

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 1141
PROPOSED COMMITTEE SUBSTITUTE H1141-PCS40807-CE-31

Short Title: Technical/Conforming Changes for the Courts.-AB

(Public)

Sponsors:

Referred to:

May 31, 2022

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO
3 VARIOUS PROVISIONS AFFECTING OUR STATE COURT SYSTEM AND TO
4 APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6
7 **EXPUNCTIONS DISCLOSURE CORRECTION TO RECONCILE SESSION LAWS**
8 **2020-35 AND 2021-107**

9 **SECTION 1.(a)** G.S. 15A-151(a) reads as rewritten:

10 "(a) The Administrative Office of the Courts shall maintain a confidential file for
11 expungements containing the petitions granted under this Article and the names of those people
12 for whom it received a notice under G.S. 15A-150. The information contained in the file may be
13 disclosed only as follows:

14 ...

15 (4) Upon request of State or local law enforcement, if the criminal record was
16 expunged under this Chapter ~~15A-145.8A, 15A-146~~ for employment purposes
17 only.

18 (5) Upon the request of the North Carolina Criminal Justice Education and
19 Training Standards Commission, if the criminal record was expunged under
20 this Chapter ~~15A-145.8A, 15A-146~~ for certification purposes only.

21 (6) Upon request of the North Carolina Sheriff's Education and Training
22 Standards Commission, if the criminal record was expunged under this
23 Chapter ~~15A-145.8A, 15A-146~~ for certification purposes only.

24"

25 **SECTION 1.(b)** This section is effective when it becomes law and applies
26 retroactively to requests for disclosure of expunctions made on or after October 1, 2021.

27
28 **SATELLITE-BASED MONITORING CONFORMING CHANGE**

29 **SECTION 2.(a)** Section 18(o) of S.L. 2021-138 reads as rewritten:

30 **"SECTION 18.(o)** The Division of Adult Correction and Juvenile Justice shall provide each
31 elected District Attorney a list of the individuals that reside in a county in that District Attorney's
32 district that is subject to State v. Grady, 831 S.E. 2d 542 (NC 2019), decided August 16, 2019,
33 namely all individuals in the same category as the defendant, Mr. Grady: individuals subject to
34 mandatory lifetime satellite-based monitoring based solely on their status as a statutorily defined
35 "recidivist" who have completed their prison sentences and are no longer supervised by the State
36 through probation, parole, or post-release supervision. An elected District Attorney must decide



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1 to handle each case or have the Attorney General handle the case. If requested by an elected
2 District Attorney, the Attorney General shall make a preliminary determination whether the
3 recidivist subject to State v. Grady, may meet any requirement to enroll in a satellite-based
4 monitoring program other than being a recidivist, and represent the State in any proceedings
5 created by this section. Each District Attorney or Attorney General shall review the determination
6 for every one of the class members. If the District Attorney or Attorney General makes a
7 preliminary determination that the individual may meet any requirement to enroll in a
8 satellite-based monitoring program other than being a recidivist, they shall notify the person and
9 the sheriff in the county where the individual resides. The District Attorney or Attorney General
10 may petition the court in that county for a hearing to have a judge determine if an individual
11 subject to State v. Grady, 831 S.E. 2d 542 (NC 2019), meets the criteria for satellite-based
12 monitoring consistent with G.S. 14-208.40A, as amended by this ~~act~~ and S.L. 2021-182."

13 **SECTION 2.(b)** This section is effective when it becomes law.
14

15 **CORRECT GENERAL COURT OF JUSTICE FEE REFERENCE**

16 **SECTION 3.(a)** G.S. 20-135.2A(e), as amended by S.L. 2022-6, reads as rewritten:

17 "(e) Any driver or front seat passenger who fails to wear a seat belt as required by this
18 section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty
19 cents (\$25.50) plus the following court costs:

- 20 (1) The General Court of Justice fee provided for in G.S. 7A-304(a)(4).
- 21 (2) The fee provided for in G.S. 7A-304(a)(2a).
- 22 (3) One dollar and fifty cents (\$1.50) to be remitted to the county wherein the
23 infraction was issued, except in those cases in which the infraction was issued
24 by a law enforcement officer employed by a municipality, the fee shall be paid
25 to the municipality employing the officer.
- 26 (4) One dollar and fifty cents (\$1.50) for the supplemental pension benefits of
27 sheriffs to be remitted to the Department of Justice and administered under
28 the provisions of Article 12H of Chapter 143 of the General Statutes.

29 Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section
30 shall have committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court
31 costs. ~~Court costs assessed under this section are for the support of the General Court of Justice~~
32 ~~and shall be remitted to the State Treasurer.~~ Conviction of an infraction under this section has no
33 other consequence."

