

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40177-CV-2

Short Title: Criminal Law Changes.

(Public)

Sponsors: Representative Stevens.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND STRANGULATION PENALTIES, TO MAKE CLARIFYING
3 CHANGES REGARDING THE MISDEMEANOR CRIME OF DOMESTIC VIOLENCE,
4 TO PROHIBIT EXPUNCTIONS FOR PERSONS WITH PENDING CHARGES, AND TO
5 REQUIRE SENTENCES TO RUN CONSECUTIVELY IF NOT SPECIFIED BY THE
6 COURT.

7 The General Assembly of North Carolina enacts:

8
9 AMEND STRANGULATION PENALTIES

10 SECTION 1.(a) G.S. 14-32.4 reads as rewritten:

11 "§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

12 (a) Unless the conduct is covered under some other provision of law providing greater
13 punishment, any person who assaults another person and inflicts serious bodily injury is guilty
14 of a Class ~~F-E~~ felony.

15 (a1) The following definitions apply to this section:

16 (1) "~~Serious bodily injury~~" is defined as ~~bodily~~ Serious bodily injury. – Bodily
17 injury that creates a substantial risk of death, or that causes serious permanent
18 disfigurement, coma, a permanent or protracted condition that causes extreme
19 pain, or permanent or protracted loss or impairment of the function of any
20 bodily member or organ, or that results in prolonged hospitalization.

21 (2) Strangulation. – Impeding the normal breathing or circulation of blood of
22 another person by applying pressure to the throat or neck of the person or by
23 obstructing the nose and mouth of the person.

24 (a2) Unless the conduct is covered under some other provision of law providing greater
25 punishment, any person who assaults another person by strangulation is guilty of a Class H
26 felony.

27 (b) Unless the conduct is covered under some other provision of law providing greater
28 punishment, any person who assaults another person and inflicts physical injury by strangulation
29 is guilty of a Class ~~H-G~~ felony."

30 SECTION 1.(b) G.S. 143B-1023(a) reads as rewritten:

31 "(a) There is established within the North Carolina Center for Missing Persons the Blue
32 Alert System. The purpose of the Blue Alert System is to aid in the apprehension of a suspect
33 who kills or inflicts serious bodily injury on a law enforcement officer by providing a statewide
34 system for the rapid dissemination of information regarding the suspect. The term "serious bodily
35 injury" is as defined in ~~G.S. 14-32.4(a)~~.G.S. 14-32.4."
36



1 **CLARIFYING CHANGES REGARDING MISDEMEANOR CRIME OF DOMESTIC**
2 **VIOLENCE**

3 **SECTION 2.(a)** G.S. 14-33 is amended by adding a new subsection to read:

4 "(e) An offense under this section shall not be considered a lesser included offense of
5 misdemeanor crime of domestic violence under G.S. 14-32.5."

6 **SECTION 2.(b)** G.S. 14-33.2 reads as rewritten:

7 "**§ 14-33.2. Habitual misdemeanor assault.**

8 A person commits the offense of habitual misdemeanor assault if that person (i) violates any
9 of the provisions of G.S. 14-33 and causes physical injury, G.S. 14-32.5, or G.S. 14-34, and (ii)
10 has two or more prior convictions for ~~either~~ misdemeanor assault, felony assault, or a violation
11 of G.S. 14-32.5, with the earlier of the two prior convictions occurring no more than 15 years
12 prior to the date of the current violation. A conviction under this section shall not be used as a
13 prior conviction for any other habitual offense statute. A person convicted of violating this
14 section is guilty of a Class H felony."

15 **SECTION 2.(c)** G.S. 15A-401(b) reads as rewritten:

16 "(b) Arrest by Officer Without a Warrant. –

17 (1) Offense in Presence of Officer. – An officer may arrest without a warrant any
18 person who the officer has probable cause to believe has committed a criminal
19 offense, or has violated a pretrial release order entered under G.S. 15A-534 or
20 G.S. 15A-534.1(a)(2), in the officer's presence.

