

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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SENATE BILL 429  
PROPOSED COMMITTEE SUBSTITUTE S429-PCS15319-CE-6

Short Title: 2025 Public Safety Act.

(Public)

Sponsors:

Referred to:

March 25, 2025

A BILL TO BE ENTITLED  
AN ACT TO MAKE VARIOUS CHANGES RELATED TO THE CRIMINAL LAWS OF  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

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

**SECTION 1.(a)** Article 39 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

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

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

(1) Child. – Any person who is less than 16 years of age.

(2) Controlled substance. – A controlled substance, controlled substance  
analogue, drug, marijuana, narcotic drug, opiate, opioid, opium poppy, poppy  
straw, or targeted controlled substance, all as defined in G.S. 90-87.

(3) Ingest. – Any means used to take into the body, to eat or drink, or otherwise  
consume or absorb into the body in any way.

(b) A person who knowingly, intentionally, or with reckless disregard for human life  
causes or permits a child to be exposed to a controlled substance is guilty of a Class H felony.

(c) A person who knowingly, intentionally, or with reckless disregard for human life  
causes or permits a child to be exposed to a controlled substance and, as a result, the child ingests  
the controlled substance is guilty of a Class E felony.

(d) A person who knowingly, intentionally, or with reckless disregard for human life  
causes or permits a child to be exposed to a controlled substance and, as a result, the child ingests  
the controlled substance, resulting in serious physical injury as defined in G.S. 14-318.4, is guilty  
of a Class D felony.

(e) A person who knowingly, intentionally, or with reckless disregard for human life  
causes or permits a child to be exposed to a controlled substance and, as a result, the child ingests  
the controlled substance, resulting in serious bodily injury as defined in G.S. 14-318.4, is guilty  
of a Class C felony.

(f) A person who knowingly, intentionally, or with reckless disregard for human life  
causes or permits a child to be exposed to a controlled substance and, as a result, the child ingests  
the controlled substance, and the ingestion is the proximate cause of death, is guilty of a Class  
B1 felony.

(g) The punishments set forth in subsections (b) through (f) of this section apply unless  
the conduct is covered under some other provision of law providing greater punishment.



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

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

**INCREASE PUNISHMENT FOR POSSESSING A FIREARM OR WEAPON OF MASS DEATH AND DESTRUCTION BY A FELON DURING THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY**

**SECTION 2.(a)** G.S. 14-415.1 reads as rewritten:

**"§ 14-415.1. Possession of firearms, etc., by felon prohibited.**

(a) It ~~shall be~~ is unlawful for any person who has been convicted of a felony to purchase, own, possess, or have in ~~his~~ the person's custody, care, or control any firearm or any weapon of mass death and destruction as defined in G.S. 14-288.8(c). For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or (ii) any firearm muffler or firearm silencer. This section does not apply to an antique firearm, as defined in G.S. 14-409.11.

Every person violating the provisions of this ~~section shall be punished as~~ subsection is guilty of a Class G felon-felony.

(a1) A person who violates subsection (a) of this section during the commission or attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a Class F felony.

(a2) A person who violates subsection (a) of this section and brandishes a firearm or a weapon of mass death and destruction during the commission or attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a Class D felony. For the purposes of this subsection, to brandish is to display all or part of the firearm or weapon of mass death and destruction or otherwise make the presence of the firearm or weapon of mass death and destruction known to another person.

(a3) A person who violates subsection (a) of this section and discharges a firearm or a weapon of mass death and destruction during the commission or attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a Class C felony.

(b) Prior convictions which cause disqualification under this section shall only include:

- (1) Felony convictions in North Carolina that occur before, on, or after December 1, 1995; and
- (2) Repealed by Session Laws 1995, c. 487, s. 3, effective December 1, 1995.
- (3) Violations of criminal laws of other states or of the United States that occur before, on, or after December 1, 1995, and that are substantially similar to the crimes covered in subdivision (1) which are punishable where committed by imprisonment for a term exceeding one year.

When a person is charged under this section, records of prior convictions of any offense, whether in the courts of this State, or in the courts of any other state or of the United States, shall be admissible in evidence for the purpose of proving a violation of this section. The term "conviction" is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is authorized, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the custodian of records of any state or federal court shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein.

(d) This section does not apply to a person who, pursuant to the law of the jurisdiction in which the conviction occurred, has been pardoned or has had his or her firearms rights restored if such restoration of rights could also be granted under North Carolina law.

(e) This section does not apply and there is no disentitlement under this section if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to antitrust violations, unfair trade practices, or restraints of trade."

**SECTION 2.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

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

**SECTION 3.(a)** G.S. 130A-385 reads as rewritten:

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

...

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

(d1) Upon notice from the investigating public law enforcement agency or prosecuting district attorney that a death is under criminal investigation or the subject of a criminal prosecution, any records, worksheets, reports, photographs, tests, or analyses compiled, prepared, or conducted by the Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical examiner appointed under G.S. 130A-382, an investigating medical examiner, or an autopsy center, including any autopsy photographs or video or audio recordings, related to that death shall be treated as records of criminal investigations pursuant to G.S. 132-1.4. Autopsy photographs or video or audio records subject to the provisions of this

subsection may only be disclosed or released pursuant to G.S. 130A-389.1. A finalized toxicology report, finalized autopsy report, or finalized report of investigation of a medical examiner subject to the provisions of this subsection may only be disclosed or released as follows and recipients of reports pursuant to the following subdivisions may not disclose the reports to the public unless otherwise authorized by law:

- (1) The custodian of the finalized reports may release a copy at a time and location determined by the custodial agency (i) to a personal representative of the decedent's estate to enable the personal representative to fulfill his or her duties under the law, (ii) to a beneficiary of a benefit or claim associated with the decedent for purposes of receiving the benefit or resolving the claim, or (iii) to the decedent's spouse, child or stepchild, parent or stepparent, sibling, or legal guardian.
- (2) The Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical examiner appointed under G.S. 130A-382, an investigating medical examiner, or an autopsy center is not prohibited from disclosing or releasing information or reports when necessary to conduct a thorough and complete death investigation, to consult with outside physicians and other professionals during the death investigation, and to conduct necessary toxicological screenings.
- (3) When disclosing information to the investigating public law enforcement agency or prosecuting district attorney.
- (4) When disclosing or releasing information or reports is necessary (i) to address public health or safety concerns, (ii) for public health purposes, including public health surveillance, investigations, interventions, and evaluations, (iii) to facilitate research, (iv) to comply with reporting requirements under State or federal law or in connection with State or federal grants, or (v) to comply with any other duties imposed by law.

