes developed by the Administrative Office
19 of the Courts. The processes that allow a criminal defendant to opt out of this automatic
20 enrollment shall be developed and implemented no later than December 1, 2021.

21 **SECTION 20.2.** Article 17 of Chapter 15A of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 15A-306. Strike failure to appear under certain circumstances.**

24 (a) Notwithstanding any other provision of law, a person who fails to appear in court as
25 required by a citation or other criminal process served upon that person pursuant to this Article
26 shall have 20 calendar days from the missed court date to contact the clerk of superior court to
27 request a new court date. If a person contacts the clerk of superior court as required by this
28 section, the person's failure to appear in court, as well as any order for arrest or fines related to
29 the failure to appear in court, shall be stricken by the clerk of superior court, and the person shall
30 be provided a new court date in the case.

31 (b) A person shall receive no more than one new court date in a criminal case pursuant
32 to this section."

33 **SECTION 20.3.** Section 20.1 of this Part becomes effective December 1, 2021, and
34 applies to criminal defendants arrested on or after that date. Section 20.2 of this Part becomes
35 effective October 1, 2021, and applies to failures to appear in court on or after that date. The
36 remainder of this Part is effective when it becomes law.

37
38 **PART XXI. PROVIDE A RIGHT TO COUNSEL FOR CRIMINAL DEFENDANTS**
39 **FACING A FELONY OR MISDEMEANOR CHARGE, AND APPROPRIATE FUNDS**
40 **TO INDIGENT DEFENSE SERVICES FOR THE PURPOSE OF IMPLEMENTING**
41 **THAT CHANGE**

42 **SECTION 21.1.** G.S. 7A-451(a) reads as rewritten:

43 "(a) An indigent person is entitled to services of counsel in the following actions and
44 proceedings:

45 (1) Any case in which ~~imprisonment, or a fine of five hundred dollars (\$500.00),~~
46 ~~or more, is likely to be adjudged a felony or misdemeanor is charged.~~

47 ...

48 (3) A motion for appropriate relief under Chapter 15A of the General Statutes if
49 appointment of counsel is authorized by Chapter 15A of the General Statutes
50 and the defendant has been convicted of a felony, has been fined ~~five~~two

1 hundred dollars ~~(\$500.00)~~ (\$200.00) or more, or has been sentenced to a term
2 of imprisonment.

3"

4 **SECTION 21.2.** There is appropriated from the General Fund to the Office of
5 Indigent Defense Services, Private Assigned Counsel Fund, the sum of one million one hundred
6 eighty thousand dollars (\$1,180,000) in recurring funds for each fiscal year of the 2021-2023
7 fiscal biennium to be used to fund the increased need of appointed counsel pursuant to the
8 expansion of eligibility to receive appointed counsel under this Part.

9 **SECTION 21.3.** Section 21.2 of this Part becomes effective July 1, 2021. The
10 remainder of this Part becomes effective October 1, 2021.

11
12 **PART XXII. MAKE JURIES MORE REPRESENTATIVE OF THE POPULATION**

13 **SECTION 22.1.** Article 1 of Chapter 9 of the General Statutes reads as rewritten:

14 "Article 1.

15 "Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

16 ...

17 **"§ 9-2. Preparation of master jury list; sources of names.**

18 (a) It shall be the duty of the jury commission ~~during every odd-numbered year to~~
19 annually prepare a master list of prospective jurors qualified under this Chapter to serve ~~in the~~
20 ~~biennium beginning on January 1 of the next year. Instead of providing a master list for an entire~~
21 ~~biennium, the commission may prepare a master list each year if the senior regular resident~~
22 ~~superior court judge requests in writing that it do so.~~

23 ...

24 (f) The master list shall contain ~~not less than one and one-quarter times and not more~~
25 ~~than three times as many names as were drawn for jury duty in all courts in the county during the~~
26 ~~previous biennium, or, if an annual list is being prepared as requested under subsection (a) of this~~
27 ~~section the master list shall contain not less than one and one-quarter times and not more than~~
28 ~~three times as many names as were drawn for jury duty in all courts in the county during the~~
29 ~~previous year-year,~~ but in no event shall the list include fewer than 500 names, except that in
30 counties in which a different panel of jurors is selected for each day of the week, there is no limit
31 to the number of names that may be placed on the master list.