21 (2) Offense Out of Presence of Officer. – An officer may arrest without a warrant
22 any person who the officer has probable cause to believe:

23 a. Has committed a felony; or

24 b. Has committed a misdemeanor, and:

25 1. Will not be apprehended unless immediately arrested, or

26 2. May cause physical injury to himself or others, or damage to
27 property unless immediately arrested; or

28 c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3,
29 20-138.1, or 20-138.2; or

30 d. Has committed a misdemeanor under G.S. 14-33(a), 14-33(c)(1),
31 14-33(c)(2), or 14-34 when the offense was committed by a person
32 with whom the alleged victim has a personal relationship as defined in
33 G.S. 50B-1; or

34 e. Has committed a misdemeanor under G.S. 50B-4.1(a); or

35 f. Has violated a pretrial release order entered under G.S. 15A-534 or
36 G.S. 15A-534.1(a)(2).

37 g. Has committed a misdemeanor under G.S. 14-32.5.

38"

39 **SECTION 2.(d)** G.S. 15A-534.1(a) reads as rewritten:

40 "(a) In all cases in which the defendant is charged with assault on, stalking,
41 communicating a threat to, or committing a felony provided in Articles 7B, 8, 10, or 15 of Chapter
42 14 of the General Statutes upon a spouse or former spouse, a person with whom the defendant
43 lives or has lived as if married, or a person with whom the defendant is or has been in a dating
44 relationship as defined in G.S. 50B-1(b)(6), with domestic criminal trespass, with violation of
45 G.S. 14-32.5, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence,
46 of the General Statutes, the judicial official who determines the conditions of pretrial release shall
47 be a judge. The judge shall direct a law enforcement officer or a district attorney to provide a
48 criminal history report for the defendant and shall consider the criminal history when setting
49 conditions of release. After setting conditions of release, the judge shall return the report to the
50 providing agency or department. No judge shall unreasonably delay the determination of

1 conditions of pretrial release for the purpose of reviewing the defendant's criminal history report.
2 The following provisions shall apply in addition to the provisions of G.S. 15A-534:

- 3 (1) Upon a determination by the judge that the immediate release of the defendant
4 will pose a danger of injury to the alleged victim or to any other person or is
5 likely to result in intimidation of the alleged victim and upon a determination
6 that the execution of an appearance bond as required by G.S. 15A-534 will
7 not reasonably assure that such injury or intimidation will not occur, a judge
8 may retain the defendant in custody for a reasonable period of time while
9 determining the conditions of pretrial release.
- 10 (2) A judge may impose the following conditions on pretrial release:
11 a. That the defendant stay away from the home, school, business or place
12 of employment of the alleged victim.
13 b. That the defendant refrain from assaulting, beating, molesting, or
14 wounding the alleged victim.
15 c. That the defendant refrain from removing, damaging or injuring
16 specifically identified property.
17 d. That the defendant may visit his or her child or children at times and
18 places provided by the terms of any existing order entered by a judge.
19 e. That the defendant abstain from alcohol consumption, as verified by
20 the use of a continuous alcohol monitoring system, of a type approved
21 by the Division of Community Supervision and Reentry of the
22 Department of Adult Correction, and that any violation of this
23 condition be reported by the monitoring provider to the district
24 attorney.

25 The conditions set forth above may be imposed in addition to requiring that
26 the defendant execute a secured appearance bond.

- 27 (3) Should the defendant be mentally ill and dangerous to himself or others or a
28 substance abuser and dangerous to himself or others, the provisions of Article
29 5 of Chapter 122C of the General Statutes shall apply."
30

31 PROHIBIT EXPUNCTIONS FOR PERSONS WITH PENDING CHARGES

32 SECTION 3.(a) G.S. 15A-145(b) reads as rewritten:

33 "(b) If the court, after hearing, finds that the petitioner had remained of good behavior and
34 been free of conviction of any felony or misdemeanor, other than a traffic violation, for two years
35 from the date of conviction of the misdemeanor in question, the petitioner has no outstanding
36 restitution orders or civil judgments representing amounts ordered for restitution entered against
37 him, and (i) petitioner was not 18 years old at the time of the offense in question, or (ii) petitioner
38 was not 21 years old at the time of the offense of possession of alcohol pursuant to
39 G.S. 18B-302(b)(1), it shall order that such person be restored, in the contemplation of the law,
40 to the status he occupied before such arrest or indictment or ~~information~~-information, unless the
41 court finds one of the following:

- 42 (1) The petitioner has outstanding warrants or pending criminal cases, is under
43 indictment, or a finding of probable cause exists against the defendant for a
44 felony in any federal court or state court in the United States.
45 (2) The petitioner is free on bond or personal recognizance pending trial, appeal,
46 or sentencing in any federal court or state court in the United States for a crime
47 which would prohibit the person from having his or her petition for expunction
48 under this section granted."