34 **SECTION 3.(b)** This section is effective when it becomes law.
35

36 **FIRST APPEARANCE CONFORMING CHANGES**

37 **SECTION 4.(a)** G.S. 15A-601(e), as amended by S.L. 2021-138, S.L. 2021-182, and
38 S.L. 2022-6, reads as rewritten:

39 "(e) The clerk of the superior court in the county in which the defendant is taken into
40 custody may conduct a first appearance as provided in this Article if a district court judge is not
41 available in the county within 72 hours after the defendant is taken into custody, or 96 hours after
42 the defendant is taken into custody if the courthouse is closed for transactions for a period longer
43 than 72 hours. A magistrate may conduct the first appearance if the clerk is not available. ~~The~~
44 For the limited purpose of conducting a first appearance and notwithstanding any other provision
45 of law, the clerk or magistrate, in conducting a first appearance, magistrate shall proceed under
46 this Article as would a district court judge-judge and shall have the same authority that a district
47 court judge has at a first appearance."

48 **SECTION 4.(b)** G.S. 15A-604 reads as rewritten:

49 **"§ 15A-604. Determination of sufficiency of charge.**

50 (a) The judge must examine each criminal process or magistrate's order and determine
51 whether each charge against the defendant charges ~~a~~either:

1 (1) A criminal offense within the original jurisdiction of the superior court.

2 (2) A misdemeanor offense within the original jurisdiction of the district court.

3 (b) If the judge determines that the process or order fails to charge a criminal offense
4 within the original jurisdiction of the superior court, ~~he~~ court or a misdemeanor within the
5 original jurisdiction of the district court, the judge must notify the prosecutor and take further
6 appropriate action, including one or more of the following:

7 ...

8 (4) ~~With~~ For a pleading that purported to allege an offense within the original
9 jurisdiction of the superior court, with the consent of the prosecutor, set the
10 case for trial in the district court if the charge is found to be within the original
11 jurisdiction of the district court."

12 **SECTION 4.(c)** G.S. 15A-606(a) reads as rewritten:

13 "(a) ~~The~~ If a defendant is charged with an offense within the original jurisdiction of the
14 superior court, the judge must schedule a probable-cause hearing unless the defendant waives in
15 writing ~~his~~ the defendant's right to such hearing. A defendant represented by counsel, or who
16 desires to be represented by counsel, may not before the date of the scheduled hearing waive ~~his~~
17 the defendant's right to a probable-cause hearing without the written consent of the defendant
18 and ~~his~~ the defendant's counsel."

19 **SECTION 4.(d)** This section is effective when it becomes law and applies to first
20 appearances conducted on or after that date.

21 **CRIMINAL PROCEDURE CONFORMANCE FOR ELECTRONIC COURTS**

22 **SECTION 5.(a)** G.S. 12-3 reads as rewritten:

23 **"§ 12-3. Rules for construction of statutes.**

24 In the construction of all statutes the following rules shall be observed, unless such
25 construction would be inconsistent with the manifest intent of the General Assembly, or
26 repugnant to the context of the same statute, that is to say:

27 ...

28 (8) "Seal". – In all cases in which the seal of any court or public office shall be
29 required by law to be affixed to any paper issuing from such court or office,
30 the word "seal" shall be construed to include an impression of such official
31 seal, made upon the paper alone, ~~as well as~~ an impression made by means of
32 a wafer or of wax affixed thereto, or an image or other mark adopted
33 by said court or office as its seal.

34 ...

35 (10) "Written" and "in Writing". – The words "written" and "in writing" may be
36 construed to include printing, engraving, lithographing, and any other mode
37 of representing words and letters: Provided, that in all cases where a written
38 signature is required by law, the same shall be in a proper handwriting, or in
39 a proper ~~mark~~ mark affixed by the use of any manual, mechanical, or
40 electronic means that causes the individual's signature to appear in or on the
41 document.

42 "

43 **SECTION 5.(b)** G.S. 15-189 reads as rewritten:

44 **"§ 15-189. Sentence of death; prisoner taken to penitentiary.**

45 Upon the sentence of death being pronounced against any person in the State of North
46 Carolina convicted of a crime punishable by death, it shall be the duty of the judge pronouncing
47 such death sentence to make the same in writing, which shall be filed in the ~~papers in~~ record of
48 the case against such convicted person. The clerk of the superior court in which such death
49 sentence is pronounced shall prepare a certified copy of said judgment or sentence of death,
50 including therewith a copy of any notice or entries of appeal made in such case; if no entries or
51

