



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 250

AMENDMENT NO.
(to be filled in by
Principal Clerk)

H250-ACE-124 [v.11]

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Amends Title [YES]
Second Edition

Date ,2024

Senator Britt

moves to amend the PCS on page 1, lines 2-10, by rewriting the lines to read:

" AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, MODIFY THE INDIGENT DEFENSE SERVICES COMMISSION, TO MODIFY THE CRITERIA FOR OBTAINING A LIMITED DRIVING PRIVILEGE, AND TO PROVIDE THAT A PERSON SUBJECT TO AN IGNITION INTERLOCK SYSTEM REQUIREMENT SHALL HAVE THE PERSON'S PERIOD OF COMPLIANCE WITH THE REQUIREMENT EXTENDED IF THE PERSON COMMITS AN IGNITION INTERLOCK SYSTEM VIOLATION DURING THE NINETY-DAY PERIOD IMMEDIATELY PRECEDING THE DATE THE PERSON'S INITIAL PERIOD OF COMPLIANCE IS TO END."

and on page 1, line 12, through page 4, line 18, by rewriting the lines to read:

"REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

SECTION 1.(a) G.S. 130A-382(b) reads as rewritten:

"(b) County medical examiners shall complete continuing education training as directed by the Office of the Chief Medical Examiner and based upon established and published guidelines for conducting death investigations. The continuing education training shall include training regarding (i) sudden unexpected death in epilepsy-epilepsy and (ii) requirements for compliance with the duties prescribed by G.S. 130A-385 and G.S. 130A-389. The Office of the Chief Medical Examiner shall annually update and publish these guidelines on its Internet Web site. Newly appointed county medical examiners shall complete mandatory orientation training as directed by the Office of the Chief Medical Examiner within 90 days of-after their appointment."

SECTION 1.(b) G.S. 130A-385 reads as rewritten:

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

(a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take charge of the body, make inquiries regarding the cause and manner of death, reduce the findings



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1 to writing and promptly make a full report to the Chief Medical Examiner on forms prescribed  
2 for that purpose.

3 ~~The Chief Medical Examiner or the county medical examiner is authorized to inspect and~~  
4 ~~copy the medical records of the decedent whose death is under investigation. In addition, in an~~  
5 ~~investigation conducted pursuant to this Article, the Chief Medical Examiner or the county~~  
6 ~~medical examiner is authorized to inspect all physical evidence and documents which may be~~  
7 ~~relevant to determining the cause and manner of death of the person whose death is under~~  
8 ~~investigation, including decedent's personal possessions associated with the death, clothing,~~  
9 ~~weapons, tissue and blood samples, cultures, medical equipment, X rays and other medical~~  
10 ~~images. The Chief Medical Examiner or county medical examiner is further authorized to seek~~  
11 ~~an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the~~  
12 ~~duties imposed under this Article. In addition to the requirements of G.S. 15-27.2, no~~  
13 ~~administrative search warrant shall be issued pursuant to this section unless the Chief Medical~~  
14 ~~Examiner or county medical examiner submits an affidavit from the office of the district attorney~~  
15 ~~in the district in which death occurred stating that the death in question is not under criminal~~  
16 ~~investigation.~~

17 (1) In all cases, the Chief Medical Examiner or the county medical examiner may  
18 (i) inspect the decedent's body, (ii) inspect and copy the medical records of  
19 the decedent whose death is under investigation, (iii) collect and inspect the  
20 decedent's body and personal possessions associated with the death, including  
21 clothing on the decedent's body, and (iv) collect tissue and blood samples,  
22 cultures, medical images, X rays, and other medical information obtained  
23 through the use of medical equipment.

24 (2) In the case of a decedent whose death is not under criminal investigation, the  
25 Chief Medical Examiner or the county medical examiner conducting an  
26 investigation pursuant to this Article is authorized to inspect all other physical  
27 evidence and documents that may be relevant to determining the cause and  
28 manner of death of the person whose death is under investigation, and the  
29 Chief Medical Examiner or county medical examiner may seek an  
30 administrative search warrant pursuant to G.S. 15-27.2 for the purpose of  
31 carrying out the duties imposed under this section.