49 SECTION 3.(b) G.S. 15A-145.1(b) reads as rewritten:

50 "(b) If the court, after hearing, finds that (i) the petitioner was dismissed and the
51 proceedings against the petitioner discharged pursuant to G.S. 14-50.29 and that the person had

1 not yet attained 18 years of age at the time of the offense or (ii) the petitioner has remained of
2 good behavior and been free of conviction of any felony or misdemeanor other than a traffic
3 violation for two years from the date of conviction of the offense in question, the petitioner has
4 no outstanding restitution orders or civil judgments representing amounts ordered for restitution
5 entered against the petitioner, and the petitioner had not attained the age of 18 years at the time
6 of the offense in question, it shall order that such person be restored, in the contemplation of the
7 law, to the status occupied by the petitioner before such arrest or indictment or information, and
8 that the record be expunged from the records of the ~~court~~ court, unless the court finds one of the
9 following:

10 (1) The petitioner has outstanding warrants or pending criminal cases, is under
11 indictment, or a finding of probable cause exists against the defendant for a
12 felony in any federal court or state court in the United States.

13 (2) The petitioner is free on bond or personal recognizance pending trial, appeal,
14 or sentencing in any federal court or state court in the United States for a crime
15 which would prohibit the person from having his or her petition for expunction
16 granted under this section."

17 **SECTION 3.(c)** G.S. 15A-145.2 is amended by adding a new subsection to read:

18 "(c1) Notwithstanding the provisions of this section, no order of expunction shall be issued
19 pursuant to this section if the court finds one of the following:

20 (1) The petitioner has outstanding warrants or pending criminal cases, is under
21 indictment, or a finding of probable cause exists against the defendant for a
22 felony in any federal court or state court in the United States.

23 (2) The petitioner is free on bond or personal recognizance pending trial, appeal,
24 or sentencing in any federal court or state court in the United States for a crime
25 which would prohibit the person from having his or her petition for expunction
26 granted under this section."

27 **SECTION 3.(d)** G.S. 15A-145.3 is amended by adding a new subsection to read:

28 "(c1) Notwithstanding the provisions of this section, no order of expunction shall be issued
29 pursuant to this section if the court finds one of the following:

30 (1) The petitioner has outstanding warrants or pending criminal cases, is under
31 indictment, or a finding of probable cause exists against the defendant for a
32 felony in any federal court or state court in the United States.

33 (2) The petitioner is free on bond or personal recognizance pending trial, appeal,
34 or sentencing in any federal court or state court in the United States for a crime
35 which would prohibit the person from having his or her petition for expunction
36 granted under this section."

37 **SECTION 3.(e)** G.S. 15A-145.4(e) reads as rewritten:

38 "(e) The court may order that the person be restored, in the contemplation of the law, to
39 the status the person occupied before the arrest or indictment or information if the court finds all
40 of the following after a hearing:

41 (1) The petitioner has remained of good moral character and has been free of
42 conviction of any felony or misdemeanor, other than a traffic violation, for
43 four years from the date of conviction of the nonviolent felony in question or
44 any active sentence, period of probation, or post-release supervision has been
45 served, whichever is later.

46 (2) The petitioner has not previously been convicted of any felony or
47 misdemeanor other than a traffic violation under the laws of the United States
48 or the laws of this State or any other state.

49 (3) The petitioner has no outstanding warrants or pending criminal ~~cases-cases,~~ is
50 not under indictment, and no finding of probable cause exists against the
51 defendant for a felony in any federal court or state court in the United States.

1 (3a) The petitioner is not free on bond or personal recognizance pending trial,
2 appeal, or sentencing in any federal court or state court in the United States
3 for a crime which would prohibit the person from having his or her petition
4 for expunction under this section granted.

5 (4) The petitioner has no outstanding restitution orders or civil judgments
6 representing amounts ordered for restitution entered against the petitioner.