1 notice of appeal have been made or given in such case, a statement to the effect shall be included
2 in the certificate of the clerk; it shall also be the duty of the district attorney, assistant district
3 attorney, or attorney prosecuting in behalf of the State in the absence of the district attorney, to
4 prepare and sign a certificate stating in substance that he prosecuted said case in behalf of the
5 State and that notice or entries of appeal have or have not been made or given in said case, and
6 further that he has examined a copy of said judgment or sentence of death certified by the clerk,
7 including the copy of the notice or entries of appeal or statement to the effect that no appeal has
8 been given, and to the best of his knowledge the same is correct; the certificate of said district
9 attorney, or other prosecuting officer above named, shall be attached to the certified copy of said
10 sentence of death, as prepared and certified by the clerk, and both certificates shall be transmitted
11 by the clerk of the superior court in which said sentence of death is pronounced to the warden of
12 the State penitentiary at Raleigh, North Carolina; at the same time and in the same manner, a
13 duplicate original of said certificates shall be prepared by the clerk of the superior court and the
14 district attorney, or other prosecuting officer above named, and the said duplicate original or said
15 certificates shall be transmitted to the Attorney General of North Carolina. If notice of appeal is
16 given or entries of appeal are made after the expiration of the term of superior court in which said
17 sentence of death is pronounced, said certificates shall be prepared by the clerk of the superior
18 court in which said sentence is pronounced and by the district attorney, or other prosecuting
19 officer above named, prosecuting in behalf of the State, in the same manner and shall be
20 transmitted as soon as possible to the warden of the State penitentiary at Raleigh, North Carolina,
21 and to the Attorney General of North Carolina. The above certificates so prepared by the clerk
22 of the superior court in which such sentence of death is pronounced and by the district attorney,
23 or other prosecuting officer above named, shall be transmitted by the clerk of the superior court
24 in which such sentence is pronounced to the warden of the State penitentiary at Raleigh, North
25 Carolina, and to the Attorney General of North Carolina, not more than 20 or less than 10 days
26 before the time fixed in the judgment of the court for the execution of the sentence; and in all
27 cases where there is no appeal, said sentence of death shall not be carried out by the warden of
28 the State penitentiary or by any of his deputies or agents until said certificates so prepared and
29 transmitted by the clerk of the superior court in which said sentence of death is pronounced, and
30 by the district attorney, or the prosecuting officer above named, have been received in the office
31 of the warden of the State penitentiary at Raleigh, North Carolina. In all cases where there is no
32 appeal from the sentence of death and in all cases where the sentence is pronounced against a
33 prisoner convicted of the crime of rape it shall be the duty of the sheriff, together with at least
34 one deputy, to convey to the penitentiary, at Raleigh, North Carolina, such condemned felon or
35 convict forthwith upon the adjournment of the court in which the felon was tried, and deliver the
36 convict or felon to the warden of the penitentiary."

37 **SECTION 5.(c)** G.S. 15-192 reads as rewritten:

38 **"§ 15-192. Certificate filed with clerk.**

39 The warden, together with the licensed physician who was present on the premises to
40 pronounce death as required by G.S. 15-190, shall certify the fact of the execution of the
41 condemned person, convict or felon to the clerk of the superior court in which such sentence was
42 pronounced, and the clerk shall file such certificate with the papers-record of the case and enter
43 the same upon the records thereof."

44 **SECTION 5.(d)** G.S. 15A-101.1 reads as rewritten:

45 **"§ 15A-101.1. Electronic technology in criminal process and procedure.**

46 As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General
47 Statutes, and in all other provisions of the General Statutes that deal with criminal process or
48 procedure:

- 49 (1) "Copy" means all identical versions of a document created or existing in paper
50 or electronic form, including the original and all other identical versions of the
51 document in paper form. ~~document.~~ Except where otherwise expressly

1 provided by law or when authority is vested only in a certified copy, a copy
2 of a document is equally authoritative as the original.

- 3 ...
4 (5) ~~"Electronic signature" means any electronic method of signing a document
5 that meets each of the following requirements:~~
6 a. ~~Identifies and authenticates a particular person as the signer of the
7 document, is unique to the person using it, is capable of certification,
8 and is under the sole control of the person using it.~~
9 b. ~~Is attached to or logically associated with the document in such a
10 manner that if the document is altered in any way without
11 authorization of the signer, the signature is invalidated.~~
12 e. ~~Indicates that person's intent to issue, enter or otherwise authenticate
13 the document.~~

- 14 ...
15 (7) "Filing" or "filed" means:
16 ...
17 b. When the document is in electronic form, creating and saving the
18 document, or transmitting it, in such a way that it is unalterably
19 retained in the electronic records of the office where the document is
20 to be filed. A document is "unalterably retained" in an electronic
21 record when it may not be edited or otherwise altered except by a
22 person with authorization to do so. ~~Filing is complete when the
23 document has first been unalterably retained in the electronic records
24 of the office where the document is to be filed.~~

- 25 (8) "Issued" applies to documents in either paper form or electronic form. A
26 document that is first created in paper form is issued when it is signed. A
27 document that is first created in electronic form is issued when it is signed,
28 signed and filed in the office of the clerk of superior court of the county for
29 which it is to be issued, ~~and retained in the Electronic Repository.~~ issued.