(d2) Records and materials subject to the provisions of subsection (d1) of this section shall continue to be records of criminal investigations pursuant to G.S. 132-1.4 until the Office of the Chief Medical Examiner, county medical examiner, or autopsy center that is custodian of the records receives notification from the investigating public law enforcement agency or the prosecuting district attorney of the conclusion of the criminal investigation or prosecution or the decision to terminate the criminal investigation of the death. The notification required by this section shall be made on a form created by the Administrative Office of the Courts and completed by either the investigating public law enforcement agency or the prosecuting district attorney. The Chief Medical Examiner, county medical examiner, or autopsy center may rely on a completed notification form conveyed by a third party. The Office of the Chief Medical Examiner and its staff, the county medical examiner, and the autopsy center and its staff shall have no criminal or civil liability for relying on a notice provided pursuant to this subsection.

(d3) Except as provided in subsection (d4) of this section, any records, worksheets, reports, photographs, tests, or analyses compiled, prepared, or conducted by the Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical examiner appointed under G.S. 130A-382, an investigating medical examiner, or an autopsy center in connection with the death of a child who was under 18 years of age at the time of death, including any autopsy photographs or video or audio recordings, are confidential and may be disclosed or released only with the prior written consent of the deceased child's parent or guardian or a person standing in loco parentis to the deceased child or as follows:

- (1) The custodian of the finalized autopsy report may release a copy at a time and location determined by the custodial agency to a personal representative of the decedent's estate to enable the personal representative to fulfill his or her duties under the law.

- (2) The Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical examiner appointed under G.S. 130A-382, an investigating medical examiner, or an autopsy center is not prohibited from disclosing or releasing information or reports when necessary to address public health or safety concerns; for public health purposes, including public health surveillance, investigations, interventions, and evaluations; to facilitate research; to comply with reporting requirements under State or federal law or in connection with State or federal grants; or to comply with any other duties imposed by law.
- (3) The custodian of the finalized autopsy report and any related documents shall, upon request, release copies of the report and those documents to the surviving spouse of the deceased, the deceased's parents, any adult children of the deceased, any legal guardian or custodian of the deceased, any legal guardian or custodian of a child of the deceased, or any person holding power of attorney or healthcare attorney for the deceased.
- (4) The legal representatives of any person authorized to receive records under this section.

Notwithstanding the provisions of this subsection, any materials that are subject to the provisions of subsection (d1) of this section may only be disclosed pursuant to that subsection while the death is under criminal investigation by a public law enforcement agency or during the pendency of criminal charges associated with a death.

(d4) When any records or materials are subject to the provisions of both subsections (d1) and (d3) of this section, the records and materials shall not be disclosed or released except as authorized by subsection (d1) of this section until the Office of the Chief Medical Examiner, county medical examiner, or autopsy center that is custodian of the records or materials has received notification of the conclusion of the criminal investigation or prosecution or the decision to terminate the criminal investigation of the death pursuant to subsection (d2) of this section.

(d5) Any person who willfully and knowingly discloses or releases records or materials in violation of subsection (d1) or (d3) of this section, or who willfully and knowingly possesses or disseminates records or materials that were disclosed or released in violation of subsection (d1) or (d3) of this section, is guilty of a Class 1 misdemeanor; provided, however, that more than one occurrence of disclosure, release, possession, or dissemination of the same item by the same person is not a separate offense. No person shall be guilty of a Class 1 misdemeanor under this subsection for disclosing, releasing, possessing, or disseminating records or materials if, at the time of the disclosure, release, possession, or dissemination, notice that the record or material is record of a criminal investigation had not been provided as required by subsection (d1) of this section. As used in this subsection, the term "disclose" means the act of making records or materials available for viewing or listening by a person or entity upon request, at a time and location chosen by the custodial agency, and the term "release" means the act of the custodial agency in providing a copy of records or materials.

(d6) Any other person or entity seeking disclosure or release of records or materials covered under subsection (d1) or (d3) of this section may commence a special proceeding in the superior court of the county where the death that is the subject of the records or materials occurred to obtain a court order for disclosure or release of the records or materials. The court may conduct an in-camera review of the records or materials. Upon a showing of good cause, a superior court judge may issue an order authorizing the disclosure or release of the records or materials and may prescribe any restrictions or stipulations that the superior court judge deems appropriate. The petitioner shall provide reasonable notice of the commencement of the special proceeding and reasonable notice of the opportunity to be present and heard at any hearing on the matter in accordance with Rule 5 of the Rules of Civil Procedure. The notice shall be provided, in writing, to all of the following:

- (1) The Office of the Chief Medical Examiner.
- (2) The district attorney of the county in which the death occurred.
- (3) The personal representative of the estate of the deceased, if any.
- (4) If the record or material is subject to the provisions of subsection (d1) of this section, the surviving spouse of the deceased. If there is no surviving spouse, then the notice shall be provided to the deceased's parents, and if the deceased has no living parent, then to the adult child of the deceased or to the guardian or custodian of a minor child of the deceased.
- (5) If the record or material is subject to the provisions of subsection (d2) of this section, to the deceased child's parents or guardian, or to the person standing in loco parentis to the deceased child.

In determining good cause, the judge shall consider whether the disclosure or release is necessary for the public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, whether the requested disclosure or release is the least intrusive means available, the need to withhold the records to facilitate the investigation or prosecution of criminal offenses, the rights of the defendant in any ongoing criminal investigation or prosecution, the public interest in having access to the records or materials, and the availability of similar information in other public records, regardless of form. A party aggrieved by an order of the superior court authorized by this subsection may appeal in accordance with Article 27 of Chapter 1 of the General Statutes.