32 ...

33 **"§ 9-2.1:** Repealed by Session Laws 2012-180, s. 2, effective July 12, 2012.

34 ...

35 **"§ 9-4. Preparation and custody of alphabetized list; access to list.**

36 (a) As the master jury list is prepared, the name of each qualified person selected for the
37 list shall be recorded and alphabetically arranged. The alphabetized list shall be maintained in
38 the office of the clerk of superior court, together with a statement of the sources used and
39 procedures followed in preparing the list. The alphabetized list shall be kept under lock and key,
40 but shall be available for public inspection during regular office hours. The clerk of court may
41 elect to store an electronic copy of the alphabetized list for the county.

42 (b) Public access to juror information shall be limited to the alphabetized list of the
43 names. The addresses and dates of birth of prospective jurors are confidential and not subject to
44 disclosure without an order of the court.

45"

46 **SECTION 22.2.** G.S. 20-43.4 reads as rewritten:

47 **"§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.**

48 (a) The Commissioner of Motor Vehicles shall annually provide to each county jury
49 commission an alphabetical list of all persons that the Commissioner has determined are residents
50 of the county, who will be 18 years of age or older as of the first day of January of the following
51 year, and licensed to drive a motor vehicle as of July 1 of ~~each odd-numbered year, provided that~~

1 if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the
2 county jury commission shall be updated and provided annually.the year in which the list is
3 compiled.

4 (b) The list shall include those persons whose license to drive has been suspended, and
5 those former licensees whose license has been canceled, except that the list shall not include the
6 name of any formerly licensed driver whose license is expired and has not been renewed for eight
7 years or more. The list shall contain the address and zip code of each driver, plus the driver's date
8 of birth, sex, race, social security number, and drivers license number, and may be in either
9 printed or computerized form, as requested by each county. Before providing the list to the county
10 jury commission, the Commissioner shall have computer-matched the list with the voter
11 registration list of the State Board of Elections to eliminate duplicates. The Commissioner shall
12 also remove from the list the names of those residents of the county who are (i) issued a drivers
13 license of limited duration under G.S. 20-7(s), (ii) issued a drivers license of regular duration
14 under G.S. 20-7(f) and who hold a valid permanent resident card issued by the United States, or
15 (iii) who are recently deceased, which names shall be supplied to the Commissioner by the State
16 Registrar under G.S. 130A-121(b). The Commissioner shall include in the list provided to the
17 county jury commission names of registered voters who do not have drivers licenses, and shall
18 indicate the licensed or formerly licensed drivers who are also registered voters, the licensed or
19 formerly licensed drivers who are not registered voters, and the registered voters who are not
20 licensed or formerly licensed drivers.

21 (b1) The raw data of date of birth, sex, and race used to develop the list provided by the
22 Commissioner under subsection (b) of this section shall be made available for analysis by clerks
23 of court, jury commissions, and the public to ensure compliance with applicable laws. The data
24 of date of birth, sex, and race in the list provided by the Commissioner under subsection (b) of
25 this section shall also be made available for analysis by clerks of court, jury commissions, and
26 the public to ensure compliance with applicable laws.

27 (c) ~~The~~ Except as provided in subsection (b1) of this section, the list so provided shall be
28 used solely for jury selection and election records purposes and no other. Information ~~Except as~~
29 provided in subsection (b1) of this section, information provided by the Commissioner to county
30 jury commissions and the State Board of Elections under this section shall remain confidential,
31 shall continue to be subject to the disclosure restriction provisions of G.S. 20-43.1, and shall not
32 be a public record for purposes of Chapter 132 of the General Statutes."

33 **SECTION 22.3.** G.S. 9-2, as amended by Section 22.1 of this act, is amended by
34 adding a new subsection to read:

35 "(l) The data of date of birth, sex, and race for the following lists shall be compiled by
36 each county and shall be public records under Chapter 132 of the General Statutes:

- 37 (1) The master list of prospective jurors.
- 38 (2) The list of jurors summoned.
- 39 (3) The list of jurors that have served.
- 40 (4) The list of jurors that have been excused.
- 41 (5) The list of jurors that have been disqualified.
- 42 (6) The list of jurors whose service has been deferred."

