



# HOUSE BILL 1173: Jaleeyah's Law.

2025-2026 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	June 9, 2026
<b>Introduced by:</b>	Reps. Bell, Stevens	<b>Prepared by:</b>	Hannah Kendrick
<b>Analysis of:</b>	PCS to Second Edition H1173-CSCV-45		Staff Attorney

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 1173 would do the following:*

- *Appropriate funds to the Conference of District Attorneys for two new resource prosecutors and one new district attorney investigator to focus on the prosecutions of criminal gang activity.*
- *Modify and increase the penalty for offenses relating to soliciting or encouraging participation in criminal gang activity.*
- *Create a new offense for possession of firearm by a criminal gang member in relation to or in furtherance of a drug felony or a crime of violence.*
- *Create a new offense for transferring a firearm to a juvenile by a member of a criminal gang.*
- *Allow for criminal gang activity to be proven through the testimony of a fact, expert, or combined fact and expert witness.*
- *Provide that the venue for criminal gang offenses is any county in which any act was performed as part of criminal gang activity.*
- *Add a new rule of evidence relating to criminal gang activity.*
- *Enhance penalties for persons convicted of certain felonies if the offense was committed as part of criminal gang activity.*

## CURRENT LAW AND BILL ANALYSIS:

**Section 1** would appropriate \$397,014 in recurring funds and \$7,504 in nonrecurring funds to hire two additional resource prosecutors with a focus on the prosecutions of criminal gang activity. It would also appropriate \$136,298 in recurring funds and \$4,198 in nonrecurring funds to hire a district attorney investigator with a focus on criminal gang activity.

This section would become effective July 1, 2026.

**Section 2** would:

- Modify the definition of "criminal gang" by removing the requirement that the commission of criminal or delinquent acts be one of a group's primary activities. Instead, engaging in criminal gang activity generally would qualify a group as a criminal gang, in addition to meeting other existing criteria.

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# House 1173 PCS

Page 2

- Modify the definition of "criminal gang activity" by removing the requirement that a qualifying criminal offense be committed to further the purpose of the criminal gang.
- Modify the definition of "criminal gang leader or organizer" by requiring that a criminal gang member acting in a position of management meet at least one of the listed criteria. Currently, a criminal gang member acting in a position of management must meet two or more of the listed criteria.
- Modify the definition of "criminal gang member" by requiring that an individual meet three or more of the listed criteria, or at least two of the criteria when one of the criteria is the following:
  - The person admits to being a member of a criminal gang.
  - The person is identified as a criminal gang member by a reliable source, including a parent or a guardian.
  - The person is in possession of or linked to a criminal gang by physical evidence, including ledgers, rosters, or membership documents.

This section would become effective December 1, 2026, and would apply to offenses committed on or after that date.

**Section 3** would:

- Amend G.S. 14-50.17 (Soliciting; encouraging participation) by increasing the punishment from a Class H felony to a Class F felony for soliciting a person 18 years of age or older to participate in criminal gang activity. Currently, the offense prohibits an individual from soliciting a person 16 years of age or older.
- Amend G.S. 14-50.18 (Soliciting; encouraging participation; minor) by increasing the punishment from a Class F felony to a Class D felony for soliciting a person under 18 years of age to participate in criminal gang activity. Currently, the offense prohibits an individual from soliciting a person under 16 years of age.

This section would become effective December 1, 2026, and would apply to offenses committed on or after that date.

**Section 4** would:

- Create the offense of use, carry, or possession of a firearm by a member of a criminal gang in relation to or in furtherance of a drug felony or a crime of violence. A violation of this offense would be a Class G felony. If a firearm is brandished during the commission of the offense, then the violation would be a Class F felony. If a firearm is discharged during the commission of the offense, then the violation would be a Class D felony.
- Create the offense of sell, deliver, give, or transfer a firearm to a juvenile by a member of a criminal gang if the member has reasonable cause to believe the juvenile intends to carry, possess, discharge, or otherwise use the firearm in the commission of criminal gang activity. A person who violates this offense would be guilty of a Class G felony.
- Allow criminal gang activity, membership, association, leadership, and existence to be proven through testimony of a fact, expert, or combined fact and expert witness. The testimony would be admissible to show conduct, status, and customs of criminal gangs and criminal gang activity.
- Provide that any criminal proceeding brought under Article 13A (Criminal Gang Suppression Act) of Chapter 14 would be construed to have been committed in any county in which any act was performed as part of criminal gang activity.

# House 1173 PCS

Page 3

This section would become effective December 1, 2026, and would apply to offenses committed on or after that date.

**Section 5** would create a new rule of evidence that would allow evidence of criminal gang activity to be admissible in any proceeding in which a person is accused of conducting, participating in, or conspiring to commit criminal gang activity or in any proceeding under Article 13B (Criminal Gang Nuisance Abatement Act) of Chapter 14. This evidence would be admissible to prove any element of the alleged offense. In any proceeding in which the prosecution intended to offer this evidence, the prosecutor would be required to disclose the evidence to the defendant at least 10 days in advance of the trial.

This section would become effective December 1, 2026, and would apply to offenses committed on or after that date.

**Section 6** would increase the sentencing enhancement from one class higher to two classes higher for a person convicted of a felony, other than a Class A, B1, or B2 felony, when the offense was committed as part of criminal gang activity.

If a person is also found to be a leader or organizer of a criminal gang, then that person would be sentenced at three classes higher than the principal felony for which the person was convicted. Currently, a criminal gang leader or organizer convicted of certain felonies as part of criminal gang activity is sentenced at two classes higher than the principal felony.

This section would become effective December 1, 2026, and would apply to offenses committed on or after that date.

**EFFECTIVE DATE:** Except as otherwise provided, this act would be effective when it becomes law.