

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 862
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40408-ML-110

Short Title: Justice Improvements.

(Public)

Sponsors: Representative Echevarria.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REQUIRE VIDEO RECORDING OF DISTRICT COURT PROCEEDINGS AND
THE PUBLISHING OF REPORTS OF HOW IMPAIRED DRIVING CASES ARE
RESOLVED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-191.1 reads as rewritten:

"§ 7A-191.1. Recording of proceeding in which defendant pleads guilty or no contest to felony in district court.

(a) The trial judge shall require that a true, complete, and accurate record be made of the proceeding in which a defendant pleads guilty or no contest to a Class H or I felony pursuant to G.S. 7A-272.(i) any hearing on an infraction conducted pursuant to Article 66 of Chapter 15A of the General Statutes and (ii) any criminal trial proceeding, including pretrial motions, pleas, plea bargains, an explanation required under G.S. 20-138.4, taking of evidence, sentencing hearings, posttrial motions, and requests for limited driving privileges. A proceeding described in this subsection shall be recorded, both video and audio, using electronic or other mechanical devices provided by the Administrative Office of the Courts.

(b) It is the duty of the clerk of superior court, or another person designated by the clerk, to (i) operate the recording device described in subsection (a) of this section and (ii) preserve any recording produced by the device. Notwithstanding any provision of law to the contrary, making a recording produced in accordance with this section available online in a format that allows a person to view the recording and download or save the recording to his or her device is allowed and sufficient to comply with any provision of Chapter 132 of the General Statutes requiring access to public records. A proceeding described in subsection (a) of this section may be deleted in accordance with a retention schedule adopted and implemented by the Administrative Office of the Courts."

SECTION 2. G.S. 7A-109.2 reads as rewritten:

"§ 7A-109.2. Records of dispositions in criminal cases; impaired driving integrated data system.

(a) Each clerk of superior court shall ensure that all records of dispositions in criminal cases, including those records filed electronically, contain all the essential information about the case, including the the name of the presiding judge and the attorneys representing the State and the defendant.

(b) In addition to the information required by subsection (a) of this section for all offenses involving impaired driving as defined by G.S. 20-4.01, all charges of driving while license revoked for an impaired driving license revocation as defined by G.S. 20-28.2, and any other violation of the motor vehicle code involving the operation of a vehicle and the possession,



consumption, use, or transportation of alcoholic beverages, the clerk shall include in the electronic records the following information:

- (1) The reasons for any pretrial dismissal by the court.
- (2) The alcohol concentration reported by the charging officer or chemical analyst, if any.
- (3) The reasons for any suppression of evidence.
- (4) The disposition of the charge.

(c) In addition to the information required under subsections (a) and (b) of this section, for defendants sentenced pursuant to G.S. 20-179, the clerk shall include in the electronic records (i) each grossly aggravating factor, aggravating factor, and mitigating factor found by the court and (ii) the level of punishment imposed by the court.

(d) The Administrative Office of the Courts shall publish an annual report no later than September 1 of each year on its website that includes the information required by this section for the fiscal year immediately preceding the date of the report. The report shall include statewide and countywide summaries of the number of charges, dispositions, sentencing factors, and sentencing levels. Additionally, for each county, the report shall include each type of charge filed and all of the information required by this section for each charge."

SECTION 3. Section 33 of S.L. 2006-253, as amended by Section 5 of S.L. 2007-493, reads as rewritten:

"SECTION 33. Section 6 becomes effective August 21, 2006, and applies to hearings held on or after that date. Sections 20.1, 20.2, and the requirement that the Administrative Office of the Courts electronically record certain data contained in subsection (c) of G.S. 20-138.4, as amended by Section 19 of this act, become effective ~~after the next rewrite of the superior court clerks system by the Administrative Office of the Courts.~~ April 1, 2026. Section 22.4 becomes effective December 1, 2006. The remainder of this act becomes effective December 1, 2006, and applies to offenses committed on or after that date."

SECTION 4. The first report required under G.S. 7A-109.2(d), as enacted by Section 2 of this act, shall include information from December 1, 2025, through June 30, 2026, and shall be published no later than September 1, 2026.

SECTION 5. Sections 1 and 2 of this act become effective December 1, 2025, and apply to any hearing, trial, or disposition of charges occurring on or after that date. The remainder of this act is effective when it becomes law.