43 **SECTION 22.4.** Section 22.1 of this Part is effective when it becomes law and
44 applies to master jury lists prepared on or after that date. Section 22.2 of this Part is effective
45 when it becomes law and applies to lists compiled by the Commissioner of Motor Vehicles on or
46 after that date. Section 22.3 of this Part becomes effective October 1, 2021, and applies to lists
47 prepared on or after that date. The remainder of this Part is effective when it becomes law.

48
49 **PART XXIII. PROMOTING THE DIGNITY OF WOMEN WHO ARE**
50 **INCARCERATED**

1 SECTION 23.1. Chapter 15A of the General Statutes is amended by adding a new
2 Article to read:

3 "Article 83A.

4 "Dignity for Women Who are Incarcerated Act.

5 "**§ 15A-1360.2. Definitions.**

6 As used in this Article, the following definitions apply:

- 7 (1) Body cavity searches. – Invasive searches of incarcerated persons conducted
8 by correctional facility employees in search of contraband.
- 9 (2) Correctional facility. – Any unit of the State prison system, local confinement
10 facility, juvenile detention facility, or other entity under the authority of any
11 State or local law enforcement agency that has the power to detain or restrain
12 a person under the laws of this State.
- 13 (3) Correctional facility employee. – Anyone who is employed by a correctional
14 facility or the State Department of Public Safety.
- 15 (4) Extraordinary circumstance. – There has been an individualized determination
16 that there are compelling grounds to believe that the incarcerated woman
17 presents an immediate, serious threat of harming herself, the fetus, or any
18 other person, or an immediate substantial flight risk that cannot be reasonably
19 contained by other means, including the use of additional personnel.
- 20 (5) Flight risk. – An incarcerated person who has shown the intent to attempt to
21 escape the correctional facility.
- 22 (6) Incarcerated person. – Any person incarcerated or detained in any facility who
23 is accused of, convicted of, sentenced for, or adjudicated delinquent for
24 violations of criminal law or the terms and conditions of parole, probation,
25 pretrial release, or a diversionary program.
- 26 (7) Menstrual products. – Products that women use during their menstrual cycle.
27 These include tampons, sanitary napkins, and menstrual cups.
- 28 (8) Postpartum recovery. – The six-week period following delivery, or longer, as
29 determined by the health care professional responsible for the health and
30 safety of the incarcerated woman.
- 31 (9) Restraints. – Any physical or mechanical device used to restrict or control the
32 movement of an incarcerated person's body, limbs, or both.
- 33 (10) Restrictive housing. – Any type of detention that involves an inability to leave
34 a room or cell for the vast majority of the day.
- 35 (11) State of undress. – A situation when an incarcerated person is partially or fully
36 naked, either in the shower, toilet areas, a medical examination room, or while
37 having a body cavity search conducted.

38 "**§ 15A-1360.3. Care for incarcerated women related to pregnancy and childbirth.**

39 (a) Limitation on Use of Restraints. – Except as otherwise provided in this subsection,
40 the Department of Public Safety and correctional facility employees shall not apply the following
41 restraints on a pregnant incarcerated woman during the second and third trimesters of pregnancy,
42 during labor and delivery, and during the six-week postpartum recovery period:

- 43 (1) Leg restraints.
- 44 (2) Handcuffs or other wrist restraints.
- 45 (3) Restraints connected to other incarcerated persons.
- 46 (4) Waist shackles.

47 An incarcerated woman who is in the postpartum recovery period may only be restrained
48 using wrist handcuffs held in front of her body and only if a correctional facility employee makes
49 an individualized determination that an extraordinary circumstance exists. In this case, the
50 correctional facility employee ordering use of restraints on any incarcerated woman while in the
51 postpartum recovery period shall submit a written report to the warden or administrator of the

1 correctional facility within 72 hours following the use of restraints. The report shall contain the
2 justification for restraining the incarcerated woman during postpartum recovery.

3 Nothing in this subsection shall prohibit the use of medical restraints by a licensed health
4 care professional to ensure the medical safety of a pregnant incarcerated woman.