(e) In cases where death occurred due to an injury received in the course of the decedent's employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of the medical examiner's report of the investigation, including the location of the fatal injury and the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical Examiner shall forward this report within 30 days of receipt of the information from the medical examiner. Upon written request by the Commissioner of Labor, the Chief Medical Examiner shall provide the finalized autopsy report within five months of the date of the request.

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

**SECTION 3.(b)** G.S. 130A-389(a) reads as rewritten:

"(a) The Chief Medical Examiner or a competent pathologist designated by the Chief Medical Examiner shall perform an autopsy or other study in each of the following cases:

- (1) If, in the opinion of the medical examiner investigating the case or of the Chief Medical Examiner, it is advisable and in the public interest that an autopsy or other study be made.
- (2) If an autopsy or other study is requested by the district attorney of the county or by any superior court judge.
- (3) Notwithstanding subdivision (2) of this subsection, in any case in which the district attorney of the county asserts to the Chief Medical Examiner or the medical examiner of the county in which the body was located that there is probable cause to believe that a violation of G.S. 14-18.4 has occurred, a complete autopsy shall be performed. The district attorney has at least 72 weekday hours after pronouncement of death by a person authorized under this Part to express the opinion that death has occurred to make the assertion required by this subdivision, provided that the district attorney or the investigating law enforcement agency provides notification within the first 24 hours after the pronouncement that such an assertion might be made. The

1 district attorney may, but is not required to, assert to the Chief Medical  
2 Examiner the facts supporting probable cause to believe that a violation of  
3 G.S. 14-18.4 has occurred.

4 A complete autopsy report of findings and interpretations, prepared on forms designated for  
5 the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the  
6 limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an  
7 autopsy, a copy of the report shall be furnished to any person upon ~~request~~ request unless the  
8 report is protected from disclosure or release under subsection (d1) or (d3) of G.S. 130A-385."

9 **SECTION 3.(c)** G.S. 130A-389.1 reads as rewritten:

10 **"§ 130A-389.1. Photographs and video or audio recordings made pursuant to autopsy.**

11 (a) Except as otherwise provided by ~~law~~, law and excluding (i) any records or materials  
12 treated as records of criminal investigations under G.S. 130A-385(d1) and (ii) any confidential  
13 materials in connection with the death of a child who was under 18 years of age at the time of  
14 death that a parent or guardian or person standing in loco parentis elects to protect from disclosure  
15 or release under G.S. 130A-385(d3), any person may inspect and examine original photographs  
16 or video or audio recordings of an autopsy performed pursuant to G.S. 130A-389(a) at reasonable  
17 times and under reasonable supervision of the custodian of the photographs or recordings. Except  
18 as otherwise provided by this section, no custodian of the original recorded images shall furnish  
19 copies of photographs or video or audio recordings of an autopsy to the public. For purposes of  
20 this section, the Chief Medical Examiner shall be the custodian of all autopsy photographs or  
21 video or audio recordings unless the photographs or recordings were taken by or at the direction  
22 of an investigating medical examiner and the investigating medical examiner retains the original  
23 photographs or recordings. If Except in cases in which the records or materials are protected from  
24 disclosure or release under subsection (d1) or (d3) of G.S. 130A-385, if the investigating medical  
25 examiner has retained the original photographs or recordings, then the investigating medical  
26 examiner is the custodian of the photographs or video or audio recordings and ~~must~~ shall allow  
27 the public to inspect and examine them in accordance with this subsection.

28 ...

29 (d) A person who is denied access to copies of photographs or video or audio recordings,  
30 or who is restricted in the use the person may make of the photographs or video or audio  
31 recordings under this section, may commence a special proceeding in accordance with Article 33  
32 of Chapter 1 of the General Statutes. Upon a showing of good cause, the clerk may issue an order  
33 authorizing the person to copy or disclose a photograph or video or audio recording of an autopsy  
34 and may prescribe any restrictions or stipulations that the clerk deems appropriate. In determining  
35 good cause, the clerk shall consider whether the disclosure is necessary for the public evaluation  
36 of governmental performance; the seriousness of the intrusion into the family's right to privacy  
37 and whether the disclosure is the least intrusive means available; and the availability of similar  
38 information in other public records, regardless of form. In all cases, the viewing, copying,  
39 listening to, or other handling of a photograph or video or audio recording of an autopsy shall be  
40 under the direct supervision of the Chief Medical Examiner or the Chief Medical Examiner's  
41 designee. A party aggrieved by an order of the clerk may appeal to the appropriate court in  
42 accordance with Article 27A of Chapter 1 of the General Statutes. This subsection does not apply  
43 to autopsy photographs or video or audio recordings that are (i) treated as records of criminal  
44 investigations under G.S. 130A-385(d1), which may be disclosed or released to other persons or  
45 entities only in accordance with G.S. 130A-385(d2) or (d6), or (ii) of a deceased child that was  
46 under 18 years of age at the time of death that a parent or guardian or person standing in loco  
47 parentis elects to protect from disclosure or release under G.S. 130A-385(d3), which may be  
48 disclosed or released to other persons or entities only with the prior consent of the deceased  
49 child's parent or guardian or person standing in loco parentis, or in accordance with  
50 G.S. 130A-385(d6).

51 ...."

1           **SECTION 3.(d)** G.S. 132-1.8 reads as rewritten:

2   "**§ 132-1.8. Confidentiality of photographs and video or audio recordings made pursuant**  
3   **to autopsy.**

4       Except as otherwise provided in G.S. 130A-389.1, a photograph or video or audio recording  
5 of an official autopsy is not a public record as defined by G.S. 132-1. However, the text of an  
6 official autopsy report, including any findings and interpretations prepared in accordance with  
7 G.S. 130A-389(a), is a public record and fully accessible by the ~~public~~-public, unless the report  
8 is protected from disclosure or release under subsection (d1) or (d3) of G.S. 130A-385. For  
9 purposes of this section, an official autopsy is an autopsy performed pursuant to  
10 G.S. 130A-389(a)."

