

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 307
Mar 5, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10119-SA-2

Short Title: Various Criminal Law Revisions.

(Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY TIME LIMITS ON MOTIONS FOR APPROPRIATE RELIEF IN
NONCAPITAL CASES; TO PLACE XYLAZINE AND KRATOM ON THE
CONTROLLED SUBSTANCE SCHEDULES; TO CREATE A NEW CRIMINAL
OFFENSE FOR EXPOSING A CHILD TO A CONTROLLED SUBSTANCE; TO
REQUIRE RECORDATION OF ALL CRIMINAL MATTERS IN DISTRICT COURT
AND ESTABLISH WHEN THOSE RECORDS MAY BE DISCLOSED; TO REVISE
LAWS PERTAINING TO THE DISCLOSURE AND RELEASE OF AUTOPSY
INFORMATION COMPILED OR PREPARED BY THE OFFICE OF THE CHIEF
MEDICAL EXAMINER; TO REVISE THE LAW GOVERNING THE GRANTING OF
IMMUNITY TO WITNESSES; AND TO CLARIFY THE STANDING OF DISTRICT
ATTORNEYS IN CERTAIN CASES.

The General Assembly of North Carolina enacts:

**MODIFY TIME LIMITS ON MOTIONS FOR APPROPRIATE RELIEF IN
NONCAPITAL CASES**

SECTION 1.(a) G.S. 15A-1415 reads as rewritten:

**"§ 15A-1415. Grounds for appropriate relief which may be asserted by defendant after
verdict; limitation as to time.**

(a) ~~At any time after verdict, a noncapital defendant by motion may seek appropriate
relief upon any of the grounds enumerated in this section.~~ In a capital case, a defendant may file
a postconviction motion for appropriate relief shall be filed based on any of the grounds
enumerated in this section within 120 days from the latest of any of the following:

- (1) The court's judgment has been filed, but the defendant failed to perfect a
timely ~~appeal; appeal.~~
- (2) The mandate issued by a court of the appellate division on direct appeal
pursuant to N.C.R. App. P. 32(b) and the time for filing a petition for writ of
certiorari to the United States Supreme Court has expired without a petition
being ~~filed; filed.~~
- (3) The United States Supreme Court denied a timely petition for writ of certiorari
of the decision on direct appeal by the Supreme Court of North
~~Carolina; Carolina.~~
- (4) Following the denial of discretionary review by the Supreme Court of North
Carolina, the United States Supreme Court denied a timely petition for writ of
certiorari seeking review of the decision on direct appeal by the North
Carolina Court of ~~Appeals; Appeals.~~



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(5) The United States Supreme Court granted the defendant's or the State's timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North Carolina or North Carolina Court of Appeals, but subsequently left the defendant's conviction and sentence ~~undisturbed~~; or undisturbed.

(6) The appointment of postconviction counsel for an indigent capital defendant.

(a1) In a noncapital case, a defendant may file a postconviction motion for appropriate relief based on any of the grounds enumerated in this section within 120 days from the latest of any of the events listed in subdivisions (1) through (5) of subsection (a) of this section.

(c1) Notwithstanding the time limitations otherwise provided in this section, a defendant may file a motion for appropriate relief based on any of the grounds enumerated in this section at any time if the district attorney for the prosecutorial district where the case originated consents to the filing of the motion.

...."

SECTION 1.(b) G.S. 15A-1419(a)(4) reads as rewritten:

"(4) The defendant failed to file a timely motion for appropriate relief as required by ~~G.S. 15A-1415(a)~~-subsection (a) or (a1) of G.S. 15A-1415."

SECTION 1.(c) This section becomes effective December 1, 2025, and applies to verdicts entered on or after that date.

ADD XYLAZINE AND KRATOM TO THE CONTROLLED SUBSTANCE SCHEDULES

SECTION 2.(a) G.S. 90-91 reads as rewritten:

"§ 90-91. Schedule III controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a potential for abuse less than the substances listed in Schedules I and II; currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following controlled substances are included in this schedule:

...