5 (c) Invasive Searches. – No correctional facility employee, other than a certified health
6 care professional, shall conduct invasive body cavity searches of an incarcerated woman who is
7 pregnant or in the postpartum recovery period unless the correctional facility employee has
8 compelling grounds to believe that the incarcerated woman is concealing contraband that
9 presents an immediate threat of harm to the incarcerated person, the fetus, or another person. In
10 this case, the correctional facility employee shall submit a written report to the warden or
11 administrator of the correctional facility within 72 hours following the invasive search,
12 containing the justification for the invasive search and the presence or absence of any contraband.

13 (d) Nutrition. – The Department of Public Safety and the administrator of the correctional
14 facility shall ensure that pregnant incarcerated women are provided sufficient food and dietary
15 supplements, and are provided access to food at appropriate times of day, as ordered by a
16 physician, a physician staff member, or a correctional facility nutritionist to meet generally
17 accepted prenatal nutritional guidelines for pregnant women.

18 (e) Restrictive Housing. – The Department of Public Safety and the administrator of the
19 correctional facility shall not place any pregnant incarcerated woman, or any incarcerated person
20 who is in the six-week postpartum recovery period, in restrictive housing unless a correctional
21 facility employee makes an individualized determination that an extraordinary circumstance
22 exists. In this case, the correctional facility employee authorizing the placement of the
23 incarcerated person in restrictive housing shall submit a written report to the warden or
24 administrator of the correctional facility within 72 hours following the transfer. The report shall
25 contain the justification for confining the incarcerated woman in restrictive housing.

26 (f) Bed Assignments. – The Department of Public Safety and the administrator of the
27 correctional facility shall not assign any incarcerated woman who is pregnant or in postpartum
28 recovery to any bed that is elevated more than 3 feet from the floor of the correctional facility.

29 (g) Cost of Care. – Pregnant incarcerated women shall be provided necessary prenatal,
30 labor, and delivery care as needed at no cost to the incarcerated woman.

31 (h) Reporting. – The warden or administrator of the correctional facility shall compile a
32 monthly summary of all written reports received pursuant to this section, G.S. 15A-1360.4, and
33 G.S. 15A-1360.6. The warden or administrator of the correctional facility shall submit the
34 summary to the Secretary of the Department of Public Safety.

35 **"§ 15A-1360.4. Postpartum recovery of incarcerated women.**

36 (a) Bonding Period. – Following the delivery of a newborn by an incarcerated woman,
37 the Department of Public Safety or the administrator of the correctional facility shall permit the
38 newborn to remain with the incarcerated woman for at least 72 hours unless the medical provider
39 has a reasonable belief that remaining with the incarcerated woman poses a health or safety risk
40 to the newborn.

41 (b) Nutritional and Hygiene Products During the Postpartum Period. – During the period
42 of postpartum recovery, the Department of Public Safety and the administrator of the correctional
43 facility shall make available the necessary nutritional and hygiene products, including sanitary
44 napkins, underwear, and hygiene products for the postpartum woman, and diapers to care for the
45 newborn. The products shall be provided at no cost to the incarcerated woman.

46 **"§ 15A-1360.5. Family considerations; placement of incarcerated person; visitation.**

47 (a) Placement. – To the greatest extent practicable, after accounting for security and
48 capacity, the Department of Public Safety shall place incarcerated persons who are in the custody
49 of the State prison system and who are parents of minor children within 250 miles of their
50 permanent address of record.

1 (b) Visitation. – The Department of Public Safety and the administrator of a correctional
2 facility shall adopt rules authorizing visitation of incarcerated persons with low- or
3 minimum-security classifications, who are parents of minor children, by the incarcerated person's
4 minor children. The rules shall specify the following minimum requirements:

5 (1) Opportunities for dependent children under the age of 18 to visit an
6 incarcerated parent at least twice per week unless a correctional facility
7 employee has a reasonable belief that the dependent child:

8 a. May be harmed during visitation.

9 b. Poses a security risk due to a gang affiliation, prior conviction, or past
10 violation of correctional facility contraband policy.

11 (2) The elimination of restrictions on the number of dependent children under the
12 age of 18 that may be permitted visitation privileges.

13 (3) Authorization of contact visits for incarcerated persons who are parents of
14 minor children.