11           **SECTION 3.(e)** This section becomes effective October 1, 2025.

12  
13   **INCREASE THE PUNISHMENT FOR COMMITTING THE OFFENSE OF**  
14   **SOLICITATION OF MINORS BY COMPUTER**

15           **SECTION 4.(a)** G.S. 14-202.3(c) reads as rewritten:

16       "(c)   Punishment. – A violation of this section is punishable as follows:

17       (1)   ~~A-Except as otherwise provided in this subsection, a first violation of this~~  
18           ~~section is a Class H felony except as provided by subdivision (2) of this~~  
19           ~~subsection.~~Class G felony. A second or subsequent violation of this section,  
20           or a first violation of this section committed when the defendant had a prior  
21           conviction in any federal or state court in the United States that is substantially  
22           similar to the offense set forth in this section, is a Class E felony.

23       (2)   If either the defendant, or any other person for whom the defendant was  
24           arranging the meeting in violation of this section, actually appears at the  
25           meeting location, then the violation is a ~~Class G felony.~~Class D felony."

26           **SECTION 4.(b)** This section becomes effective December 1, 2025, and applies to  
27 offenses committed on or after that date.

28  
29   **REVISE THE LAW GOVERNING THE GRANTING OF IMMUNITY TO WITNESSES**

30           **SECTION 5.(a)** G.S. 15A-1052(b) reads as rewritten:

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

37           **SECTION 5.(b)** G.S. 15A-1053(b) reads as rewritten:

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

44           **SECTION 5.(c)** This section is effective when it becomes law and applies to  
45 applications made on or after that date.

46  
47   **REQUIRE CERTAIN PETITIONS PERTAINING TO SEX OFFENDER**  
48   **REGISTRATION BE PLACED ON THE CRIMINAL DOCKET**

49           **SECTION 6.(a)** G.S. 14-208.12A(a) reads as rewritten:

50   "**§ 14-208.12A. Request for termination of registration requirement.**



(a) Ten years from the date of initial county registration, a person required to register under this Part may petition the superior court to terminate the 30-year registration requirement if the person has not been convicted of a subsequent offense requiring registration under this Article.

If the reportable conviction is for an offense that occurred in North Carolina, the petition shall be filed in the district where the person was convicted of the offense.

If the reportable conviction is for an offense that occurred in another state, the petition shall be filed in the district where the person resides. A person who petitions to terminate the registration requirement for a reportable conviction that is an out-of-state offense shall also do the following: (i) provide written notice to the sheriff of the county where the person was convicted that the person is petitioning the court to terminate the registration requirement and (ii) include with the petition at the time of its filing, an affidavit, signed by the petitioner, that verifies that the petitioner has notified the sheriff of the county where the person was convicted of the petition and that provides the mailing address and contact information for that sheriff.

Regardless of where the offense occurred, if the defendant was convicted of a reportable offense in any federal court, the conviction will be treated as an out-of-state offense for the purposes of this section.

The clerk of court, upon receipt of the petition, shall collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney pursuant to G.S. 7A-49.4."

**SECTION 6.(b)** G.S. 14-208.12B(b) reads as rewritten:

"(b) The petition shall be filed in the county in which the person resides using a form created by the Administrative Office of the Courts. The petition must be filed with the clerk of court within 30 days of the person's receipt of the notification of the requirement to register from the sheriff. The person filing the petition must serve a copy of the petition on the office of the district attorney and the sheriff in the county where the person resides within three days of filing the petition with the clerk of court. The clerk, upon receipt of the petition, shall collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney pursuant to G.S. 7A-49.4. The petition shall be calendared at the next regularly scheduled term of superior court. At the first setting, the petitioner must be advised of the right to have counsel present at the hearing and to the appointment of counsel if the petitioner cannot afford to retain counsel. Appointment of counsel shall be in accordance with rules adopted by the Office of Indigent Defense Services."

**SECTION 6.(c)** This section becomes effective December 1, 2025, and applies to petitions filed on or after that date.

## **ALLOW PERSONS OUTSIDE OF THIS STATE TO FILE FOR A DOMESTIC VIOLENCE PROTECTION ORDER**

**SECTION 7.(a)** G.S. 50B-2(a) reads as rewritten:

"(a) Any person residing in this ~~State~~ State, or seeking relief for acts that have occurred in this State and the defendant resides in this State, may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be

served. In compliance with the federal Violence Against Women Act, no court costs or attorneys' fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11."

**SECTION 7.(b)** This section becomes effective December 1, 2025, and applies to civil actions or motions filed on or after that date.

**REVISE REQUIREMENT UNDER THE CRIME VICTIMS COMPENSATION ACT THAT CRIMINALLY INJURIOUS CONDUCT BE REPORTED TO LAW ENFORCEMENT WITHIN 72 HOURS OF ITS OCCURRENCE**

**SECTION 8.(a)** G.S. 15B-11(a) reads as rewritten:

"(a) An award of compensation shall be denied ~~if~~ if any of the following apply:

- (1) The claimant fails to file an application for an award within two years after the date of the criminally injurious conduct that caused the injury or death for which the claimant seeks the ~~award~~ award.
- (2) The economic loss is incurred after one year from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award, except in the case where the victim for whom compensation is sought was 10 years old or younger at the time the injury occurred. In that case an award of compensation will be denied if the economic loss is incurred after two years from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the ~~award~~ award.
- (3) The criminally injurious conduct was not reported to a law enforcement officer or agency within ~~72 hours~~ six months of its occurrence, and there was no good cause for the ~~delay~~ delay.
- (4) The award would benefit the offender or the offender's accomplice, unless a determination is made that the interests of justice require that an award be approved in a particular ~~ease~~ case.
- (5) The criminally injurious conduct occurred while the victim was confined in any State, county, or city prison, correctional, youth services, or juvenile facility, or local confinement facility, or half-way house, group home, or similar ~~facility~~ or facility.
- (6) The victim was participating in a felony at or about the time that the victim's injury occurred."

