

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1173
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10619-CVa-8C

Short Title: Jaleeyah's Law.

(Public)

Sponsors: Representative Bell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN MODIFICATIONS RELATED TO THE CRIMINAL LAWS
3 OF NORTH CAROLINA AND TO APPROPRIATE CERTAIN FUNDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** There is appropriated from the General Fund to the Conference of
6 District Attorneys (Budget Code 12000, Budget Fund 100072) the sum of three hundred
7 ninety-seven thousand fourteen dollars (\$397,014) in recurring funds beginning in the 2026-2027
8 fiscal year and seven thousand five hundred four dollars (\$7,504) in nonrecurring funds to be
9 used to hire two additional resource prosecutors in accordance with G.S. 7A-415. The
10 prosecutors hired under this section shall focus on the prosecutions of criminal gang activity but
11 may also perform other duties as assigned by the executive director of the Conference of District
12 Attorneys.

13 **SECTION 1.(b)** There is appropriated from the General Fund to the Conference of
14 District Attorneys (Budget Code 12000, Budget Fund 100072) the sum of one hundred thirty-six
15 thousand two hundred ninety-eight dollars (\$136,298) in recurring funds beginning in the
16 2026-2027 fiscal year and four thousand one hundred ninety-eight dollars (\$4,198) in
17 nonrecurring funds to be used to hire a district attorney investigator. The investigator hired under
18 this section shall focus on the prosecutions of criminal gang activity but may also perform other
19 duties as assigned by the executive director of the Conference of District Attorneys.

20 **SECTION 1.(c)** This section becomes effective July 1, 2026.

21 **SECTION 2.(a)** G.S. 14-50.16A reads as rewritten:

22 **"§ 14-50.16A. Criminal gang activity.**

23 Definitions. – The following definitions apply in this Article:

- 24 (1) Criminal gang. – Any ongoing organization, association, or group of three or
25 more persons, whether formal or informal, that ~~(i) has as one of its primary~~
26 ~~activities the commission of criminal or delinquent acts and (ii) shares a~~
27 common name, identification, signs, symbols, tattoos, graffiti, attire, or other
28 distinguishing characteristics, including common activities, customs, or
29 behaviors. ~~The term shall not include three or more persons associated in fact,~~
30 ~~whether formal or informal, who are not engaged in criminal gang~~
31 ~~activity-behaviors, and engages in criminal gang activity.~~
32 (2) Criminal gang activity. – The commission of, attempted commission of, or
33 solicitation, coercion, or intimidation of another person to commit (i) any
34 offense under Article 5 of Chapter 90 of the General Statutes or (ii) any
35 offense under Chapter 14 of the General Statutes except Article 9, 22A, 40,
36 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184,



1 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the
2 following conditions is met:

- 3 a. The offense is committed with the intent to benefit, promote, or further
4 the interests of a criminal gang or for the purposes of increasing a
5 person's own standing or position within a criminal gang.
6 b. The participants in the offense are identified as criminal gang members
7 acting individually or ~~collectively to further any criminal purpose of a~~
8 ~~criminal gang collectively.~~

9 (3) Criminal gang leader or organizer. – Any criminal gang member who acts in
10 any position of management with regard to the criminal gang and who meets
11 ~~two or more~~ at least one of the following criteria:

- 12 a. Exercises decision-making authority over matters regarding a criminal
13 gang.
14 b. Participates in the direction, planning, organizing, or commission of
15 criminal gang activity.
16 c. Recruits other gang members.
17 d. Receives a larger portion of the proceeds of criminal gang activity.
18 e. Exercises control and authority over other criminal gang members.

19 (4) Criminal gang member. – Any person who meets ~~three~~ two or more of the
20 following criteria:

- 21 a. The person admits to being a member of a criminal gang.
22 b. The person is identified as a criminal gang member by a reliable
23 source, including a parent or a guardian.
24 c. The person has been previously involved in criminal gang activity.
25 d. The person has adopted symbols, hand signs, or graffiti associated
26 with a criminal gang.
27 e. The person has adopted the display of colors or the style of dress
28 associated with a criminal gang.
29 f. The person is in possession of or linked to a criminal gang by physical
30 evidence, including photographs, ledgers, rosters, written or electronic
31 communications, or membership documents.
32 g. The person has tattoos or markings associated with a criminal gang.
33 h. The person has adopted language or terminology associated with a
34 criminal gang.
35 i. The person appears in any form of social media to promote a criminal
36 gang."