15 **"§ 15A-1360.6. Inspection by correctional facility employees.**

16 (a) Inspections When a Female Incarcerated Person Is in the State of Undress. – To the
17 greatest extent practicable and consistent with safety and order, the Secretary of the Department
18 of Public Safety and the administrator of the correctional facility shall issue regulations that limit
19 inspections by male correctional facility employees when a female incarcerated person is in a
20 state of undress. Nothing in this section shall limit the ability of a male correctional facility
21 employee from conducting inspections when a female incarcerated person may be in a state of
22 undress if no female correctional facility employees are available within a reasonable period of
23 time.

24 (b) Documentation Requirement. – If a male correctional facility employee deems it is
25 appropriate to conduct an inspection or search while a female incarcerated person is in a clear
26 state of undress in an area such as the shower, the medical examination room, toilet areas, or
27 while a female incarcerated person is having a body cavity search, the male correctional facility
28 employee shall submit a written report to the warden or administrator of the correctional facility
29 within 72 hours following the inspection or search, containing the justification for a male
30 correctional facility employee to inspect the female incarcerated person while in a state of
31 undress.

32 **"§ 15A-1360.7. Access to menstrual products.**

33 Access to Menstrual Products. – The Department of Public Safety and the administrator of
34 the correctional facility shall ensure that sufficient menstrual products are available at the
35 correctional facility for all incarcerated women who have an active menstrual cycle. Incarcerated
36 women who menstruate shall be provided menstrual products as needed at no cost to the
37 incarcerated woman.

38 **"§ 15A-1360.8. Training and technical assistance.**

39 (a) Correctional Facility Employee Training. – The Department of Public Safety and the
40 administrator of the correctional facility shall develop, in consultation with the Department of
41 Health and Human Services, Divisions of Public Health and Mental Health, Developmental
42 Disabilities, and Substance Abuse Services, and provide to all correctional facility employees
43 who have contact with pregnant incarcerated women training related to the physical and mental
44 health of pregnant incarcerated women and fetuses, including:

45 (1) General care of pregnant women.

46 (2) The impact of restraints on pregnant incarcerated women and fetuses.

47 (3) The impact of being placed in restrictive housing on pregnant incarcerated
48 women.

49 (4) The impact of invasive searches on pregnant incarcerated women.

1 (b) Educational Programming for Pregnant Incarcerated Women. – The Department of
2 Public Safety and the administrator of the correctional facility shall develop and provide
3 educational programming for pregnant incarcerated women related to:

- 4 (1) Prenatal care.
- 5 (2) Pregnancy-specific hygiene.
- 6 (3) Parenting skills.
- 7 (4) The impact of alcohol and drugs on the fetus.
- 8 (5) General health of children."

9 **SECTION 23.2.** G.S. 143B-702 reads as rewritten:

10 **"§ 143B-702. Division of Adult Correction and Juvenile Justice of the Department of Public**
11 **Safety – rules and regulations.**

12 (a) The Division of Adult Correction and Juvenile Justice of the Department of Public
13 Safety shall adopt rules and regulations related to the conduct, supervision, rights and privileges
14 of persons in its custody or under its supervision. Such rules and regulations shall be filed with
15 and published by the office of the Attorney General and shall be made available by the Division
16 for public inspection. The rules and regulations shall include a description of the organization of
17 the Division. A description or copy of all forms and instructions used by the Division, except
18 those relating solely to matters of internal management, shall also be filed with the office of the
19 Attorney General.

20 (b) The rules and regulations adopted under this section shall be subject to the
21 requirements of Article 83A of Chapter 15A of the General Statutes."

22 **SECTION 23.3.** Article 10 of Chapter 153A of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 153A-221.2. Treatment of pregnant prisoners; female prisoners.**

25 A local confinement facility established pursuant to this Part shall be subject to the
26 requirements of Article 83A of Chapter 15A of the General Statutes."

27 **SECTION 23.4.** This Part becomes effective October 1, 2021.

28
29 **PART XXIV. SEVERABILITY CLAUSE**

30 **SECTION 24.1.** If any Part, section, or provision of this act is declared
31 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
32 any Part, section, or provision other than the Part, section, or provision so declared to be
33 unconstitutional or invalid.

34
35 **PART XXV. EFFECTIVE DATE**

36 **SECTION 25.1.** Except as otherwise provided, this act is effective when it becomes
37 law.