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system unless specifically exempted or listed in another schedule:

1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
2. Chlorhexadol.
3. Repealed by Session Laws 1993, c. 319, s. 5.
4. Lysergic acid.
5. Lysergic acid amide.
6. Methyprylon.
7. Sulfondiethylmethane.
8. Sulfonethylmethane.
9. Sulfonmethane.
- 9a. Tiletamine and zolazepam or any salt thereof. Some trade or other names for tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine:
2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]y-diazepin-7(1H)-one. flupyrazapon.
10. Any compound, mixture or preparation containing

- 1 (i) Amobarbital.
- 2 (ii) Secobarbital.
- 3 (iii) Pentobarbital.
- 4 or any salt thereof and one or more active ingredients which are not included
- 5 in any other schedule.
- 6 11. Any suppository dosage form containing
- 7 (i) Amobarbital.
- 8 (ii) Secobarbital.
- 9 (iii) Pentobarbital.
- 10 or any salt of any of these drugs and approved by the federal Food and Drug
- 11 Administration for marketing as a suppository.
- 12 12. Ketamine.
- 13 13. Xylazine.

14"

15 **SECTION 2.(b)** G.S. 90-94 reads as rewritten:

16 **"§ 90-94. Schedule VI controlled substances.**

17 (a) This schedule includes the controlled substances listed or to be listed by whatever
 18 official name, common or usual name, chemical name, or trade name designated. In determining
 19 that such substance comes within this schedule, the Commission shall find: no currently accepted
 20 medical use in the United States, or a relatively low potential for abuse in terms of risk to public
 21 health and potential to produce psychic or physiological dependence liability based upon present
 22 medical knowledge, or a need for further and continuing study to develop scientific evidence of
 23 its pharmacological effects.

24 (b) The following controlled substances are included in this schedule:

- 25 (1) Marijuana.
- 26 (2) Tetrahydrocannabinols, except for tetrahydrocannabinols found in a product
 27 with a delta-9 tetrahydrocannabinol concentration of not more than
 28 three-tenths of one percent (0.3%) on a dry weight basis.
- 29 (3) Repealed by Session Laws 2017-115, s. 8, effective December 1, 2017, and
 30 applicable to offenses committed on or after that date.
- 31 (4) Kratom. For the purposes of this subdivision, "Kratom" includes any quantity
 32 of mitragynine or 7-hydroxymitragynine or both, extracted from the leaf of
 33 the plant *Mitragyna speciosa*.

34"

35 **SECTION 2.(c)** Subsection (b) of this section becomes effective June 1, 2026, and
 36 applies to offenses committed on or after that date. The remainder of this section becomes
 37 effective December 1, 2025, and applies to offenses committed on or after that date.

38
 39 **CREATE NEW CRIMINAL OFFENSE FOR EXPOSING A CHILD TO A**
 40 **CONTROLLED SUBSTANCE**

41 **SECTION 3.(a)** Article 39 of Chapter 14 of the General Statutes is amended by
 42 adding a new section to read:

43 **"§ 14-318.7. Exposing a child to a controlled substance.**

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

- 45 (1) Child. – Any person who is less than 16 years of age.
- 46 (2) Controlled substance. – A controlled substance, controlled substance
 47 analogue, drug, marijuana, narcotic drug, opiate, opioid, opium poppy, poppy
 48 straw, or targeted controlled substance, all as defined in G.S. 90-87.
- 49 (3) Ingest. – Any means used to take into the body, to eat or drink, or otherwise
 50 consume or absorb into the body in any way.

1 **(b)** A person who knowingly, recklessly, or intentionally causes or permits a child to be
2 exposed to a controlled substance is guilty of a Class H felony.

3 **(c)** A person who knowingly, recklessly, or intentionally causes or permits a child to be
4 exposed to a controlled substance and, as a result, the child ingests the controlled substance is
5 guilty of a Class E felony.

6 **(d)** A person who knowingly, recklessly, or intentionally causes or permits a child to be
7 exposed to a controlled substance and, as a result, the child ingests the controlled substance,
8 resulting in serious physical injury as defined in G.S. 14-318.4, is guilty of a Class D felony.

9 **(e)** A person who knowingly, recklessly, or intentionally causes or permits a child to be
10 exposed to a controlled substance and, as a result, the child ingests the controlled substance,
11 resulting in serious bodily injury as defined in G.S. 14-318.4, is guilty of a Class C felony.

12 **(f)** A person who knowingly, recklessly, or intentionally causes or permits a child to be
13 exposed to a controlled substance and, as a result, the child ingests the controlled substance, and
14 the ingestion is the proximate cause of death, is guilty of a Class B1 felony.

