A BILL TO BE ENTITLED
AN ACT TO MAKE CRIMINAL JUSTICE, POLICING, AND JUVENILE JUSTICE REFORM, AND TO APPROPRIATE FUNDS.
The General Assembly of North Carolina enacts:

PART I. FUNDS TO EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM TO ALL COUNTIES IN THE STATE

SECTION 1.1. G.S. 17C-20 reads as rewritten:
"§ 17C-20. Definitions.
As used in this Article, the following definitions apply:

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

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

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

PART II. EXEMPT IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS FROM RULE MAKING

SECTION 2.1. G.S. 150B-1(d) reads as rewritten:
"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

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

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

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

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

The State Highway Patrol 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.

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

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

(a) The State Highway Patrol 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 State Highway Patrol website.

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

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

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

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

"Chapter 74E.
"Company Police Act.

…

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

It shall be a mandatory policy of a company police agency that every company police officer shall have a first aid kit and shall be required to do the following when a person in a company 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.

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

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

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

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

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

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

A campus 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.

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

(a) A campus 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 campus police agency website.

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

(a) Campus 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) Traffic stops.
(2) Pursuits.
(3) Arrests.
(4) Searches.
(5) Interrogations not covered under G.S. 15A-211.
(6) Interviews with victims and witnesses.

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

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

It shall be a mandatory policy of the State Bureau of Investigation that every law enforcement officer shall have a first aid kit and shall be required to do the following when a person in a law enforcement 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.

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

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

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

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

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

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

(a) The State Bureau of Investigation 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 State Bureau of Investigation website.

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

(a) Law enforcement officers of the State Bureau of Investigation 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) Traffic stops.
   (2) Pursuits.
   (3) Arrests.
   (4) Searches.
   (5) Interrogations not covered under G.S. 15A-211.
   (6) Interviews with victims and witnesses.
   (7) Interactions with inmates of a State correctional facility or local confinement facility.
(b) The requirements of subsection (a) of this section shall not apply to law enforcement officers of the State Bureau of Investigation during undercover operations.

…

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

(a) The State Bureau of Investigation, in consultation with the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission, shall participate in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service by submitting requested or necessary information regarding all sworn law enforcement officers with the power to arrest in the State. Operation and management shall be under the sole direction and control of the Director of the State Bureau of Investigation.
(b) The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall create a publicly accessible database of law enforcement officers with adverse actions required to be reported to the federal Rap Back Service.
(c) All law enforcement agencies in the State, including, but not limited to, the State Highway Patrol, the State Bureau of Investigation, county sheriffs’ offices, municipal police
departments, campus police agencies, and company police agencies, shall provide to the State
Bureau of Investigation information requested pursuant to this section."

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

"Part 1. Law Enforcement.

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

It shall be a mandatory policy of a county that every county law enforcement officer shall
have a first aid kit and shall be required to do the following when a person in a county law
enforcement 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.


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

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

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

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

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

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

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

(a) A county 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 county website.

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

(a) County law enforcement 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) Traffic stops.
(2) Pursuits.
Arrests.  
Searches.  
Interrogations not covered under G.S. 15A-211.  
Interviews with victims and witnesses.  
Interactions with inmates of a State correctional facility or local confinement facility.  

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

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

"§ 160A-290. Require city law enforcement officers to render medical assistance to persons in custody.  
It shall be a mandatory policy of a city that every city law enforcement officer shall have a first aid kit and shall be required to do the following when a person in a city law enforcement 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.  

A city shall develop and implement a use of force intervention system to document and track city law enforcement officer actions, behaviors, and citizen complaints regarding the use of force to help the city manage personnel by intervening to correct city law enforcement officer performance. The use of force intervention system shall, at a minimum, do the following:  
(1) Identify city law enforcement officers who receive two or more citizen complaints of any kind in a single month.  
(2) Identify city law enforcement 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).  

"§ 160A-290.2. Require regular use of force data reporting to the State Bureau of Investigation.  
A city shall report to the State Bureau of Investigation city law enforcement officer use of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.  