7 (5) The petitioner was less than 18 years old at the time of the commission of the
8 offense in question.

9 (6) The petitioner has performed at least 100 hours of community service since
10 the time of the conviction and possesses a high school diploma, a high school
11 graduation equivalency certificate, or a General Education Development
12 degree.

13 (7) The search of the confidential records of expunctions conducted by the
14 Administrative Office of the Courts shows that the petitioner has not been
15 previously granted an expunction."

16 **SECTION 3.(f)** G.S. 15A-145.6(f) reads as rewritten:

17 "(f) The court shall order that the person be restored, in the contemplation of the law, to
18 the status the person occupied before the arrest or indictment or information if the court finds all
19 of the following after a hearing:

20 (1) The criteria set out in subsection (b) of this section are satisfied.

21 (2) The petitioner has remained of good moral character and has been free of
22 conviction of any felony or misdemeanor, other than a traffic violation, since
23 the date of conviction of the prostitution offense in question.

24 (3) The petitioner has no outstanding warrants or pending criminal ~~eases-cases~~, is
25 not under indictment, and no finding of probable cause exists against the
26 defendant for a felony in any federal court or state court in the United States.

27 (3a) The petitioner is not free on bond or personal recognizance pending trial,
28 appeal, or sentencing in any federal court or state court in the United States
29 for a crime which would prohibit the person from having his or her petition
30 for expunction under this section granted.

31 (4) The petitioner has no outstanding restitution orders or civil judgments
32 representing amounts ordered for restitution entered against the petitioner.

33 (5) The search of the confidential records of expunctions conducted by the
34 Administrative Office of the Courts shows that the petitioner has not been
35 previously granted an expunction, other than an expunction for a prostitution
36 offense."

37 **SECTION 3.(g)** G.S. 15A-145.8A reads as rewritten:

38 **"§ 15A-145.8A. Expunction of records for offenders under the age of 18 at the time of**
39 **commission of certain misdemeanors and felonies upon completion of the**
40 **sentence.**

41 (a) A person, the district attorney, or an attorney at the request of a person eligible for
42 expunction under this section, may file, in the court of the county where the person was
43 convicted, a petition for expunction from the person's criminal record of any misdemeanor or
44 Class H or I felony not excluded by subsection (b) of this section if the offense was committed
45 prior to December 1, 2019, and while the person was less than 18 years of age, but at least 16
46 years of age. The petition shall not be filed until (i) any active sentence, period of probation, and
47 post-release supervision ordered for the offense has been served and (ii) the person has no
48 restitution orders for the offense or outstanding civil judgments representing amounts ordered for
49 restitution for the offense.

50 (b) An offense is not eligible for expunction under this section if it is (i) a violation of the
51 motor vehicle laws under Chapter 20 of the General Statutes, including any offense involving

1 impaired driving as defined in G.S. 20-4.01(24a) or (ii) an offense requiring registration pursuant
2 to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently
3 required to register.

4 (c) If the petition was not filed by the district attorney, the petition shall be served upon
5 the district attorney of the court wherein the case was tried resulting in conviction. The district
6 attorney shall have 30 days thereafter in which to file any objection thereto and shall be duly
7 notified as to the date of the hearing of the petition. The district attorney shall make his or her
8 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior
9 to the date of the hearing. Upon request by the victim, the victim has a right to be present at any
10 hearing on the petition for expunction and the victim's views and concerns shall be considered
11 by the court at such hearing.

12 (d) ~~If the court, after hearing, finds that (i) the offense was a misdemeanor or Class H or~~
13 ~~I felony eligible for expunction under this section, (ii) the offense was committed prior to~~
14 ~~December 1, 2019, and while the person was less than 18 years of age, but at least 16 years of~~
15 ~~age, (iii) any active sentence, period of probation, and post release supervision ordered for the~~
16 ~~offense was completed, and (iv) the person has no restitution orders for the offense or outstanding~~
17 ~~civil judgments representing amounts ordered for restitution for the offense, the court shall order~~
18 ~~that the person be restored, in the contemplation of the law, to the status the person occupied~~
19 ~~before such arrest or indictment or information, and that the record be expunged from the records~~
20 ~~of the court. The court shall order that the person be restored, in contemplation of the law, to the~~
21 ~~status the person occupied before the arrest or indictment or information, and that the record be~~
22 ~~expunged from the records of the court, if the court finds all of the following after a hearing:~~

23 (1) The offense was a misdemeanor or Class H or I felony eligible for expunction
24 under this section.