15 **(g)** This section does not apply to a person that intentionally gives a child a controlled
16 substance that has been prescribed for the child by a licensed medical professional when given
17 to the child in the prescribed amount and manner."

18 **SECTION 3.(b)** This section becomes effective December 1, 2025, and applies to
19 offenses committed on or after that date.

20 21 **REQUIRE RECORDATION OF ALL CRIMINAL MATTERS IN DISTRICT COURT**

22 **SECTION 4.(a)** G.S. 7A-191.1 reads as rewritten:

23 **"§ 7A-191.1. Recording of ~~proceeding in which defendant pleads guilty or no contest to~~**
24 **~~felony in district court.~~criminal proceedings.**

25 **(a)** The trial judge shall require that a true, complete, and accurate record be made of the
26 proceeding in which a defendant pleads guilty or no contest to a Class H or I felony pursuant to
27 G.S. 7A-272. All criminal proceedings in district court shall be recorded by stenographic notes or
28 by electronic or mechanical means. Records shall be reduced to a written transcript only when
29 timely notice of appeal has been given or either party requests and provides for the cost of such
30 transcription.

31 **(b)** Any recording or transcript created pursuant to this section shall be confidential and
32 shall be retained by the clerks of superior court as confidential files. Any such records retained
33 by the clerks under this subsection shall be retained in accordance with the retention schedule for
34 the underlying case type, as prescribed by the Director of the Administrative Office of the Courts
35 in conjunction with the State Archives pursuant to Chapter 121 of the General Statutes. The
36 Administrative Office of the Courts may maintain on behalf of the clerks of superior court any
37 records retained in electronic form by the clerks under this subsection.

38 **(c)** Except as otherwise provided in this section, a clerk shall not disclose to any person
39 or for any reason any record or transcript made pursuant to this section. A clerk shall disclose the
40 existence or content of a record or transcript from the clerk's own county only as follows:

41 **(1)** Upon request of a person in the recorded proceeding, the criminal defendant
42 in the recorded proceeding, or the attorney representing the criminal defendant
43 in the recorded proceeding.

44 **(2)** To the office of the district attorney.

45 **(3)** To the Office of the Appellate Defender upon appointment of that office as
46 counsel for the criminal defendant in the recorded proceeding.

47 **(d)** Any other person or entity seeking disclosure or release of any recording or transcript
48 made pursuant to this section may commence a special proceeding in superior court to obtain a
49 court order for disclosure or release of such materials. Upon a showing of good cause, a superior
50 court judge may issue an order authorizing the disclosure or release of the recording or transcript
51 and may prescribe any restrictions or stipulations that the superior court judge deems appropriate.

1 The petitioner shall provide reasonable notice of the commencement of the special proceeding
2 and reasonable notice of the opportunity to be present and heard at any hearing on the matter in
3 accordance with Rule 5 of the Rules of Civil Procedure. The notice shall be provided, in writing,
4 to the district attorney of the county in which the record was made and the criminal defendant in
5 the recorded proceeding. In determining good cause, the judge shall consider whether the
6 disclosure or release is necessary for the public evaluation of governmental performance, the
7 need to withhold the records to facilitate the investigation or prosecution of criminal offenses,
8 the rights of the defendant in any ongoing criminal investigation or prosecution, the public
9 interest in having access to the records, and the availability of similar information in other public
10 records, regardless of form. A party aggrieved by an order of the superior court authorized by
11 this subsection may appeal in accordance with Article 27 of Chapter 1 of the General Statutes."

12 **SECTION 4.(b)** This section becomes effective December 1, 2025, and applies to
13 proceedings conducted on or after that date.
14

15 **REVISE LAWS PERTAINING TO THE DISCLOSURE AND RELEASE OF AUTOPSY**
16 **INFORMATION COMPILED OR PREPARED BY THE OFFICE OF THE CHIEF**
17 **MEDICAL EXAMINER**

18 **SECTION 5.(a)** G.S. 130A-385 reads as rewritten:

19 **"§ 130A-385. Duties of medical examiner upon receipt of notice; reports; copies.**

20 ...