- 30 ...
31 (10) "Signature" means any symbol, including, but not limited to, the name of an
32 individual, which is executed by that individual, personally or through an
33 authorized agent, with the intent to authenticate or to effect the issuance or
34 entry of a document. ~~The term includes an electronic signature.~~ A document
35 may be signed by the use of any manual, mechanical or electronic means that
36 causes the individual's signature to appear in or on the document. Any party
37 challenging the validity of a signature shall have the burden of pleading,
38 producing evidence, and proving ~~the following:~~
39 a. ~~The that the signature was not the act of the person whose signature it
40 appears to be.~~
41 b. ~~If the signature is an electronic signature, the requirements of
42 subdivision (5) of this section have not been met.~~

- 43 (11) "Attach" or "attached" means, when referring to documents existing in paper
44 form, physical attachment by staples, clips, or other mechanical means, or
45 managed such that neither document is stored or delivered without the other.
46 When referring to documents stored in electronic form, the term means either
47 storage as a single digital file or storage in a manner that a user interface for
48 access to the documents displays clearly the logical association between them,
49 to the exclusion of other, unassociated documents displayed with them. When
50 referring to documents delivered in electronic form, the term means
51 documents delivered simultaneously and via the same mechanism or medium,

1 including, but not limited to, delivery via a single email message on a single
2 unit of removable electronic media, or in immediate, contemporaneous
3 sequence with one another from the same source to the same recipient. It is
4 not necessary that the relationship between documents appear on the face of
5 the documents in order to be deemed attached."

6 **SECTION 5.(e)** G.S. 15A-131(f) reads as rewritten:

7 "(f) For the purposes of this Article, pretrial proceedings are proceedings occurring after
8 the initial appearance ~~before the magistrate~~ and prior to arraignment."

9 **SECTION 5.(f)** G.S. 15A-301 reads as rewritten:

10 **"§ 15A-301. Criminal process generally.**

11 (a) Formal Requirements. –

12 ...

13 (2) Criminal process, other than a citation, must be signed and dated by the
14 justice, judge, magistrate, or clerk-judicial official who issues it. The citation
15 must be signed and dated by the law-enforcement officer who issues it.

16 ...

17 (b1) Approval by District Attorney; school personnel. – Notwithstanding any other
18 provision of law, no warrant for arrest, order for arrest, criminal summons, or other criminal
19 process shall be issued by a magistrate against a school employee, as defined in G.S. 14-33(c)(6),
20 for an offense that occurred while the school employee was in the process of discharging his or
21 her duties of employment, without the prior written approval of the district attorney or the district
22 attorney's designee. For purposes of this subsection, the term "district attorney" means the person
23 elected to the office of district attorney. This subsection does not apply if the offense is a traffic
24 offense or if the offense occurred in the presence of a sworn law enforcement officer. The district
25 attorney may decline to accept the authority set forth in this subsection; in such case, the
26 procedure and review authority shall be as set forth in subsection (b2) of this section.

27 (b2) Magistrate review; school personnel. – A district attorney may decline the authority
28 provided under subsection (b1) of this section by transmitting-filing a letter so indicating with
29 the clerk of superior court. The district attorney shall provide a copy of the filed letter to the chief
30 district court judge. Upon receipt of a-the letter from the district attorney declining the authority
31 provided in subsection (b1) of this section, attorney, the chief district court judge shall appoint a
32 magistrate or magistrates to review any application for a warrant for arrest, order for arrest,
33 criminal summons, or other criminal process against a school employee, as defined in
34 G.S. 14-33(c)(6), where the allegation is that the school employee committed a misdemeanor
35 offense while discharging his or her duties of employment. The failure to comply with any of the
36 requirements in this subsection shall not affect the validity of any warrant, order, summons, or
37 other criminal process. The following exceptions apply to the requirements in this subsection:

38"

39 **SECTION 5.(g)** G.S. 15A-301.1 reads as rewritten:

40 **"§ 15A-301.1. Electronic Repository.**

41 (a) The Administrative Office of the Courts shall ~~create and~~ maintain, in cooperation with
42 State and local law enforcement agencies, an automated electronic repository or repositories
43 for criminal process (hereinafter referred to collectively as the Electronic Repository), which shall
44 comprise a secure system of electronic data entry, storage, and retrieval that provides for creating,
45 signing, issuing, entering, filing, and retaining criminal process in electronic form, and that
46 provides for the following with regard to criminal process in electronic form:

47 ...

48 ~~The Administrative Office of the Courts shall assure that all electronic signatures effected~~
49 ~~through use of the system meet the requirements of G.S. 15A-101.1(5).~~

50 ...