25 (2) The offense was committed prior to December 1, 2019, and while the person
26 was less than 18 years of age but at least 16 years of age.

27 (3) Any active sentence, period of probation, and post-release supervision ordered
28 for the offense was completed.

29 (4) The person has no restitution orders for the offense or outstanding civil
30 judgments representing amounts ordered for restitution for the offense.

31 (5) The petitioner has no outstanding warrants or pending criminal cases, is not
32 under indictment, and no finding of probable cause exists against the
33 defendant for a felony in any federal court or state court in the United States.

34 (6) The petitioner is not free on bond or personal recognizance pending trial,
35 appeal, or sentencing in any federal court or state court in the United States
36 for a crime which would prohibit the person from having his or her petition
37 for expunction under this section granted.

38 (d1) A person convicted of multiple offenses shall be eligible to have those convictions
39 expunged pursuant to this section.

40 (e) Any petition for expunction under this section shall be on a form approved by the
41 Administrative Office of the Courts and shall be filed with the clerk of superior court in the
42 county where the person was convicted. Upon order of expunction, the clerk shall forward the
43 order to the Administrative Office of the Courts.

44 (f) No person as to whom such order has been entered shall be held thereafter under any
45 provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of
46 that person's failure to recite or acknowledge such arrest, or indictment, information, or trial, or
47 response to any inquiry made of the person for any purpose.

48 (g) The court shall also order that the conviction be expunged from the records of the
49 court. The court shall direct all law enforcement agencies, the Department of Adult Correction,
50 the Division of Motor Vehicles, and any other State or local government agencies identified by

1 the petitioner as bearing record of the same to expunge their records of the petitioner's conviction.
2 The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150.

3 (h) A person who files a petition for expunction of a criminal record under this section
4 must pay the clerk of superior court a fee of fifty-two dollars and fifty cents (\$52.50) at the time
5 the petition is filed. Fees collected under this subsection are payable to the Administrative Office
6 of the Courts. The fee shall be retained by the Administrative Office of the Courts and used to
7 pay the costs of processing petitions for expunctions under this section. This subsection does not
8 apply to petitions filed by an indigent."

9 **SECTION 3.(h)** G.S. 15A-145.9(f) reads as rewritten:

10 "(f) Restoration of Status. – The court shall order that the person be restored, in the
11 contemplation of the law, to the status the person occupied before the arrest or indictment or
12 information if the court finds all of the following after a hearing:

13 (1) The criteria set out in subsection (b) of this section are satisfied.

14 (2) The petitioner has no outstanding ~~warrants~~warrants or pending criminal
15 cases, is not under indictment, and no finding of probable cause exists against
16 the defendant for a felony in any federal court or state court in the United
17 States.

18 (2a) The petitioner is not free on bond or personal recognizance pending trial,
19 appeal, or sentencing in any federal court or state court in the United States
20 for a crime which would prohibit the person from having his or her petition
21 for expunction under this section granted.

22 (3) The petitioner has no outstanding restitution orders or civil judgments
23 representing amounts ordered for restitution entered against the petitioner."
24

25 **REQUIRE SENTENCES TO RUN CONSECUTIVELY IF NOT SPECIFIED**

26 **SECTION 4.** G.S. 15A-1354(a) reads as rewritten:

27 "(a) Authority of Court. – When multiple sentences of imprisonment are imposed on a
28 person at the same time or when a term of imprisonment is imposed on a person who is already
29 subject to an undischarged term of imprisonment, including a term of imprisonment in another
30 jurisdiction, the sentences may run either concurrently or consecutively, as determined by the
31 court. If not specified ~~or not required by statute to run consecutively, by the court,~~ sentences shall
32 run ~~e~~oneurrently.consecutively."
33

34 **EFFECTIVE DATE**

35 **SECTION 5.** Section 3 of this act becomes effective December 1, 2025, and applies
36 to petitions filed on or after that date. The remainder of this act becomes effective December 1,
37 2025, and applies to offenses committed on or after that date.