

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 1173
PROPOSED COMMITTEE SUBSTITUTE H1173-PCS10659-CV-39

Short Title: Jaleeyah's Law.

(Public)

Sponsors:

Referred to:

May 4, 2026

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

The General Assembly of North Carolina enacts:

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

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

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

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

"§ 14-50.16A. Criminal gang activity.

Definitions. – The following definitions apply in this Article:

(1) Criminal gang. – Any ongoing organization, association, or group of three or more persons, whether formal or informal, that ~~(i) has as one of its primary activities the commission of criminal or delinquent acts and (ii) shares a common name, identification, signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics, including common activities, customs, or behaviors. The term shall not include three or more persons associated in fact, whether formal or informal, who are not engaged in criminal gang activity behaviors, and engages in criminal gang activity.~~

(2) Criminal gang activity. – The commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (i) any offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184,



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

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

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

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

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

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

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

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

"§ 14-50.17. Soliciting; encouraging participation.

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person ~~16-18~~ years of age or older to participate in criminal gang activity.

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

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

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

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under ~~16~~ 18 years of age to participate in criminal gang activity.

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

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

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

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

5 **"§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to**
6 **or in furtherance of a drug felony or a crime of violence.**

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

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

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

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

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

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

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

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

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

30 **"§ 14-50.33. Sell, deliver, give, or transfer a firearm to a juvenile by a member of a criminal**
31 **gang.**

32 (a) It shall be unlawful for a member of a criminal gang to sell, deliver, give, or otherwise
33 transfer a firearm to a person whom the criminal gang member knows or has reasonable cause to
34 believe is a juvenile. For purposes of this section, the term "juvenile" means a person who is less
35 than 18 years of age.

36 (b) A violation of this section is a Class G felony."

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

39 **"§ 14-50.34. Use of witness testimony.**

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

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

46 (2) Specific rivalries between criminal gangs.

47 (3) Common practices and operations of criminal gangs and members of those
48 criminal gangs.

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

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

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

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

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

5 "**§ 14-50.35. Venue.**

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

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

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

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

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

15 (b) In any proceeding in which a person is accused of conducting, participating in, or
16 conspiring to commit criminal gang activity, or in any proceeding under Article 13B of Chapter
17 14 of the General Statutes, evidence of the defendant's commission of criminal gang activity may
18 be considered for the purpose of proving any element of the alleged criminal offense.

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

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

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

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

29 "**§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as**
30 **a part of criminal gang activity.**

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

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

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

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