32 (3) In the case of a decedent whose death is under criminal investigation, no  
33 administrative search warrant shall be issued pursuant to this section, and the  
34 Chief Medical Examiner or the county medical examiner is not authorized to  
35 inspect other physical evidence or documents at the scene except as permitted  
36 by the investigating law enforcement agency. The district attorney or  
37 investigating law enforcement agency shall inform the Chief Medical  
38 Examiner, the county medical examiner, or the autopsy center, as applicable,  
39 that the death is under criminal investigation. Nothing in this subsection  
40 prohibits the Chief Medical Examiner or the county medical examiner from  
41 being present during the execution of a search warrant by the investigating  
42 law enforcement agency.

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1       The Chief Medical Examiner shall provide directions as to the nature, character and extent  
2 of an investigation and appropriate forms for the required reports. The facilities of the central and  
3 district offices and autopsy centers and their staff services shall be available to the medical  
4 examiners and designated pathologists in their investigations.

5       (a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology  
6 screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant  
7 to G.S. 130A-383 or G.S. 130A-384.

8       (b) The medical examiner shall complete a certificate of death, stating the name of the  
9 disease ~~which in his opinion~~ that, in the opinion of the medical examiner, caused death. If the  
10 death was from external causes, the medical examiner shall state on the certificate of death the  
11 means of death, and whether, in the medical examiner's opinion, the manner of death was  
12 accident, suicide, homicide, execution by the State, or undetermined. The medical examiner shall  
13 also furnish any information as may be required by the State Registrar of Vital Statistics in order  
14 to properly classify the death.

15       (c) ~~The Chief Medical Examiner shall have authority to amend a medical examiner death~~  
16 ~~certificate.~~ may amend a certificate of death completed by a medical examiner pursuant to  
17 subsection (b) of this section.

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

38       (e) In cases where death occurred due to an injury received in the course of the decedent's  
39 employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of  
40 the medical examiner's report of the investigation, including the location of the fatal injury and  
41 the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical  
42 Examiner shall forward this report within 30 days of receipt of the information from the medical  
43 examiner.

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

7 **SECTION 1.(c)** G.S. 130A-389(a) reads as rewritten:

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

10 (1) If, in the opinion of the medical examiner investigating the case or of the Chief  
11 Medical Examiner, it is advisable and in the public interest that an autopsy or  
12 other study be made.

13 (2) If an autopsy or other study is requested by the district attorney of the county  
14 or by any superior court judge.

15 (3) ~~In~~ Notwithstanding subdivision (2) of this subsection, in any case in which the  
16 district attorney of the county asserts to the Chief Medical Examiner or the  
17 medical examiner of the county in which the body was located that there is  
18 probable cause to believe that a violation of G.S. 14-18.4 has occurred, a  
19 complete autopsy shall be performed. The district attorney has at least 72  
20 weekday hours after pronouncement of death by a person authorized under  
21 this Part to express the opinion that death has occurred to make the assertion  
22 required by this subdivision, provided that the district attorney or the  
23 investigating law enforcement agency provides notification within the first 24  
24 hours after the pronouncement that such an assertion might be made. The  
25 district attorney may but is not required to assert to the Chief Medical  
26 Examiner the facts supporting probable cause to believe that a violation of  
27 G.S. 14-18.4 has occurred.

28 A complete autopsy report of findings and interpretations, prepared on forms designated for  
29 the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the  
30 limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an  
31 autopsy, a copy of the report shall be furnished to any person upon request."

32 **SECTION 1.(d)** This section becomes effective October 1, 2024.";

33  
34 and on page 6, line 5, by rewriting the line to read:

35 "(a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment  
36 issued in the discretion of a court for good cause shown authorizing a person with a revoked  
37 driver's license to drive for essential purposes related to any of the following:

38 (1) The person's employment.

39 (2) The maintenance of the person's household.

40 (3) The person's education.

41 (4) The person's court-ordered treatment or assessment.

42 (5) Community service ordered as a condition of the person's probation.

43 (6) Emergency medical care.

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- 1           (7) Religious worship.  
2       (b) Eligibility. –  
3           (1) ~~A-Except as otherwise provided in subdivision (3) of this subsection, a person~~  
4               convicted of the offense of impaired driving under G.S. 20-138.1 is eligible  
5               for a limited driving privilege if all of the following requirements are met:  
6               a. At the time of the offense the person held either a valid driver's license  
7               or a license that had been expired for less than one year.  
8               b. At the time of the offense the person had not within the preceding  
9               seven years been convicted of an offense involving impaired driving.  
10              c. Punishment Level Three, Four, or Five was imposed for the offense of  
11              impaired driving.  
12              d. Subsequent to the offense the person has not been convicted of, or had  
13              an unresolved charge lodged against the person for, an offense  
14              involving impaired driving.  
15              e. The person has obtained and filed with the court a substance abuse  
16              assessment of the type required by G.S. 20-17.6 for the restoration of  
17              a drivers license.