"§ 160A-290.3. Require regular Rap Back data reporting to the State Bureau of Investigation.  
(a) A city 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.  
(b) Prior to hiring a city law enforcement officer, a county shall request and review Rap Back Service information from the State Bureau of Investigation regarding the applicant for a city law enforcement officer position.  

"§ 160A-290.4. Require use of National Incident-Based Reporting System.  
(a) A city 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 city website.

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

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

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

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

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

SECTION 4.1. G.S. 143B-919 is amended by adding a new subsection to read: "(b1) The Bureau shall investigate and prepare evidence in the event of any of the following officer-involved use of force incidents related to the actions of a sworn law enforcement officer of the State or any local subdivision of the State:

(1) An officer discharges the officer's firearm in the performance of the officer's duties.
(2) An officer uses force in the performance of the officer's duties that results in the death of a person.
(3) An officer is alleged to have sexually assaulted a person in the performance of the officer's duties.
(4) An officer is alleged to have committed an act of domestic violence.
(5) A person dies while in the custody of an officer.

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

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

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

SECTION 4.2. This Part becomes effective October 1, 2021.
PART V. REQUIRED DATA COLLECTION, DATA REPORTING, AND USE OF BODY-WORN AND DASHBOARD CAMERAS

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

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

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

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

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

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

(a) All law enforcement agencies in the State, including, but not limited to, the State Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police departments, campus police agencies, and company police agencies, 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 law enforcement agency website.

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

(a) All sworn law enforcement officers with the power of arrest, including, but not limited to, those employed by the State Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police departments, campus police agencies, and company police agencies, 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) Traffic stops.
(2) Pursuits.
(3) Arrests.
(4) Searches.
(5) Interrogations not covered under G.S. 15A-211.
(6) Interviews with victims and witnesses.
(7) Interactions with inmates of a State correctional facility or local confinement facility.

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

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

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

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

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

"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 stolen or embezzled; or
  (2) Is it contraband or otherwise unlawfully possessed; or
  (3) Has it been used or is possessed for the purpose of being used to commit
crime; or
  (4) 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
    (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
    (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
    (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
    (2) Oral testimony under oath or affirmation before the issuing official; or

  (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, 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 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
2. The name of a specific officer or the classification of officers to whom the warrant is addressed; and
3. The names of the applicant and of all persons whose affidavits or testimony were given in support of the application; and
4. A designation sufficient to establish with reasonable certainty the premises, vehicles, or persons to be searched; and
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; or
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
requires, search for any dangerous weapons by an external patting of the clothing of those present. If in the course of such a frisk he feels an object which he reasonably believes to be a dangerous weapon, he may take possession of the object.

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

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

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

§ 132-1.4A. Law enforcement agency recordings.

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

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

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

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

(c1) Disclosure of Recordings; Local Government Purposes. – Notwithstanding the requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency shall disclose a recording, upon request, to a citizens' review board in a closed session with each review board member having signed a confidentiality agreement. Any person who knowingly violates the confidentiality agreement required by this subsection is guilty of a Class 1 misdemeanor.

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

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

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to
this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

" SECTION 7.2. This Part becomes effective October 1, 2021.

PART VIII. NORTH CAROLINA LAW ENFORCEMENT ACCREDITATION PROGRAM FUNDING

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

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

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

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

(1) Use of force.
(2) Chokeholds.
(3) Duty to intervene and report.
(4) Vehicle pursuits.
(5) Early warning systems.
(6) Field training programs.
(7) Professional standards and conduct.

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

PART IX. PUBLIC SAFETY AND VIOLENCE PREVENTION COMMUNITY GRANT PROGRAMS

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

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

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

PART X. DECRIMINALIZE MISDEMEANOR POSSESSION OF MARIJUANA OR HASHISH

SECTION 10.1. G.S. 90-95(d)(4) reads as rewritten:
"(4) Except as otherwise provided in this subdivision, a controlled substance classified in Schedule VI shall be guilty of a Class 3 misdemeanor, but any sentence of imprisonment imposed must be suspended and the judge may not require at the time of sentencing that the defendant serve a period of imprisonment as a special condition of probation. If the quantity of the controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, the violation shall be punishable as a Class I misdemeanor—an infraction. If the quantity of the controlled substance exceeds one and one-half ounces (avoirdupois) of marijuana, or three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the violation shall be punishable as a Class I felony."