1 (k) Service Requirements for Process Entered in the Electronic Repository. – The copy
2 of ~~the~~ a process printed for the purpose of service shall be served not later than 24 hours after it
3 has been printed. The date, time, and place of service shall promptly be recorded in the Electronic
4 Repository and shall be part of the official records of the court. If the process is not served within
5 24 hours, that fact shall promptly be recorded in the Electronic Repository and all copies of the
6 process in paper form shall be destroyed. The process may again be printed in paper form at later
7 times and at the same or other places. Subsection (f) of this section applies to each successively
8 printed copy of the process. ~~When service of the warrant is no longer being actively pursued, that~~
9 ~~fact shall be promptly recorded in the Electronic Repository.~~

10"

11 **SECTION 5.(h)** G.S. 15A-302(d) reads as rewritten:

12 "(d) Service. – A copy of the citation shall be delivered to the person ~~cited who may sign~~
13 ~~a receipt on the cited. The original which~~ shall thereafter be filed with the clerk by the officer. ~~If~~
14 ~~the cited person refuses to sign, the officer shall certify delivery of the citation by signing the~~
15 ~~original, which shall thereafter be filed with the clerk.~~ Failure of the person cited to sign accept
16 delivery of the citation shall not constitute grounds for his arrest or the requirement that he post
17 a bond. When a citation is issued for a parking offense, a copy shall be delivered to the operator
18 of a vehicle who is present at the time of service, or shall be delivered to the registered owner of
19 the vehicle if the operator is not present by affixing a copy of the citation to the vehicle in a
20 conspicuous place."

21 **SECTION 5.(i)** G.S. 15A-531 reads as rewritten:

22 **"§ 15A-531. Definitions.**

23 As used in this Article the following definitions apply unless the context clearly requires
24 otherwise:

25 ...

26 (2) "Address of record" means:

27 ...

28 b. For an insurance company, the address ~~of the insurance company as it~~
29 ~~appears on the power of appointment of the company's bail agent~~
30 registered with the ~~clerk of superior court~~ Administrative Office of the
31 Courts under G.S. 58-71-140.

32 c. For a bail agent, the address shown on the bail agent's license from the
33 Department of ~~Insurance~~ Insurance, as registered with the clerk of
34 ~~superior court~~ Administrative Office of the Courts under
35 G.S. 58-71-140.

36 d. For a professional bondsman, the address shown on that bondsman's
37 license from the Department of Insurance, as registered with the ~~clerk~~
38 ~~of superior court~~ Administrative Office of the Courts under
39 G.S. 58-71-140.

40"

41 **SECTION 5.(j)** G.S. 15A-537(b) reads as rewritten:

42 "(b) Upon release of the person in question, the person effecting release must file any
43 bond, deposit, or mortgage and other ~~papers~~ documents pertaining to the release with the clerk
44 of the court in which release was authorized."

45 **SECTION 5.(k)** G.S. 58-71-140 reads as rewritten:

46 **"§ 58-71-140. Registration of licenses and power of appointments by insurers.**

47 (a) Before the date ~~of the notice~~ provided for in subsection (e) of this section, no
48 professional bail bondsman shall become a surety on an undertaking unless he or she has
49 registered his or her current license in the office of the clerk of superior court in the county in
50 which he or she resides and a certified copy of the same with the clerk of superior court in any
51 other county in which he or she shall write bail bonds.

1 (b) Before the date ~~of the notice~~ provided for in subsection (e) of this section, a surety
2 bondsman shall register his or her current surety bondsman's license and a certified copy of his
3 or her power of appointment with the clerk of superior court in the county in which the surety
4 bondsman resides and with the clerk of superior court in any other county in which the surety
5 bondsman writes bail bonds on behalf of an insurer.

6 (c) Before the date ~~of the notice~~ provided for in subsection (e) of this section, no runner
7 shall become surety on an undertaking on behalf of a professional bondsman unless that runner
8 has registered his or her current license and a certified copy of his or her power of attorney in the
9 office of the clerk of superior court in the county in which the runner resides and with the clerk
10 of superior court in any other county in which the runner writes bail bonds on behalf of the
11 professional bondsman.

12 (c1) On or after the date ~~of the notice~~ provided for in subsection (e) of this section, all
13 licensed professional bail bondsmen, surety bondsmen, and runners shall register in the statewide
14 Electronic Bondsmen Registry in accordance with subsection (e) of this section.

15 ...

16 (e) On or before October 1, 2006, the Administrative Office of the Courts shall establish
17 a statewide Electronic Bondsmen Registry (Registry) for all ~~licenses, powers of appointment,
18 and powers of attorney licenses~~ requiring registration under this section. ~~When the Registry is
19 established, the Administrative Office of the Courts shall notify the Commissioner and the
20 Commissioner shall notify all licensed professional bondsmen, surety bondsmen, runners, and
21 qualified insurance companies of the Registry. On or after the date of that notice, that date, a
22 person may register as required under this section by maintaining a record of each required
23 license, power of appointment, or power of attorney in the Registry. After a License information
24 in the Registry for bail bondsmen and insurance companies shall be provided to the
25 Administrative Office of the Courts by the Commissioner or by an entity designated by the
26 Commissioner to provide the information on the Commissioner's behalf. A bondsman, surety
27 bondsman, or runner has completed registration appearing in the Registry, he or she Registry is
28 authorized to execute bail bonds pursuant to his or her registered license, power of appointment,
29 or power of attorney in all counties so long as the registered license, power of appointment, or
30 power of attorney remains in effect. effect, and the execution of a proposed bond is not otherwise
31 prohibited pursuant to G.S. 15A-544.7(d)."~~