21 (d) Upon request by the district attorney, the Office of the Chief Medical Examiner, the
22 local medical examiner, and the autopsy center, as applicable, shall provide a complete copy of
23 the medical examiner investigation file to the appropriate district attorney. For purposes of this
24 subsection, the "medical examiner investigation file" means the finalized toxicology report, the
25 finalized autopsy report, any autopsy examination notes, any death scene notes, the finalized
26 report of investigation of a medical examiner, the case encounter form, any case comments, any
27 case notes, any autopsy photographs, any scene photographs, and any video or audio recordings
28 of the autopsy examination in the custody and control of the North Carolina Office of the Chief
29 Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical
30 examiner appointed under G.S. 130A-382, ~~or an investigating medical examiner-examiner, or an~~
31 autopsy center in connection with a death under criminal investigation by a public law
32 enforcement agency. Each records custodian shall be is responsible for providing the portions of
33 the medical examiner investigation file within its custody and control. This is a continuing
34 disclosure obligation, and each records custodian shall provide to the district attorney any records
35 or other materials responsive to the district attorney's request that are discovered or added to the
36 medical examiner investigation file after the request was made shall also be provided to the
37 district attorney, has been made. The district attorney or investigating law enforcement agency
38 shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy center,
39 Examiner, the county medical examiner appointed under G.S. 130A-382, the investigating
40 medical examiner, and the autopsy center, as applicable, if when the death is no longer under
41 criminal investigation and the continuing disclosure obligation is has terminated.

42 (d1) Any records, worksheets, reports, photographs, tests, or analyses compiled, prepared,
43 or conducted by the Office of the Chief Medical Examiner, a pathologist designated by the Chief
44 Medical Examiner, a county medical examiner appointed under G.S. 130A-382, an investigating
45 medical examiner, or an autopsy center in connection with a death under criminal investigation
46 by a public law enforcement agency or during the pendency of criminal charges associated with
47 a death, including any autopsy photographs or video or audio recordings, shall be treated as
48 records of criminal investigations pursuant to G.S. 132-1.4 and may only be disclosed or released
49 to individuals authorized to obtain copies pursuant to G.S. 130A-389.1 or as follows:

50 (1) The custodian of the finalized autopsy report may release a copy at a time and
51 location determined by the custodial agency to a personal representative of the

1 decendent's estate to enable the personal representative to fulfill his or her
2 duties under the law.

3 (2) The Office of the Chief Medical Examiner, a pathologist designated by the
4 Chief Medical Examiner, a county medical examiner appointed under
5 G.S. 130A-382, an investigating medical examiner, or an autopsy center is not
6 prohibited from disclosing or releasing information or reports when necessary
7 to address public health or safety concerns; for public health purposes,
8 including public health surveillance, investigations, interventions, and
9 evaluations; to facilitate research; to comply with reporting requirements
10 under State or federal law or in connection with State or federal grants; or to
11 comply with any other duties imposed by law.

12 Any person who willfully and knowingly discloses or releases materials treated as records of
13 criminal investigations in violation of this subsection, or who willfully and knowingly possesses
14 or disseminates materials treated as records of criminal investigations that were disclosed or
15 released in violation of this subsection, is guilty of a Class 1 misdemeanor; provided, however,
16 that more than one occurrence of disclosure, release, possession, or dissemination of the same
17 item by the same person is not a separate offense. As used in this subsection, the term "disclose"
18 means the act of making materials treated as records of criminal investigation under this
19 subsection available for viewing or listening by a person or entity upon request, at a time and
20 location chosen by the custodial agency, and the term "release" means the act of the custodial
21 agency in providing a copy of materials treated as records of criminal investigation under this
22 subsection.

23 (d2) Any other person or entity seeking disclosure or release of materials treated as records
24 of criminal investigations under subsection (d1) of this section may commence a special
25 proceeding in the superior court of the county where the death that is the subject of the materials
26 occurred to obtain a court order for disclosure or release of the materials. The court may conduct
27 an in-camera review of the materials. Upon a showing of good cause, a superior court judge may
28 issue an order authorizing the disclosure or release of the materials and may prescribe any
29 restrictions or stipulations that the superior court judge deems appropriate. The petitioner shall
30 provide reasonable notice of the commencement of the special proceeding and reasonable notice
31 of the opportunity to be present and heard at any hearing on the matter in accordance with Rule
32 5 of the Rules of Civil Procedure. The notice shall be provided, in writing, to the Office of the
33 Chief Medical Examiner, the district attorney of the county in which the death occurred, the
34 personal representative of the estate of the deceased, if any, and the surviving spouse of the
35 deceased. If there is no surviving spouse, then the notice shall be provided to the deceased's
36 parents, and if the deceased has no living parent, then to the adult child of the deceased or to the
37 guardian or custodian of a minor child of the deceased. In determining good cause, the judge
38 shall consider whether the disclosure or release is necessary for the public evaluation of
39 governmental performance, the seriousness of the intrusion into the family's right to privacy,
40 whether the requested disclosure or release is the least intrusive means available, the need to
41 withhold the records to facilitate the investigation or prosecution of criminal offenses, the rights
42 of the defendant in any ongoing criminal investigation or prosecution, the public interest in
43 having access to the records, and the availability of similar information in other public records,
44 regardless of form. A party aggrieved by an order of the superior court authorized by this
45 subsection may appeal in accordance with Article 27 of Chapter 1 of the General Statutes.