**SECTION 8.(b)** This section is effective when it becomes law and applies to applications filed on or after that date.

**REVISE CRIMINAL OFFENSE OF SECRETLY PEEPING INTO ROOM OCCUPIED BY ANOTHER PERSON**

**SECTION 9.(a)** G.S. 14-202 reads as rewritten:

**"§ 14-202. Secretly peeping into room occupied by another person.**

(a) Any person who shall peep secretly into any room occupied by another person shall be guilty of a Class 1 misdemeanor.

(a1) Unless covered by another provision of law providing greater punishment, any person who secretly or surreptitiously peeps underneath or through the clothing being worn by another person, through the use of a mirror or other device, for the purpose of viewing the body of, or the undergarments worn by, that other person without their consent shall be guilty of a Class 1 misdemeanor.

(b) ~~For purposes of this section:~~ The following definitions apply in this section:

- (1) ~~The term "photographic image" means any~~ Photographic image. – Any photograph or photographic reproduction, still or moving, or any videotape,

- 1 motion picture, or live television transmission, or any digital image of any  
2 individual.
- 3 (2) ~~The term "room" shall include, Private area of an individual. – The naked or~~  
4 ~~undergarment clad genitals, pubic area, buttocks, or female breast of that~~  
5 ~~individual.~~
- 6 (3) Room. – Includes, but is not limited to, a bedroom, a rest room, a bathroom, a  
7 shower, and a dressing room-room, a dressing stall, a cubicle, or other similar  
8 area designed to provide privacy.
- 9 (4) Under circumstances in which that individual has a reasonable expectation of  
10 privacy. – Means either of the following:
- 11 a. Circumstances in which a reasonable person would believe that he or  
12 she could disrobe in privacy, without being concerned that a  
13 photographic image of a private area of the individual was being  
14 created.
- 15 b. Circumstances in which a reasonable person would believe that a  
16 private area of the individual would not be visible to the public,  
17 regardless of whether that person is in a public or private place.
- 18 (c) Unless covered by another provision of law providing greater punishment, any person  
19 who, while in possession of any device which may be used to create a photographic ~~image,~~ image  
20 and with the intent to create a photographic image, shall secretly peep into any room shall be  
21 guilty of a Class A1 misdemeanor.
- 22 (d) Unless covered by another provision of law providing greater punishment, any person  
23 who, while secretly peeping into any room, uses any device to create a photographic image of  
24 another person in that room for the purpose of arousing or gratifying the sexual desire of any  
25 person shall be guilty of a Class I felony.
- 26 (e) ~~Any person who secretly or surreptitiously uses any device to create a photographic~~  
27 ~~image of another person underneath or through the clothing being worn by that other person for~~  
28 ~~the purpose of viewing the body of, or the undergarments worn by, that other person without~~  
29 ~~their consent shall be guilty of a Class I felony.~~
- 30 (e1) Unless covered under some other provision of law providing greater punishment, any  
31 person who, with the intent to create a photographic image of a private area of an individual  
32 without the individual's consent, knowingly does so under circumstances in which the individual  
33 has a reasonable expectation of privacy shall be guilty of a Class I felony.
- 34 (f) Any person who, for the purpose of arousing or gratifying the sexual desire of any  
35 person, secretly or surreptitiously uses or installs in a room any device that can be used to create  
36 a photographic image with the intent to capture the image of another without their consent shall  
37 be guilty of a Class I felony.
- 38 (g) Any person who knowingly possesses a photographic image that the person knows,  
39 or has reason to believe, was obtained in violation of this section shall be guilty of a Class I  
40 felony.
- 41 (h) Any person who disseminates or allows to be disseminated images that the person  
42 knows, or should have known, were obtained as a result of the violation of this section shall be  
43 guilty of a Class H felony if the dissemination is without the consent of the person in the  
44 photographic image.
- 45 (i) A second or subsequent felony conviction under this section shall be punished as  
46 though convicted of an offense one class higher. A second or subsequent conviction for a Class  
47 1 misdemeanor shall be punished as a Class A1 misdemeanor. A second or subsequent conviction  
48 for a Class A1 misdemeanor shall be punished as a Class I felony.
- 49 (j) If the defendant is placed on probation as a result of violation of this section:

(1) For a first conviction under this section, the judge may impose a requirement that the defendant obtain a psychological evaluation and comply with any treatment recommended as a result of that evaluation.

(2) For a second or subsequent conviction under this section, the judge shall impose a requirement that the defendant obtain a psychological evaluation and comply with any treatment recommended as a result of that evaluation.

(k) Any person whose image is captured or disseminated in violation of this section has a civil cause of action against any person who captured or disseminated the image or procured any other person to capture or disseminate the image and is entitled to recover from those persons actual damages, punitive damages, reasonable attorneys' fees and other litigation costs reasonably incurred.

(l) When a person violates subsection (d), ~~(e)~~, ~~(e1)~~, (f), (g), or (h) of this section, or is convicted of a second or subsequent violation of subsection (a), (a1), or (c) of this section, the sentencing court shall consider whether the person is a danger to the community and whether requiring the person to register as a sex offender pursuant to Article 27A of this Chapter would further the purposes of that Article as stated in G.S. 14-208.5. If the sentencing court rules that the person is a danger to the community and that the person shall register, then an order shall be entered requiring the person to register.

(m) The provisions of subsections (a), (a1), (c), ~~(e)~~, ~~(e1)~~, (g), (h), and (k) of this section do not apply ~~to either of the following~~:

(1) Law enforcement officers while discharging or attempting to discharge their official ~~duties~~; ~~or~~ duties.

(2) Personnel of the Division of Prisons of the Department of Adult Correction or of a local confinement facility for security purposes or during investigation of alleged misconduct by a person in the custody of the Division or the local confinement facility.

