

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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S.B. 373
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SENATE BILL DRS35125-MG-72

Short Title: Felony Liability for Operating Unlicensed ACH. (Public)

Sponsors: Senators Batch and Grafstein (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT MAKING THE OPERATION OF AN UNLICENSED ADULT CARE HOME A
3 CLASS H FELONY THAT REQUIRES PAYMENT OF A ONE THOUSAND DOLLAR
4 FINE FOR EACH OFFENSE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 131D-2.6 reads as rewritten:

7 "§ 131D-2.6. Legal action by Department.

8 (a) Notwithstanding the existence or pursuit of any other remedy, the Department may,
9 in the manner provided by law, maintain an action in the name of the State for injunction or other
10 process against any person to restrain or prevent the establishment, conduct, management, or
11 operation of an adult care home without a license. Such action shall be instituted in the superior
12 court of the county in which any unlicensed activity has occurred or is occurring.

13 (b) Any individual or corporation that establishes, conducts, manages, or operates a
14 facility subject to licensure under this section without a license is guilty of a ~~Class 3 misdemeanor~~
15 Class H felony and, upon conviction, shall be ~~punishable only by a fine of not more than fifty~~
16 ~~dollars (\$50.00) for the first offense and not more than five hundred dollars (\$500.00) for each~~
17 ~~subsequent offense.~~ fined in the amount of one thousand dollars (\$1,000) for each offense. Each
18 day of a continuing violation after conviction shall be considered a separate offense.

19 (c) If any person shall hinder the proper performance of duty of the Secretary or the
20 Secretary's representative in carrying out this section, the Secretary may institute an action in the
21 superior court of the county in which the hindrance has occurred for injunctive relief against the
22 continued hindrance, irrespective of all other remedies at law.

23 (d) Actions under this section shall be in accordance with Article 37 of Chapter 1 of the
24 General Statutes and Rule 65 of the Rules of Civil Procedure."

25 SECTION 2. This act becomes effective December 1, 2023, and applies to offenses
26 committed on or after that date.