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

"§ 15A-145.8B. Expunction of certain possession of marijuana offenses. (a) If a person was charged with a misdemeanor violation of G.S. 90-95(a)(3) for possession of marijuana or hashish, and the person was convicted, the conviction shall be ordered to be automatically expunged no later than December 1, 2023, in the manner set forth in this section.

(b) The clerk of each superior court shall determine which cases meet the criteria for expunction set forth in subsection (a) of this section. Upon completing the review required under this subsection, the clerk of each superior court shall prepare an order of expungement for each case that meets the criteria set forth in subsection (a) of this section and was finalized in his or her court. Upon completion of the order of expungement, the court shall order the expunction.

Upon order of expungement, the clerk shall forward the petition to the Administrative Office of the Courts.

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

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

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

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

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

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

PART XII. FUNDING FOR DRUG TREATMENT COURT PROGRAMS AND MENTAL HEALTH COURT PROGRAMS

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

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

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

PART XIII. MODIFY DEFINITIONS OF DELINQUENT JUVENILE AND UNDISCIPLINED JUVENILE TO INCLUDE ONLY JUVENILES AT LEAST 12 YEARS OF AGE

SECTION 13.1.(a) G.S. 7B-1501 reads as rewritten:

"§ 7B-1501. Definitions.
In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified:

…

(7) 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.

…

(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.

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

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

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

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

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

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

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

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

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

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

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

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

"§ 115C-105.70. School resource officer.
(a) A school resource officer is any law enforcement officer assigned to one or more public schools within a public school unit for at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following, consistent with any written memorandum of understanding between the public school unit and the law enforcement agency governing the school resource officer:

1. School safety.
2. School security.
3. Emergency preparedness.
4. Emergency response.
5. Any additional responsibilities related to school safety or security assigned by the officer’s employer while the officer is acting as a school resource officer.

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

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

1. Mental health.
2. Students with disabilities.
3. Racial equity.
4. Crisis intervention and de-escalation.

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

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

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

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


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

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

"§ 7B-1802A. School-based complaints.

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

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

SECTION 14.2.(b) This section becomes effective on January 1, 2022, and applies to school-based complaints initiated on or after that date by school resource officers.
SECTION 14.3. Except as otherwise provided, this Part is effective when it becomes law.

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

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

"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.
(a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this section. A transfer shall occur after either of the following:
(1) Notice to the juvenile and a finding by the court that a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
(2) Notice, hearing, and a finding of probable cause that the juvenile committed an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
(a1) The prosecutor may decline to prosecute in superior court a matter that would otherwise be subject to mandatory transfer pursuant to subsection (a) of this section. If the prosecutor declines to prosecute the matter in superior court, jurisdiction over the juvenile shall remain in juvenile court following a finding of probable cause pursuant to G.S. 7B-2202. Prior to adjudication, the prosecutor may choose to transfer the matter pursuant to subsection (a) of this section."

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

PART XVI. ELIMINATE LIFE WITHOUT PAROLE FOR JUVENILES AND MODIFY PAROLE ELIGIBILITY FOR JUVENILES SENTENCED TO MORE THAN FIFTEEN YEARS IMPRISONMENT

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

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

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

"§ 15A-1340.19A. Applicability.
Notwithstanding the provisions of G.S. 14-17, a defendant who is convicted of first degree murder, and who was under the age of 18 at the time of the offense, shall be sentenced in accordance with this Part. For the purposes of this Part, "life imprisonment with parole" shall mean that the defendant shall serve a minimum of 25 years imprisonment prior to becoming eligible for parole.

§ 15A-1340.19B. Penalty and parole eligibility determination.
(a) In determining a sentence under this Part, the court shall do one of the following:
(1) If the sole basis for conviction of a count or each count of first degree murder was the felony murder rule, then the court shall sentence the defendant to life imprisonment with parole.

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

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

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

(1) Age at the time of the offense.
(2) Immaturity.
(3) Ability to appreciate the risks and consequences of the conduct.
(4) Intellectual capacity.
(5) Prior record.
(6) Mental health.
(7) Familial or peer pressure exerted upon the defendant.
(8) Likelihood that the defendant would benefit from rehabilitation in confinement.
(9) Any other mitigating factor or circumstance.