(n) This section does not affect the legal activities of those who are licensed pursuant to Chapter 74C, Private Protective Services, or Chapter 74D, Alarm Systems, of the General Statutes, who are legally engaged in the discharge of their official duties within their respective professions, and who are not engaging in activities for an improper purpose as described in this section."

**SECTION 9.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **REVISE LAW PROHIBITING SEXUAL ACTIVITY BY A SUBSTITUTE PARENT OR CUSTODIAN TO INCLUDE RELIGIOUS ORGANIZATIONS OR INSTITUTIONS**

**SECTION 10.(a)** G.S. 14-27.31 reads as rewritten:

**"§ 14-27.31. Sexual activity by a substitute parent or custodian.**

(a) If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, the defendant is guilty of a Class E felony.

(b) If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, including a religious organization or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony.

(c) Consent is not a defense to a charge under this section.

(d) As used in this section, "custody" means the care, control, or supervision of a minor by any adult who, by virtue of their position, role, employment, volunteer status, or relationship to a minor, exercises supervisory authority or control over a minor, or is responsible for the

minor's welfare, safety, or supervision, regardless of whether such responsibility arises from express appointment, organizational duty, professional obligation, or circumstantial necessity."

**SECTION 10.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

**ESTABLISH THE OFFENSE OF LARCENY OF GIFT CARDS AND REVISE THE ORGANIZED RETAIL THEFT OFFENSE TO INCLUDE OFFENSES INVOLVING GIFT CARDS**

**SECTION 11.(a)** Article 16 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-72.12. Larceny of gift cards.**

(a) Definitions. – For purposes of this section, the terms "gift card," "gift card issuer," "gift card redemption information," and "gift card value" are as defined in G.S. 14-86.5.

(b) Offense. – A person commits the offense of larceny of gift cards if the person does any of the following:

(1) Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.

(2) Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.

(3) Alters or tampers with a gift card or its packaging with intent to defraud another.

(c) Punishment. – A violation of this section is a Class 1 misdemeanor if the value of the gift card acquired, retained, or for which the card redemption information is obtained, or is altered or tampered with, is not more than one thousand dollars (\$1,000). Any other violation of this section is a Class H felony."

**SECTION 11.(b)** G.S. 14-86.5 reads as rewritten:

**"§ 14-86.5. Definitions.**

The following definitions apply in this Article:

(1) ~~"Retail property."—Any article, product, commodity, item, or component intended to be sold in retail commerce.~~Gift card. – A record evidencing a promise, made for monetary consideration, by a seller or issuer that goods or services will be provided to the owner of the record to the value shown in the record. A gift card includes a record that contains a microprocessor chip, magnetic strip, or other storage medium that is prefunded and for which the value is adjusted upon each use, a gift certificate, a stored-value card or certificate, a store card, or a prepaid long-distance telephone service that is activated by a prepaid card that required dialing an access number or an access code in addition to dialing the phone number to which the user of the prepaid card seeks to connect.

(2) Repealed by Session Laws 2024-22, s. 2(a), effective December 1, 2024, and applicable to offenses committed on or after that date.

(3) ~~"Theft."—To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.~~Gift card issuer. – Any person or entity that sells, distributes, or supplies a gift card.

(4) ~~"Value."—The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.~~Gift card redemption information. – Any information unique to a gift card that allows the cardholder to access, transfer, or spend the funds on that gift card.

- (5) Gift card value. – The maximum monetary value that can be applied to the card.
- (6) Retail property. – Any article, product, commodity, item, or component intended to be sold in retail commerce.
- (7) Theft. – To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.
- (8) Value. – The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes."

**SECTION 11.(c)** G.S. 14-86.6 reads as rewritten:

**"§ 14-86.6. Organized retail theft.**

(a) Offense. – A person commits the offense of organized retail theft if the person does any of the following:

- (1) Conspires with another person to commit theft of retail property from retail establishments with the intent to sell, transfer, or possess that retail property for monetary or other gain.
- (2) Receives or possesses any retail property that has been taken or stolen in violation of subdivision (1) of this subsection while knowing or having reasonable grounds to believe the property is stolen.
- (3) Conspires with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of property stolen from a merchant in violation of this section.
- (4) Conspires with another person to acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- (5) Devises a scheme with one or more persons to obtain a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
- (6) Conspires with another person to alter or tamper with a gift card or its packaging with intent to defraud another.

...

(a2) Punishments. – The following classifications apply to the offense of organized retail theft:

- (1) An offense when the gift card value or the retail property has a value exceeding one thousand five hundred dollars (\$1,500) aggregated over a 90-day period is a Class H felony.
- (2) An offense when the gift card value or the retail property has a value exceeding twenty thousand dollars (\$20,000) aggregated over a 90-day period is a Class G felony.
- (3) An offense when the gift card value or the retail property has a value exceeding fifty thousand dollars (\$50,000) aggregated over a 90-day period is a Class F felony.
- (4) An offense when the gift card value or the retail property has a value exceeding one hundred thousand dollars (\$100,000) aggregated over a 90-day period is a Class C felony.

...

(c) Multiple Thefts. – Thefts of gift cards, gift card redemption information, or retail property occurring in more than one county may be aggregated into an alleged violation of this section. Each county where a part of the charged offense occurs has concurrent venue as described in G.S. 15A-132."

**SECTION 11.(d)** G.S. 1-538.2 reads as rewritten:

**"§ 1-538.2. Civil liability for larceny, shoplifting, theft by employee, organized retail theft, embezzlement, obtaining property by false pretense, and other offenses.**

(a) Any person, other than an unemancipated minor, who commits an act that is punishable under G.S. 14-72, 14-72.1, 14-72.11, 14-72.12, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100 is liable for civil damages to the owner of the property. In any action brought by the owner of the property, the owner is entitled to recover the value of the goods or merchandise, if the goods or merchandise have been destroyed, or any loss of value to the goods or merchandise, if the goods or merchandise were recovered, or the amount of any money lost by reason of the theft or embezzlement or fraud of an employee. The owner of the property is also entitled to recover for loss to real or personal property caused in the commission of the act. In addition to the above, the owner of the property is entitled to recover any consequential damages, and punitive damages, together with reasonable attorneys' fees. The total consequential damages awarded to a plaintiff against a defendant under this section shall not be less than one hundred fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000) except an act punishable under G.S. 14-74, 14-86.6, 14-86.7, or 14-90 shall have no maximum limit under this section.