37 **SECTION 2.(b)** This section becomes effective December 1, 2026, and applies to
38 offenses committed on or after that date.

39 **SECTION 3.(a)** G.S. 14-50.17 reads as rewritten:

40 **"§ 14-50.17. Soliciting; encouraging participation.**

41 (a) It is unlawful for any person to cause, encourage, solicit, or coerce a person ~~16-18~~
42 years of age or older to participate in criminal gang activity. For purposes of this section, causing,
43 encouraging, soliciting, or coercing a person to participate in criminal gang activity includes
44 communications created or shared online, including through social media platforms, whether the
45 communications are shared publicly or privately.

46 (b) A violation of this section is a ~~Class H~~ Class F felony."

47 **SECTION 3.(b)** G.S. 14-50.18 reads as rewritten:

48 **"§ 14-50.18. Soliciting; encouraging participation; minor.**

49 (a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under ~~16~~
50 18 years of age to participate in criminal gang activity. For purposes of this section, causing,
51 encouraging, soliciting, or coercing a person to participate in criminal gang activity includes

1 communications created or shared online, including through social media platforms, whether the
2 communications are shared publicly or privately.

3 (b) A violation of this section is a ~~Class F~~ Class D felony.

4 (c) Nothing in this section shall preclude a person who commits a violation of this section
5 from criminal culpability for the underlying offense committed by the minor under any other
6 provision of law."

7 **SECTION 3.(c)** This section becomes effective December 1, 2026, and applies to
8 offenses committed on or after that date.

9 **SECTION 4.(a)** Article 13A of Chapter 14 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 14-50.31. Possession of firearm by criminal gang member.**

12 (a) It shall be unlawful for any person who has been identified by any court in the State
13 of North Carolina as a member of a criminal gang to purchase, own, possess, or have in the
14 person's custody, care, or control any firearm or any weapon of mass death and destruction as
15 defined in G.S. 14-288.8(c). A person who violates this section is guilty of a Class H felony.

16 (b) For the purposes of this section, a firearm is (i) any weapon, including a starter gun,
17 which will or is designed to or may readily be converted to expel a projectile by the action of an
18 explosive, or its frame or receiver, or (ii) any firearm muffler or firearm silencer. This section
19 does not apply to an antique firearm as defined in G.S. 14-409.11."

20 **SECTION 4.(b)** Article 13A of Chapter 14 of the General Statutes is amended by
21 adding a new section to read:

22 **"§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to**
23 **or in furtherance of a drug felony or a crime of violence.**

24 (a) For the purposes of this section, the following definitions apply:

25 (1) Brandish. – To display all or part of a firearm or otherwise make the presence
26 of the firearm known to another person.

27 (2) Crime of violence. – A crime where there is a use or threatened use of physical
28 force against the person or property of another or that by its nature involves a
29 substantial risk of physical force against the person or property of another in
30 the course of committing the crime.

31 (3) Drug crime. – Any offense that would be chargeable by indictment under
32 Article 5 of Chapter 90 of the General Statutes.

33 (4) Firearm. – Any (i) weapon, including a starter gun, which will or is designed
34 to or may readily be converted to expel a projectile by the action of an
35 explosive, or its frame or receiver, or (ii) firearm muffler or firearm silencer.
36 This term does not include an antique firearm as defined in G.S. 14-409.11.

37 (b) It shall be unlawful for any member of a criminal gang during and in relation to any
38 crime of violence or drug crime for which the person would be chargeable by indictment under
39 the laws of this State to use, carry, or possess a firearm in furtherance of that crime. A violation
40 of this subsection is a Class G felony, unless subsection (c) or (d) of this section applies.

41 (c) If a firearm is brandished during the commission of the offense, then the violation is
42 a Class F felony.

43 (d) If a firearm is discharged during the commission of the offense, then the violation is
44 a Class D felony."

45 **SECTION 4.(c)** Article 13A of Chapter 14 of the General Statutes is amended by
46 adding a new section to read:

47 **"§ 14-50.33. Sell, deliver, give, or transfer a firearm to a member of a criminal gang or to**
48 **a juvenile by a member of a criminal gang.**

49 (a) It shall be unlawful for any person to sell, deliver, give, or otherwise transfer a firearm
50 to a person whom the transferor knows or has reasonable cause to believe is a member of a
51 criminal gang if the transferor knows or has reasonable cause to believe that the member of the

1 criminal gang intends to carry, possess, discharge, or otherwise use the firearm in the commission
2 of any criminal act listed in G.S. 14-50.16A(2).