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

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

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

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

(b) All motions for appropriate relief filed in superior court seeking resentencing under the provisions of this Part may be heard and determined in the trial division by any judge (i) who is empowered to act in criminal matters in the superior court district or set of districts as defined in G.S. 7A-41.1, in which the judgment was entered and (ii) who is assigned pursuant to this section to review the motion for appropriate relief and take the appropriate administrative action to dispense with the motion.
(e) The judge who presided at the trial of the defendant is empowered to act upon the motion for appropriate relief even though the judge is in another district or even though the judge's commission has expired; however, if the judge who presided at the trial is still unavailable to act, the senior resident superior court judge shall assign a judge who is empowered to act under subsection (b) of this section.

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

"§ 15A-1340.19D. Incidents of parole.

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

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

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

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

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


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

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

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

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

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

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

(1) Release the defendant on his the defendant's written promise to appear.
Release the defendant upon his the defendant's execution of an unsecured appearance bond in an amount specified by the judicial official.

Place the defendant in the custody of a designated person or organization agreeing to supervise him the defendant.

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

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

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

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

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

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

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

…

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

…

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

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

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

"..."

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

PART XVIII. REVISE FEES IMPOSED FOR HAVING A DRIVERS LICENSE SUSPENDED OR REVOKED

SECTION 18.1. G.S. 20-24.1 reads as rewritten:
"§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle offenses.

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

(1) failed to appear, after being notified to do so, when the case was called for a trial or hearing; or

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

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

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

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

(2) The person demonstrates to the court that he the person is not the person charged with the offense; or

(3) The person pays the penalty, fine, or costs ordered by the court; or

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

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

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

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

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

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

"(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five dollars ($65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall pay a restoration fee of one hundred thirty dollars ($130.00). The fee shall be paid to the Division prior to the issuance to such person of a new drivers license or the restoration of the drivers license. The restoration fee shall be paid to the Division in addition to any and all fees which may..."
be provided by law. This restoration fee shall not be required from any licensee whose license
was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
evaluation was conducted pursuant to this Chapter. The sixty five dollar ($65.00) fee, and the
first one hundred five dollars ($105.00) of the one hundred thirty dollar ($130.00) fee, shall be
deposited in the Highway Fund. Twenty five dollars ($25.00) of the one hundred thirty dollar
($130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
Department of Health and Human Services. Notwithstanding any other provision of law, a
restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
person responsible for payment of the restoration fee has been issued a drivers license by the
Division after the effective date of the revocation for which the restoration fee is owed. The
Division may also waive restoration fees and other service fees upon a finding by the
Commissioner that the license holder has shown good cause for not being able to pay the fine.
The Office of State Budget and Management shall annually report to the General Assembly the
amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
Branch of the Chronic Disease and Injury Section of the Department of Health and Human
Services under this subsection."

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

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

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

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

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

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

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

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

(c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first
appearance before a district court judge must be held within 96-48 hours after the defendant is
taken into custody or at the first regular session of the district court in the county, whichever
occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this
Chapter, Bail, within 96-48 hours after being taken into custody, first appearance must be held at
the next session of district court held in the county. This subsection does not apply to a defendant whose first appearance before a district court judge has been set in a criminal summons pursuant to G.S. 15A-303(d).

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

SECTION 19.2. G.S. 15A-534, as amended by Section 17.1 of this act, reads as rewritten:
"§ 15A-534. Procedure for determining conditions of pretrial release.

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

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

SECTION 19.3. Article 26 of Chapter 15A of the General Statutes is amended by adding a new section to read:
"§ 15A-534.8. Preventative detention hearing required.