32 **SECTION 5.(l)** G.S. 15A-744 reads as rewritten:

33 **"§ 15A-744. Costs and expenses.**

34 Subject to the requirements and restrictions set forth in this section, if the crime is a felony
35 or if a person convicted in this State of a misdemeanor has broken the terms of ~~his~~ the person's
36 probation or parole, reimbursements for expenses shall be paid out of the State treasury on the
37 certificate of the Governor. In all other cases, such expenses or reimbursements shall be paid out
38 of the county treasury of the county wherein the crime is alleged to have been committed
39 according to such regulations as the board of county commissioners may promulgate. In all cases,
40 the expenses, for which repayment or reimbursement may be claimed, shall consist of the
41 reasonable and necessary travel expense and subsistence costs of the extradition agent or fugitive
42 officer, as well as the fugitive, together with such legal fees as were paid to the officials of the
43 state on whose governor the requisition is made. The person or persons designated to return the
44 fugitive shall not be allowed, paid or reimbursed for any expenses in connection with any
45 requisition or extradition proceeding unless the expenses are itemized, the statement of same be
46 sworn to under oath, and shall not then be paid or reimbursed unless a receipt is obtained showing
47 the amount, the purpose for which ~~said~~ the item or sum was expended, the place, date and to
48 whom paid, and said receipt or receipts attached to ~~said~~ the sworn statement and filed with the
49 Governor. The Governor shall have the authority, upon investigation, to increase or decrease any
50 item or expenses shown in said sworn statement, or to include items of expenses omitted by
51 mistake or inadvertence. The decision or determination of the Governor as to the correct amount

1 to be paid for such expenses or reimbursements shall be final. When it is deemed necessary for
2 more than one agent, extradition agent, fugitive officer or person, to be designated to return a
3 fugitive from another state to this State, the district attorney or prosecuting officer shall file with
4 ~~his~~a written application to the Governor of this State an affidavit setting forth in detail the
5 grounds or reasons why it is necessary to have more than one extradition agent, fugitive officer
6 or person to be so designated. Among other things, and not by way of limitation, the affidavit
7 shall set forth whether or not the alleged fugitive is a dangerous person, ~~his~~the alleged fugitive's
8 previous criminal record if any, and any record of ~~said~~the alleged fugitive on file with the Federal
9 Bureau of Investigation or with the prison authorities of this State. As a further ground or reason
10 for more than one extradition agent or fugitive officer to be designated, it may be shown in ~~said~~
11 the affidavit the number of fugitives to be returned to this State and any other grounds or reasons
12 for which more than one extradition agent or fugitive officer is desired. If the Governor finds or
13 determines from ~~his~~the Governor's own investigation and from the information made available
14 to ~~him~~the Governor that more than one extradition agent or fugitive officer is necessary for the
15 return of a fugitive or fugitives to this State, ~~he~~the Governor may designate more than one
16 extradition agent or fugitive officer for ~~such~~that purpose. All travel for which expenses or
17 reimbursements are paid or allowed under this section shall be by the nearest, direct, convenient
18 route of travel. If the extradition agent or agents or person or persons designated to return a
19 fugitive or fugitives from another state to this State shall elect to travel by automobile, a sum not
20 exceeding seven cents (7¢) per mile may be allowed in lieu of all travel expense, and which shall
21 be paid upon a basis of mileage for the complete trip. The Governor may promulgate executive
22 orders, rules and regulations governing travel, forms of statements, receipts or any other matter
23 or objective provided for in this section. The Governor may delegate any or all of the duties,
24 powers and responsibilities conferred upon ~~him~~the Governor by this section to any executive
25 agent or executive clerk on ~~his~~the Governor's staff or in ~~his~~the Governor's office, and ~~such~~that
26 executive agent or executive clerk, when properly authorized, may perform any or all of the
27 duties, powers and responsibilities conferred upon the Governor. Provided that if the fugitive
28 from justice is an alleged felon, and ~~he~~the fugitive from justice be returned without the service
29 of extradition ~~papers~~process by the sheriff or the agent of the sheriff of the county in which the
30 felony was alleged to have been committed, the expense of ~~said~~the return shall be borne by the
31 State of North Carolina under the rules and regulations made and promulgated by the Governor
32 of North Carolina or the executive agent or the executive clerk to whom the ~~said~~Governor may
33 have delegated ~~his~~the Governor's duties under this section."