3 (b) It shall be unlawful for a member of a criminal gang to sell, deliver, give, or otherwise
4 transfer a firearm to a person whom the criminal gang member knows or has reasonable cause to
5 believe is a juvenile if the member of the criminal gang knows or has reasonable cause to believe
6 that the juvenile intends to carry, possess, discharge, or otherwise use the firearm in the
7 commission of any criminal act listed in G.S. 14-50.16A(2). For purposes of this section, the
8 term "juvenile" means a person who is less than 18 years of age.

9 (c) A violation of this section is a Class G felony."

10 **SECTION 4.(d)** Article 13A of Chapter 14 of the General Statutes is amended by
11 adding a new section to read:

12 **"§ 14-50.34. Use of witness testimony.**

13 Criminal gang activity, membership, association, leadership, and existence may be proven
14 through the testimony of a fact witness, an expert witness, or a combined fact expert witness
15 pursuant to Chapter 8C of the General Statutes. In any proceeding pursuant to this Article, expert
16 testimony is admissible to show particular conduct, status, and customs indicative of criminal
17 gangs and criminal gang activity, including any of the following:

18 (1) Characteristics of persons who are members of a criminal gang.

19 (2) Specific rivalries between criminal gangs.

20 (3) Common practices and operations of criminal gangs and members of those
21 criminal gangs.

22 (4) Social customs and behavior of members of criminal gangs.

23 (5) Terminology used by members of criminal gangs.

24 (6) Codes of conduct, including criminal conduct, of particular criminal gangs.

25 (7) The types of crimes that are likely to be committed by a particular criminal
26 gang or by criminal gangs in general."

27 **SECTION 4.(e)** Article 13A of Chapter 14 of the General Statutes is amended by
28 adding a new section to read:

29 **"§ 14-50.35. Venue.**

30 In any criminal proceeding brought under this Article, the crime shall be construed to have
31 been committed in any county in which any act was performed as part of criminal gang activity."

32 **SECTION 4.(f)** This section becomes effective December 1, 2026, and applies to
33 offenses committed on or after that date.

34 **SECTION 5.(a)** Article 4 of Chapter 8C of the General Statutes is amended by
35 adding a new section to read:

36 **"Rule 416. Evidence of criminal gang activity.**

37 (a) For purposes of this rule, the term "criminal gang activity" is as defined in
38 G.S. 14-50.16A.

39 (b) In any proceeding in which a person is accused of conducting, participating in, or
40 conspiring to commit criminal gang activity, or in any proceeding under Article 13B of Chapter
41 14 of the General Statutes, evidence of the defendant's commission of criminal gang activity and
42 other crimes, wrongs, or acts shall be admissible and may be considered for its bearing on any
43 matter to which it is relevant.

44 (c) In any proceeding in which the prosecution intends to offer evidence under this rule,
45 the prosecutor shall disclose the evidence to the defendant, including statements of witnesses or
46 a summary of the substance of any testimony that is expected to be offered, at least 10 days in
47 advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the
48 judge upon good cause shown.

49 (d) This rule shall not be the exclusive means to admit or consider the evidence described
50 in this rule."

1 **SECTION 5.(b)** This section becomes effective December 1, 2026, and applies to
2 offenses committed on or after that date.

3 **SECTION 6.(a)** G.S. 15A-1340.16E reads as rewritten:

4 "**§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as**
5 **a part of criminal gang activity.**

6 (a) Except as otherwise provided in subsection (b) of this section, if a person is convicted
7 of any felony other than a Class A, B1, or B2 felony, and it is found that the offense was
8 committed as part of criminal gang activity as defined in G.S. 14-50.16A(2), then the person shall
9 be sentenced at a felony class level ~~one class~~ two classes higher than the principal felony for
10 which the person was convicted.

11 (b) If subsection (a) of this section applies and the person is found to be a criminal gang
12 leader or organizer as defined in G.S. 14-50.16A(3), the person shall be sentenced at a felony
13 class level ~~two~~ three classes higher than the principal felony for which the person was convicted.

14 "

15 **SECTION 6.(b)** This section becomes effective December 1, 2026, and applies to
16 offenses committed on or after that date.

17 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
18 law.