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

(b) At a preventative detention hearing held pursuant to this section, the defendant shall have the opportunity to present evidence and examine witnesses to determine whether conditions of pretrial release under G.S. 15A-534(a)(4) or (5) are necessary to ensure the safety of any person. The State shall also have an opportunity to respond, present evidence, and examine witnesses during the hearing. If the district court judge finds by clear and convincing evidence
that the conditions of pretrial release under G.S. 15A-534(a)(4) or (5) are not necessary toeasonably prevent injury to any person, the judge shall set new conditions of pretrial release
pursuant to G.S. 15A-534.
(c) If the district court judge does not rule in favor of the defendant pursuant to a
preventative detention hearing under this section, the judge shall record written findings as to
why the continued detention of the defendant is necessary. The conditions of pretrial release that
were at issue during the hearing shall remain the same unless otherwise lawfully modified by the
judge."

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

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

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

SECTION 20.2. Article 17 of Chapter 15A of the General Statutes is amended by
adding a new section to read:
(a) Notwithstanding any other provision of law, a person who fails to appear in court as
required by a citation or other criminal process served upon that person pursuant to this Article
shall have 20 calendar days from the missed court date to contact the clerk of superior court to
request a new court date. If a person contacts the clerk of superior court as required by this
section, the person’s failure to appear in court, as well as any order for arrest or fines related to
the failure to appear in court, shall be stricken by the clerk of superior court, and the person shall
be provided a new court date in the case.
(b) A person shall receive no more than one new court date in a criminal case pursuant
to this section."

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

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

SECTION 21.1. G.S. 7A-451(a) reads as rewritten:
"(a) An indigent person is entitled to services of counsel in the following actions and
proceedings:
(1) Any case in which imprisonment, or a fine of five hundred dollars ($500.00),
or more, is likely to be adjudged a felony or misdemeanor is charged.
…
(3) A motion for appropriate relief under Chapter 15A of the General Statutes if
appointment of counsel is authorized by Chapter 15A of the General Statutes
and the defendant has been convicted of a felony, has been fined five-two
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hundred dollars ([$500.00]-[$200.00]) or more, or has been sentenced to a term
of imprisonment.

"..."

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

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

PART XXII. MAKE JURIES MORE REPRESENTATIVE OF THE POPULATION

SECTION 22. Article 1 of Chapter 9 of the General Statutes reads as rewritten:
"Article 1.
"Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.
...
"§ 9-2. Preparation of master jury list; sources of names.
(a) It shall be the duty of the jury commission during every odd numbered year to
annually prepare a master list of prospective jurors qualified under this Chapter to serve in the
biennium beginning on January 1 of the next year. Instead of providing a master list for an entire
biennium, the commission may prepare a master list each year if the senior regular resident
superior court judge requests in writing that it do so.
...
(f) The master list shall contain not less than one and one quarter times and not more
than three times as many names as were drawn for jury duty in all courts in the county during the
previous biennium, or, if an annual list is being prepared as requested under subsection (a) of this
section the master list shall contain not less than one and one-quarter times and not more than
three times as many names as were drawn for jury duty in all courts in the county during the
previous year, but in no event shall the list include fewer than 500 names, except that in
counties in which a different panel of jurors is selected for each day of the week, there is no limit
to the number of names that may be placed on the master list.

...
"§ 9-4. Preparation and custody of alphabetized list; access to list.
(a) As the master jury list is prepared, the name of each qualified person selected for the
list shall be recorded and alphabetically arranged. The alphabetized list shall be maintained in
the office of the clerk of superior court, together with a statement of the sources used and
procedures followed in preparing the list. The alphabetized list shall be kept under lock and key,
but shall be available for public inspection during regular office hours. The clerk of court may
elect to store an electronic copy of the alphabetized list for the county.
(b) Public access to juror information shall be limited to the alphabetized list of the
names. The addresses and dates of birth of prospective jurors are confidential and not subject to
disclosure without an order of the court.
...
"§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.
(a) The Commissioner of Motor Vehicles shall annually provide to each county jury
commission an alphabetical list of all persons that the Commissioner has determined are residents
of the county, who will be 18 years of age or older as of the first day of January of the following
year, and licensed to drive a motor vehicle as of July 1 of each odd numbered year, provided that
if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the county jury commission shall be updated and provided annually—the year in which the list is compiled.