34 **SECTION 5.(m)** G.S. 15A-832(g), as amended by S.L. 2021-180, reads as rewritten:

35 "(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy
36 of a form containing the ~~identifying~~ information set forth in G.S. 15A-831(c) ~~about any~~ and
37 subsection (b) of this section, including the victim's ~~electing~~ election to receive further notices
38 under this Article. The clerk of superior court shall include the form with the final judgment and
39 commitment, or judgment suspending sentence, transmitted to the Department of Public Safety,
40 the Department of Adult Correction, or other agency receiving custody of the ~~defendant and shall~~
41 ~~be maintained by the~~ defendant. The clerk and custodial agency shall maintain the form as a
42 confidential file record."

43 **SECTION 5.(n)** G.S. 15A-832.1(b) reads as rewritten:

44 "(b) A judicial official issuing a pleading for any misdemeanor offense against the person
45 based on testimony or evidence from a complaining witness rather than from a law enforcement
46 officer shall deliver the court's copy of the warrant and the victim-identifying information to the
47 office of the clerk of superior court by the close of the next business day. Within 72 hours, the
48 office of the clerk of superior court shall forward to the district attorney's office a copy of the
49 victim-identifying information set forth in subsection (a) of this section. The clerk shall maintain
50 the clerk's copy of the form as a confidential record."

1 **SECTION 5.(o)** G.S. 15A-1340.14(f), as amended by S.L. 2021-180, reads as
2 rewritten:

3 "(f) Proof of Prior Convictions. – A prior conviction shall be proved by any of the
4 following methods:

5 ...

6 The State bears the burden of proving, by a preponderance of the evidence, that a prior
7 conviction exists and that the offender before the court is the same person as the offender named
8 in the prior conviction. The original or a copy of the court records or a copy of the records
9 maintained by the Department of Public Safety, the Department of Adult Correction, the Division
10 of Motor Vehicle, or of the Administrative Office of the Courts, bearing the same name as that
11 by which the offender is charged, is prima facie evidence that the offender named is the same
12 person as the offender before the court, and that the facts set out in the record are true. For
13 purposes of this subsection, "a copy" includes "copy" includes, in addition to copies as defined
14 in G.S. 15A-101.1, a paper writing containing a reproduction of a record maintained
15 electronically on a computer or other data processing equipment, and a document produced by a
16 facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the
17 court the offender's full record. Evidence presented by either party at trial may be utilized to
18 prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a
19 motion is made pursuant to that section during the sentencing stage of the criminal action, the
20 court may grant a continuance of the sentencing hearing. If asked by the defendant in compliance
21 with G.S. 15A-903, the prosecutor shall furnish the defendant's prior criminal record to the
22 defendant within a reasonable time sufficient to allow the defendant to determine if the record
23 available to the prosecutor is accurate. Upon request of a sentencing services program established
24 pursuant to Article 61 of Chapter 7A of the General Statutes, the district attorney shall provide
25 any information the district attorney has about the criminal record of a person for whom the
26 program has been requested to provide a sentencing plan pursuant to G.S. 7A-773.1."

27 **SECTION 5.(p)** G.S. 15A-1340.21(c), as amended by S.L. 2021-180, reads as
28 rewritten:

29 "(c) Proof of Prior Convictions. – A prior conviction shall be proved by any of the
30 following methods:

31 ...

32 The State bears the burden of proving, by a preponderance of the evidence, that a prior
33 conviction exists and that the offender before the court is the same person as the offender named
34 in the prior conviction. The original or a copy of the court records or a copy of the records
35 maintained by the Department of Public Safety, the Department of Adult Correction, the Division
36 of Motor Vehicles, or of the Administrative Office of the Courts, bearing the same name as that
37 by which the offender is charged, is prima facie evidence that the offender named is the same
38 person as the offender before the court, and that the facts set out in the record are true. For
39 purposes of this subsection, "copy" includes "includes, in addition to copies as defined in
40 G.S. 15A-101.1, a paper writing containing a reproduction of a record maintained electronically
41 on a computer or other data processing equipment, and a document produced by a facsimile
42 machine. Evidence presented by either party at trial may be utilized to prove prior convictions.
43 Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to
44 that section during the sentencing stage of the criminal action, the court may grant a continuance
45 of the sentencing hearing."

46 **SECTION 5.(q)** G.S. 15A-1382 is amended by adding a new subsection to read:

47 "(c) In lieu of the form described in subsections (a) and (b) of this section, the report of
48 the disposition may be made by electronic transmission from the courts' recordkeeping
49 applications to the State Bureau of Investigation in any format mutually agreed upon by the State
50 Bureau of Investigation and the Administrative Office of the Courts."