(b) The parent or legal guardian, having the care, custody and control of an unemancipated minor who commits an act punishable under G.S. 14-72, 14-72.1, 14-72.11, 14-72.12, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100, is civilly liable to the owner of the property obtained by the act if such parent or legal guardian knew or should have known of the propensity of the child to commit such an act; and had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child. In an action brought against the parent or legal guardian by the owner, the owner is entitled to recover the amounts specified in subsection (a) except punitive damages. The total consequential damages awarded to a plaintiff against the parent or legal guardian shall not be less than one hundred fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000).

...."

**SECTION 11.(e)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

**ESTABLISH AN OFFENSE FOR WRONGFULLY ENTERING A PART OF A BUILDING NOT OPEN TO THE PUBLIC**

**SECTION 12.(a)** G.S. 14-54 is amended by adding a new subsection to read:

"(b1) Any person who, with the intent to commit an unlawful act, enters any area of a building (i) that is commonly reserved for personnel of a commercial business where money or other property is kept or (ii) clearly marked with a sign that indicates to the public that entry is forbidden is guilty of a Class 1 misdemeanor for a first offense and a Class I felony for a second or subsequent offense."

**SECTION 12.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

**ALLOW UNLICENSED LAW SCHOOL GRADUATES TO PRACTICE LAW UNDER SUPERVISION**

**SECTION 13.** G.S. 84-7.1 is amended by adding a new subdivision to read:

"(4) Any law school graduate permitted by the North Carolina State Bar to act as a legal intern for a federal, State, local government agency, or for a nonprofit corporation qualified to render legal services pursuant to G.S. 84-5.1."

**CLARIFY THAT ALL FELONY SCHOOL NOTIFICATIONS ARE LIMITED TO CLASS A THROUGH CLASS E FELONIES**

**SECTION 14.** G.S. 7B-3101(a) reads as rewritten:

"(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and written notification of any of the following actions to the principal of the school that the juvenile attends:

- (1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense that would constitute a Class A, B1, B2, C, D, or E felony if committed by an adult. The principal of the school shall make an individualized decision related to the status of the student during the pendency of the matter and not have an automatic suspension policy.
- (2) The court transfers jurisdiction over a juvenile to the superior court under G.S. 7B-2200.5 or ~~G.S. 7B-2200~~. G.S. 7B-2200 for an offense that would constitute a Class A, B1, B2, C, D, or E felony if committed by an adult.
- (3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.
- (4) The court issues a dispositional order under Article 25 of Chapter 7B of the General Statutes including, but not limited to, an order of probation that requires school attendance, concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.
- (5) The court modifies or vacates any order or disposition under G.S. 7B-2600 concerning a juvenile alleged or found delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

Notification of the school principal in person or by telephone shall be made before the beginning of the next school day. Delivery shall be made as soon as practicable but at least within five days of the action. Delivery shall be made in person or by certified mail. Notification that a petition has been filed shall describe the nature of the offense. Notification of a dispositional order, a modified or vacated order, or a transfer to superior court shall describe the court's action and any applicable disposition requirements. As used in this subsection, the term "offense" does not include any offense under Chapter 20 of the General Statutes."

## **ALLOW TRANSFER OF BIOLOGICAL EVIDENCE BACK TO THE COLLECTING AGENCY FOR PRESERVATION**

**SECTION 15.** G.S. 15A-268(a3) reads as rewritten:

"(a3) When physical evidence is offered or admitted into evidence in a criminal proceeding of the General Court of Justice, the presiding judge shall inquire of the State and defendant as to the identity of the collecting agency of the evidence and whether the evidence in question is reasonably likely to contain biological evidence and if that biological evidence is relevant to establishing the identity of the perpetrator in the case. If either party asserts that the evidence in question may have biological evidentiary value, and the court so finds, the court shall instruct that the evidence be so designated in the court's records and that the evidence be preserved pursuant to the requirements of this section. The court may order that the evidence be returned to the collecting agency to be preserved during the pendency of the proceedings for which the evidence was introduced pursuant to subsection (a1) of this section at a request from the district attorney, the clerk, and the collecting agency if the court finds that the collecting agency is better equipped to preserve the evidence and the district attorney, the clerk, and the collecting agency all agree."

## **REVISE LAW GOVERNING THE RECORDING OF COURT PROCEEDINGS**

**SECTION 16.(a)** G.S. 15A-1241 reads as rewritten:

**"§ 15A-1241. Record of proceedings.**

(a) The trial judge must require that the reporter make a true, complete, and accurate record of all statements from the bench and all other proceedings except:



- (1) Selection of the jury in noncapital cases;
- (2) Opening statements and final arguments of counsel to the jury; and
- (3) Arguments of counsel on questions of law.

(b) Upon motion of any party or on the judge's own motion, proceedings excepted under subdivisions (1) and (2) of subsection (a) of this section must be recorded. The motion for recordation of jury arguments must be made before the commencement of any argument and if one argument is recorded all must be. Upon suggestion of improper argument, when no recordation has been requested or ordered, the judge in his discretion may require the remainder to be recorded.

...."

**SECTION 16.(b)** This section is effective when it becomes law and applies to proceedings commenced on or after that date.

## **INCREASE THE PUNISHMENT FOR COMMITTING THE OFFENSE OF FAILURE TO YIELD THAT RESULTS IN SERIOUS BODILY INJURY**

**SECTION 17.(a)** G.S. 20-160.1(a) reads as rewritten:

"(a) Unless the conduct is covered under some other law providing greater punishment, a person who commits the offense of failure to yield while approaching or entering an intersection, turning at a stop or yield sign, entering a roadway, upon the approach of an emergency vehicle, or at highway construction or maintenance shall be punished under this section. When there is serious bodily injury but no death resulting from the violation, the violator is guilty of a Class 2 misdemeanor, which shall be fined include a fine of five hundred dollars (\$500.00) and and, upon conviction, revocation of the violator's drivers license or commercial drivers license shall be suspended for 90 days."