18                   A person whose North Carolina driver's license is revoked because of a  
19                   conviction in another jurisdiction substantially similar to impaired driving  
20                   under G.S. 20-138.1 is eligible for a limited driving privilege if the person  
21                   would be eligible for it had the conviction occurred in North Carolina.  
22                   Eligibility for a limited driving privilege following a revocation under  
23                   G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

- 24           (2) Any person whose licensing privileges are forfeited pursuant to  
25               G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds  
26               that at the time of the forfeiture, the person held either a valid drivers license  
27               or a drivers license that had been expired for less than one year and either of  
28               the following requirements is met:  
29               a. The person is supporting existing dependents or must have a drivers  
30               license to be gainfully employed.  
31               b. The person has an existing dependent who requires serious medical  
32               treatment and the defendant is the only person able to provide  
33               transportation to the dependent to the health care facility where the  
34               dependent can receive the needed medical treatment.

35                   The limited driving privilege granted under this subdivision must restrict  
36                   the person to essential driving related to the purposes listed above, and any  
37                   driving that is not related to those purposes is unlawful even though done at  
38                   times and upon routes that may be authorized by the privilege.

- 39           (3) A person convicted of the offense of impaired driving under G.S. 20-138.1  
40               that has been convicted of not more than one offense involving impaired  
41               driving within the preceding seven years is eligible for a limited driving  
42               privilege if all of the following requirements are met:

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- 1           a.     At the time of the offense the person held either a valid driver's license  
2                     or a license that had been expired for less than one year.  
3           b.     At the time of the offense the person did not have an alcohol  
4                     concentration of 0.15 or more.  
5           c.     One of the following punishment levels was imposed for the offense  
6                     of impaired driving:  
7                     1.     Punishment Level Three, Four, or Five.  
8                     2.     Punishment Level Two, but only if the Grossly Aggravating  
9                             Factor determined to impose Punishment Level Two was the  
10                            Grossly Aggravating Factor provided in G.S. 20-179(c)(1).  
11           d.     Subsequent to the offense the person has not been convicted of, or had  
12                     an unresolved charge lodged against the person for, an offense  
13                     involving impaired driving.  
14           e.     The person has obtained and filed with the court a substance abuse  
15                     assessment of the type required by G.S. 20-17.6 for the restoration of  
16                     a drivers license.

17                     A person whose North Carolina driver's license is revoked because of a  
18                     conviction in another jurisdiction substantially similar to impaired driving  
19                     under G.S. 20-138.1 is eligible for a limited driving privilege if the person  
20                     would be eligible for it had the conviction occurred in North Carolina.  
21                     Eligibility for a limited driving privilege following a revocation under  
22                     G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

23           ...";

24  
25     and on page 4, lines 19-20, by inserting the following between the lines:

26     **"MODIFY INDIGENT DEFENSE SERVICES COMMISSION**

27           **SECTION 2.(a) G.S. 7A-498.4 reads as rewritten:**

28     **"§ 7A-498.4. Establishment of Commission on Indigent Defense Services.**

29           (a)     The Commission on Indigent Defense Services is created within the Office of  
30     Indigent Defense Services and shall consist of 13 ~~members.~~ members, who shall reside in  
31     different judicial districts from one another. To create an effective working group, assure  
32     continuity, and achieve staggered terms, the Commission shall be appointed as provided in this  
33     section.

34           (b)     The members of the Commission shall be appointed as follows:

- 35           (1)     The Chief Justice of the North Carolina Supreme Court shall appoint one  
36                     member, who shall be an ~~active or former member of the North Carolina~~  
37                     judiciary attorney.  
38           (2)     ~~The Governor shall appoint one member, who shall be a nonattorney.~~  
39           (3)     The General Assembly shall appoint ~~one member, who shall be an~~  
40                     attorney, four members, upon the recommendation of the President Pro  
41                     Tempore of the ~~Senate.~~ Senate, two of whom shall be attorneys who regularly  
42                     serve as appointed counsel and two of whom shall be attorneys.