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

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

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

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

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

1. The master list of prospective jurors.
2. The list of jurors summonsed.
3. The list of jurors that have served.
4. The list of jurors that have been excused.
5. The list of jurors that have been disqualified.
6. The list of jurors whose service has been deferred."
SECTION 23.1. Chapter 15A of the General Statutes is amended by adding a new
Article to read:

"Article 83A.

"Dignity for Women Who are Incarcerated Act.

§ 15A-1360.2. Definitions.
As used in this Article, the following definitions apply:

(1) Body cavity searches. – Invasive searches of incarcerated persons conducted
by correctional facility employees in search of contraband.

(2) Correctional facility. – Any unit of the State prison system, local confinement
facility, juvenile detention facility, or other entity under the authority of any
State or local law enforcement agency that has the power to detain or restrain
a person under the laws of this State.

(3) Correctional facility employee. – Anyone who is employed by a correctional
facility or the State Department of Public Safety.

(4) Extraordinary circumstance. – There has been an individualized determination
that there are compelling grounds to believe that the incarcerated woman
presents an immediate, serious threat of harming herself, the fetus, or any
other person, or an immediate substantial flight risk that cannot be reasonably
contained by other means, including the use of additional personnel.

(5) Flight risk. – An incarcerated person who has shown the intent to attempt to
escape the correctional facility.

(6) Incarcerated person. – Any person incarcerated or detained in any facility who
is accused of, convicted of, sentenced for, or adjudicated delinquent for
violations of criminal law or the terms and conditions of parole, probation,
pretrial release, or a diversionary program.

(7) Menstrual products. – Products that women use during their menstrual cycle.
These include tampons, sanitary napkins, and menstrual cups.

(8) Postpartum recovery. – The six-week period following delivery, or longer, as
determined by the health care professional responsible for the health and
safety of the incarcerated woman.

(9) Restraints. – Any physical or mechanical device used to restrict or control the
movement of an incarcerated person’s body, limbs, or both.

(10) Restrictive housing. – Any type of detention that involves an inability to leave
a room or cell for the vast majority of the day.

(11) State of undress. – A situation when an incarcerated person is partially or fully
naked, either in the shower, toilet areas, a medical examination room, or while
having a body cavity search conducted.

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

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

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

An incarcerated woman who is in the postpartum recovery period may only be restrained
using wrist handcuffs held in front of her body and only if a correctional facility employee makes
an individualized determination that an extraordinary circumstance exists. In this case, the
correctional facility employee ordering use of restraints on any incarcerated woman while in the
postpartum recovery period shall submit a written report to the warden or administrator of the
correctional facility within 72 hours following the use of restraints. The report shall contain the
justification for restraining the incarcerated woman during postpartum recovery.

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

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

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

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

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

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

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

§ 15A-1360.4. Postpartum recovery of incarcerated women.

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

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

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

(a) Placement. – To the greatest extent practicable, after accounting for security and
capacity, the Department of Public Safety shall place incarcerated persons who are in the custody
of the State prison system and who are parents of minor children within 250 miles of their
permanent address of record.
(b) Visitation. – The Department of Public Safety and the administrator of a correctional facility shall adopt rules authorizing visitation of incarcerated persons with low- or minimum-security classifications, who are parents of minor children, by the incarcerated person’s minor children. The rules shall specify the following minimum requirements:

1. Opportunities for dependent children under the age of 18 to visit an incarcerated parent at least twice per week unless a correctional facility employee has a reasonable belief that the dependent child:
   a. May be harmed during visitation.
   b. Poses a security risk due to a gang affiliation, prior conviction, or past violation of correctional facility contraband policy.

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

3. Authorization of contact visits for incarcerated persons who are parents of minor children.

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

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

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

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

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

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

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

1. General care of pregnant women.
2. The impact of restraints on pregnant incarcerated women and fetuses.
3. The impact of being placed in restrictive housing on pregnant incarcerated women.
4. The impact of invasive searches on pregnant incarcerated women.
(b) Educational Programming for Pregnant Incarcerated Women. — The Department of Public Safety and the administrator of the correctional facility shall develop and provide educational programming for pregnant incarcerated women related to:

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

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

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

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

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

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

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

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

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

PART XXIV. SEVERABILITY CLAUSE

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

PART XXV. EFFECTIVE DATE

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