**SECTION 17.(b)** This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BLIND OR PARTIALLY BLIND PEDESTRIAN**

**SECTION 18.(a)** G.S. 20-175.2 reads as rewritten:

**"§ 20-175.2. Right-of-way at crossings, intersections and traffic-control signal points; white cane or guide dog to serve as signal for the blind.**

At any street, road or highway crossing or intersection, where the movement of traffic is not regulated by a traffic officer or by traffic-control signals, any blind or partially blind pedestrian shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind pedestrian shall extend before him at arm's length a cane white in color or white tipped with red, or if such person is accompanied by a guide dog. Upon receiving such a signal, all vehicles at or approaching such intersection or crossing shall come to a full stop, leaving a clear lane through which such pedestrian may pass, and such vehicle shall remain stationary until such blind or partially blind pedestrian has completed the passage of such crossing or intersection. At any street, road or highway crossing or intersection, where the movement of traffic is regulated by traffic-control signals, blind or partially blind pedestrians shall be entitled to the right-of-way if such person having such cane or accompanied by a guide dog shall be partly across such crossing or intersection at the time the traffic-control signals change, and all vehicles shall stop and remain stationary until such pedestrian has completed passage across the intersection or crossing. Any person who fails to yield the right-of-way to a blind or partially blind pedestrian as required by this section is guilty of a Class 2 misdemeanor."

**SECTION 18.(b)** This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

## **INCREASE PUNISHMENT FOR FENTANYL OFFENSES**

SECTION 19.(a) G.S. 90-95 reads as rewritten:

"§ 90-95. Violations; penalties.

(a) Except as authorized by this Article, it is unlawful for any person:

- (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance;
- (2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
- (3) To possess a controlled substance.

(b) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(1) with respect to:

- (1) A controlled substance classified in Schedule I or II shall be punished as a Class H felon, except as follows: (i) the sale of a controlled substance classified in Schedule I or II shall be punished as a Class G felony, and (ii) the manufacture of methamphetamine shall be punished as provided by subdivision (1a) of this ~~subsection~~ subsection, and (iii) any violation of G.S. 90-95(a)(1) involving fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances shall be punished as provided in subdivision (1b) of this subsection.

- (1a) The manufacture of methamphetamine shall be punished as a Class C felony unless the offense was one of the following: packaging or repackaging methamphetamine, or labeling or relabeling the methamphetamine container. The offense of packaging or repackaging methamphetamine, or labeling or relabeling the methamphetamine container shall be punished as a Class H felony.

- (1b) Any violation of G.S. 90-95(a)(1) involving fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances shall be punished as a Class F felony.

- (2) A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class I felon, except that the sale of a controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class H felon. The transfer of less than 5 grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(c) Any person who violates G.S. 90-95(a)(2) shall be punished as a Class I felon.

(d) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(3) with respect to:

- (1) A controlled substance classified in Schedule I shall be punished as a Class I felon. However, if the controlled substance is MDPV and the quantity of the MDPV is 1 gram or less, the violation shall be punishable as a Class 1 misdemeanor.

- (2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a Class 1 misdemeanor. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, the violation shall be punishable as a Class I felony. If the controlled substance is methamphetamine, amphetamine, phencyclidine, ~~cocaine, fentanyl, or carfentanil~~ cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative or

preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine or ecgonine), the violation shall be punishable as a Class I felony. If the controlled substance is fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances the violation is punishable as a Class H felony.

...

(h) Notwithstanding any other provision of law, the following provisions apply except as otherwise provided in this Article:

...

(4) ~~Any~~ Except as provided in subdivision (4c) of this subsection any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium, opiate, or opioid, or any salt, compound, derivative, or preparation of opium, opiate, or opioid (except apomorphine, nalbuphine, analoxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in opium, opiate, opioid, or heroin" and if the quantity of such controlled substance or mixture involved:

a. Is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined as follows:

1. A fine of five hundred thousand dollars (\$500,000) if the controlled substance is ~~heroin, fentanyl, or carfentanil,~~ heroin, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of ~~these substances;~~ that substance.
2. A fine of not less than fifty thousand dollars (\$50,000) for any controlled substance described in this subdivision and not otherwise subject to sub-sub-subdivision 1. of this sub-subdivision.

b. Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined as follows:

1. A fine of seven hundred fifty thousand dollars (\$750,000) if the controlled substance is ~~heroin, fentanyl, or carfentanil,~~ heroin, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of ~~these substances;~~ that substance.
2. A fine of not less than one hundred thousand dollars (\$100,000) for any controlled substance described in this subdivision and not otherwise subject to sub-sub-subdivision 1. of this sub-subdivision.

c. Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined as follows:

1. A fine of one million dollars (\$1,000,000) if the controlled substance is ~~heroin, fentanyl, or carfentanil,~~ heroin, or any salt,

compound, derivative, or preparation thereof, or any mixture containing any of ~~these substances~~ that substance.

2. A fine of not less than five hundred thousand dollars (\$500,000) for any controlled substance described in this subdivision and not otherwise subject to sub-sub-subdivision 1. of this sub-subdivision.

...

(4c) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of fentanyl or carfentanil, or any salt, compound, derivative, or preparation of such substance, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in fentanyl or carfentanil" and if the quantity of such controlled substance or mixture involved:

- a. Is four grams or more, but less than 14 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined five hundred thousand dollars (\$500,000).
- b. Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined seven hundred fifty thousand dollars (\$750,000).
- c. Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined one million dollars (\$1,000,000).

...."

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

## **SEVERABILITY, SAVINGS CLAUSE, AND EFFECTIVE DATE**

**SECTION 20.(a)** If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

**SECTION 20.(b)** Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

**SECTION 20.(c)** Except as otherwise provided, this act is effective when it becomes law.