51 **SECTION 5.(r)** G.S. 15A-1382.1 reads as rewritten:

1 **"§ 15A-1382.1. Reports of disposition; domestic violence; child abuse; sentencing.**

2 (a) When a defendant is found guilty of an offense involving assault, communicating a
3 threat, or any of the acts as defined in G.S. 50B-1(a), the presiding judge shall determine whether
4 the defendant and victim had a personal relationship. If the judge determines that there was a
5 personal relationship between the defendant and the victim, then the judge shall indicate on ~~the~~
6 ~~form reflecting the judgment of conviction~~ that the case involved domestic violence. The clerk
7 of court shall insure that the official record of the defendant's conviction includes the court's
8 determination, so that any inquiry into the defendant's criminal record will reflect that the offense
9 involved domestic violence.

10 (a1) When a defendant is found guilty of an offense involving child abuse or is found
11 guilty of an offense involving assault or any of the acts as defined in G.S. 50B-1(a) and the
12 offense was committed against a minor, then the judge shall indicate on ~~the form reflecting the~~
13 ~~judgment of conviction~~ that the case involved child abuse. The clerk of court shall ensure that
14 the official record of the defendant's conviction includes the court's determination, so that any
15 inquiry into the defendant's criminal record will reflect that the offense involved child abuse.

16"

17 **SECTION 5.(s)** G.S. 20-179.3(d) reads as rewritten:

18 "(d) Application for and Scheduling of Subsequent Hearing. – The application for a
19 limited driving privilege made at any time after the day of sentencing must be filed with the ~~clerk~~
20 ~~in duplicate, clerk,~~ and no hearing scheduled may be held until a reasonable time after the clerk
21 files a copy of the application with the district attorney's office. The hearing must be scheduled
22 before:

23 ...

24 If the applicant was convicted of an offense in another jurisdiction, the hearing must be
25 scheduled before the chief district court judge of the district court district as defined in
26 G.S. 7A-133 in which he resides. G.S. 20-16.2(e1) governs the judge before whom a hearing is
27 scheduled if the revocation was under G.S. 20-16.2(d). The hearing may be scheduled in any
28 county within the district court district as defined in G.S. 7A-133 or superior court district or set
29 of districts as defined in G.S. 7A-41.1, as the case may be."

30 **SECTION 5.(t)** Subsections (m) and (n) of this section become effective December
31 1, 2022. The remainder of this section is effective when it becomes law.

32
33 **DEPARTMENT OF ADULT CORRECTION SEPARATION TECHNICAL**
34 **CORRECTION**

35 **SECTION 6.(a)** G.S. 15A-1340.16(d), as amended by Section 19C.9(tt) of S.L.
36 2021-180, reads as rewritten:

37 "(d) Aggravating Factors. – The following are aggravating factors:

38 ...

39 (6) The offense was committed against or proximately caused serious injury to a
40 present or former law enforcement officer, employee of the Department of
41 Public ~~Safety, Safety~~ or the Department of Adult Correction, jailer, fireman,
42 emergency medical technician, ambulance attendant, social worker, justice or
43 judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror,
44 or witness against the defendant, while engaged in the performance of that
45 person's official duties or because of the exercise of that person's official
46 duties.

47"

48 **SECTION 6.(b)** This section becomes effective January 1, 2023, and applies to
49 offenses committed on or after that date.

50
51 **CONFORMING CHANGE FOR THE DEPARTMENT OF ADULT CORRECTION**

1 **SECTION 7.(a)** G.S. 15A-150(b) reads as rewritten:

2 "(b) Notification to Other State and Local Agencies. – Unless otherwise instructed by the
3 Administrative Office of the Courts pursuant to an agreement entered into under subsection (e)
4 of this section for the electronic or facsimile transmission of information, the clerk of superior
5 court in each county in North Carolina shall send a certified copy of an order granting an
6 expunction to a person named in subsection (a) of this section to (i) all of the agencies listed in
7 this subsection and (ii) the person granted the expunction. Expunctions granted pursuant to
8 G.S. 15A-146(a4) are excluded from all clerk of superior court notice provisions of this
9 subsection. An agency receiving an order under this subsection shall purge from its records all
10 entries made as a result of the charge or conviction ordered expunged, except as provided in
11 G.S. 15A-151. The list of agencies is as follows:

12 ...

13 (4) The Department of ~~Public Safety~~, Adult Correction, Combined Records
14 Section.

15 "

16 **SECTION 7.(b)** This section becomes effective January 1, 2023.

17 **FUNDS FOR COURT SYSTEM EDUCATION**

18 **SECTION 8.(a)** There is appropriated from the General Fund to the Administrative
19 Office of the Courts the sum of twenty thousand dollars (\$20,000) in nonrecurring funds for the
20 2022-2023 fiscal year to be used to educate court system staff and affected public stakeholders
21 of the statutory changes made in this act.

22 **SECTION 8.(b)** This section becomes effective July 1, 2022.

23 **SEVERABILITY CLAUSE**

24 **SECTION 9.** If any section or provision of this act is declared unconstitutional or
25 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
26 the part so declared to be unconstitutional or invalid.

27 **EFFECTIVE DATE**

28 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
29 law.
30
31
32