46 (e) In cases where death occurred due to an injury received in the course of the decedent's
47 employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of
48 the medical examiner's report of the investigation, including the location of the fatal injury and
49 the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical
50 Examiner shall forward this report within 30 days of receipt of the information from the medical
51 examiner.

1 (f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter
 2 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and
 3 the deceased was a client or resident of the facility or a recipient of facility services at the time
 4 of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's report
 5 to the Secretary of Health and Human Services within 30 days ~~of~~after receipt of the report from
 6 the medical examiner."

7 **SECTION 5.(b)** G.S. 130A-389.1 reads as rewritten:

8 "**§ 130A-389.1. Photographs and video or audio recordings made pursuant to autopsy.**

9 (a) Except as otherwise provided by ~~law,~~law and excluding any materials treated as
 10 records of criminal investigations under G.S. 130A-385(d1), any person may inspect and
 11 examine original photographs or video or audio recordings of an autopsy performed pursuant to
 12 G.S. 130A-389(a) at reasonable times and under reasonable supervision of the custodian of the
 13 photographs or recordings. Except as otherwise provided by this section, no custodian of the
 14 original recorded images shall furnish copies of photographs or video or audio recordings of an
 15 autopsy to the public. For purposes of this section, the Chief Medical Examiner shall be the
 16 custodian of all autopsy photographs or video or audio recordings unless the photographs or
 17 recordings were taken by or at the direction of an investigating medical examiner and the
 18 investigating medical examiner retains the original photographs or recordings. ~~If~~Except in cases
 19 in which the materials are treated as records of criminal investigations under G.S. 130A-385(d1),
 20 if the investigating medical examiner has retained the original photographs or recordings, then
 21 the investigating medical examiner is the custodian of the photographs or video or audio
 22 recordings and ~~must~~shall allow the public to inspect and examine them in accordance with this
 23 subsection.

24 ...

25 (d) A person who is denied access to copies of photographs or video or audio recordings,
 26 or who is restricted in the use the person may make of the photographs or video or audio
 27 recordings under this section, may commence a special proceeding in accordance with Article 33
 28 of Chapter 1 of the General Statutes. Upon a showing of good cause, the clerk may issue an order
 29 authorizing the person to copy or disclose a photograph or video or audio recording of an autopsy
 30 and may prescribe any restrictions or stipulations that the clerk deems appropriate. In determining
 31 good cause, the clerk shall consider whether the disclosure is necessary for the public evaluation
 32 of governmental performance; the seriousness of the intrusion into the family's right to privacy
 33 and whether the disclosure is the least intrusive means available; and the availability of similar
 34 information in other public records, regardless of form. In all cases, the viewing, copying,
 35 listening to, or other handling of a photograph or video or audio recording of an autopsy shall be
 36 under the direct supervision of the Chief Medical Examiner or the Chief Medical Examiner's
 37 designee. A party aggrieved by an order of the clerk may appeal to the appropriate court in
 38 accordance with Article 27A of Chapter 1 of the General Statutes. This subsection does not apply
 39 to autopsy photographs or video or audio recordings that are treated as records of criminal
 40 investigations under G.S. 130A-385(d1), which may be disclosed or released to other persons or
 41 entities only in accordance with G.S. 130A-385(d2).

42"

43 **SECTION 5.(c)** G.S. 132-1.8 reads as rewritten:

44 "**§ 132-1.8. Confidentiality of photographs and video or audio recordings made pursuant**
 45 **to autopsy.**

46 Except as otherwise provided in G.S. 130A-389.1, a photograph or video or audio recording
 47 of an official autopsy is not a public record as defined by G.S. 132-1. However, the text of an
 48 official autopsy report, including any findings and interpretations prepared in accordance with
 49 G.S. 130A-389(a), is a public record and fully accessible by the ~~public,~~public, unless the report
 50 is treated as a record of criminal investigation under G.S. 130A-385(d1). For purposes of this
 51 section, an official autopsy is an autopsy performed pursuant to G.S. 130A-389(a)."

1 **SECTION 5.(d)** This section becomes effective October 1, 2025.

2
3 **REVISE THE LAW GOVERNING THE GRANTING OF IMMUNITY TO WITNESSES**

4 **SECTION 6.(a)** G.S. 15A-1052(b) reads as rewritten:

5 "(b) The application may be made whenever, in the judgment of the district attorney, the
6 witness has asserted or is likely to assert ~~his~~the witness's privilege against self-incrimination and
7 ~~his~~the witness's testimony or other information is or will be necessary to the public interest.
8 ~~Before making application to the judge, the district attorney must inform the Attorney General,~~
9 ~~or a deputy or assistant attorney general designated by him, of the circumstances and his intent~~
10 ~~to make an application."~~

11 **SECTION 6.(b)** G.S. 15A-1053(b) reads as rewritten:

12 "(b) The application may be made when the district attorney has been informed by the
13 foreman of the grand jury that the witness has asserted ~~his~~the witness's privilege against
14 self-incrimination and the district attorney determines that the testimony or other information is
15 necessary to the public interest. ~~Before making application to the judge, the district attorney must~~
16 ~~inform the Attorney General, or a deputy or assistant attorney general designated by him, of the~~
17 ~~circumstances and his intent to make an application."~~

18 **SECTION 6.(c)** This section is effective when it becomes law and applies to
19 applications made on or after that date.

20
21 **CLARIFY THE STANDING OF DISTRICT ATTORNEYS IN CERTAIN CASES**

22 **SECTION 7.(a)** G.S. 7A-61 reads as rewritten:

23 "**§ 7A-61. Duties of district attorney.**

24 The district attorney shall prepare the trial dockets, prosecute in a timely manner in the name
25 of the State all criminal actions and infractions requiring prosecution in the superior and district
26 courts of the district attorney's prosecutorial district and advise the officers of justice in the
27 district attorney's district. The district attorney shall also represent the State in juvenile cases in
28 the superior and district courts in which the juvenile is represented by an attorney. The district
29 attorney shall provide to the Attorney General any case files, records and additional information
30 necessary for the Attorney General to conduct appeals to the Appellate Division for cases from
31 the district attorney's prosecutorial district. The Attorney General shall not delegate to the district
32 attorney, or any other entity, the duty to represent the State in a criminal and/or juvenile appeals-
33 appeal, but the district attorney has standing to appear and be heard in the appeal. Each district
34 attorney shall devote his full time to the duties of his office and shall not engage in the private
35 practice of law."

36 **SECTION 7.(b)** G.S. 114-2(1) reads as rewritten:

37 "(1) To defend all actions in the appellate division in which the State shall be
38 interested, or a party, and to appear for the State in any other court or tribunal
39 in any cause or matter, civil or criminal, in which the State may be a party or
40 interested. The duty to represent the State in a criminal appeals-appeal shall
41 not be delegated to any district attorney's office or any other ~~entity-entity~~, but
42 the district attorney of the prosecutorial district where the case was tried has
43 standing to appear and be heard in the appeal."

44 **SECTION 7.(c)** This section is effective when it becomes law and applies to appeals
45 filed on or after that date.

46
47 **SEVERABILITY, SAVINGS CLAUSE, AND EFFECTIVE DATE**

48 **SECTION 8.(a)** If any provision of this act or its application is held invalid, the
49 invalidity does not affect other provisions or applications of this act that can be given effect
50 without the invalid provisions or application and, to this end, the provisions of this act are
51 severable.

1 **SECTION 8.(b)** Prosecutions for offenses committed before the effective date of
2 this act are not abated or affected by this act, and the statutes that would be applicable but for
3 this act remain applicable to those prosecutions.
4 **SECTION 8.(c)** Except as otherwise provided, this act is effective when it becomes
5 law.