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- 1           (4) The General Assembly shall appoint ~~one member, who shall be an~~  
2           ~~attorney,~~four members, upon the recommendation of the Speaker of the House  
3           of ~~Representatives.~~Representatives, two of whom shall be attorneys who  
4           regularly serve as appointed counsel and two of whom shall be attorneys.  
5           (5) The North Carolina Public Defenders Association shall appoint ~~member,~~one  
6           member, who shall be ~~an attorney.~~a public defender.  
7           (6) The North Carolina State Bar shall appoint one member, who shall be an  
8           ~~attorney.~~attorney who regularly serves as an appointed counsel.  
9           ~~(7) The North Carolina Bar Association shall appoint one member, who shall be~~  
10           ~~an attorney.~~  
11           (8) The North Carolina Academy of Trial Lawyers shall appoint one member,  
12           who shall be an attorney.  
13           ~~(9) The North Carolina Association of Black Lawyers shall appoint one member,~~  
14           ~~who shall be an attorney.~~  
15           ~~(10) The North Carolina Association of Women Lawyers shall appoint one~~  
16           ~~member, who shall be an attorney.~~  
17           (11) The Commission shall appoint ~~three members, who shall reside in different~~  
18           ~~judicial districts from one another. One appointee shall be a nonattorney, and~~  
19           ~~one appointee may be an active member of the North Carolina judiciary. One~~  
20           ~~appointee shall be Native American. The initial three members satisfying this~~  
21           ~~subdivision shall be appointed as provided in subsection (k) of this section.~~one  
22           member, who shall be an attorney.

23           (c) The initial terms of members appointed pursuant to subsection (b) of this section shall  
24           be as follows:

- 25           ~~(1) The initial appointments by the Chief Justice, the Governor, and the General~~  
26           ~~Assembly shall be for four years.~~  
27           ~~(2) The initial appointments by the Public Defenders Association and State Bar,~~  
28           ~~and one appointment by the Commission, shall be for three years.~~  
29           ~~(3) The initial appointments by the Bar Association and Trial Academy, and one~~  
30           ~~appointment by the Commission, shall be for two years.~~  
31           ~~(4) The initial appointments by the Black Lawyers Association and Women~~  
32           ~~Lawyers Association, and one appointment by the Commission, shall be for~~  
33           ~~one year.~~

34           At the expiration of these initial terms, appointments shall be for four years and shall be made  
35           by the appointing authorities designated in subsection (b) of this section. No person shall serve  
36           more than two consecutive four-year terms plus any initial term of less than four years.

37           (d) Persons appointed to the Commission shall have significant experience in the defense  
38           of criminal or other cases subject to this Article or shall have demonstrated a strong commitment  
39           to quality representation in indigent defense matters. No active prosecutors or law enforcement  
40           officials, or active employees of such persons, may be appointed to or serve on the Commission.  
41           No active judicial officials, or active employees of such persons, may be appointed to or serve  
42           on the ~~Commission, except as provided in subsection (b) of this section.~~Commission. No active  
43           ~~public defenders, active employees of public defenders, or other active employees of the Office~~

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1 of Indigent Defense Services may be appointed to or serve on the Commission, except that  
2 notwithstanding this subsection, G.S. 14-234, or any other provision of law, Commission  
3 members may include active public defenders, active employees of public defenders, and  
4 part-time public defenders employed by the Office of Indigent Defense Services and may include  
5 persons, or employees of persons or organizations, who provide legal services subject to this  
6 Article as contractors or appointed attorneys.

7 ...

8 ~~(k) The Commission shall hold its first meeting no later than September 15, 2000. All~~  
9 ~~appointments to the Commission specified in subdivisions (1) through (10) of subsection (b) of~~  
10 ~~this section shall be made by the appointing authorities by September 1, 2000. The appointee of~~  
11 ~~the Chief Justice shall convene the first meeting. No later than 30 days after its first meeting, the~~  
12 ~~Commission shall make the appointments specified in subdivision (11) of subsection (b) of this~~  
13 ~~section and shall elect its chair."~~

14 **SECTION 2.(b)** This section becomes effective October 1, 2024, and applies to  
15 appointments made on or after that date. Notwithstanding any provision of law to the contrary,  
16 the terms of members of the Indigent Defense Services Commission appointed prior to October  
17 1, 2024, shall conclude as follows:

- 18 (1) For those appointed pursuant to G.S. 7A-498.4(b)(6) and (11), the terms shall  
19 end October 1, 2024.
- 20 (2) For those appointed pursuant G.S. 7A-498.4(b)(8), (9), and (10), the terms  
21 shall end with the appointment of a member pursuant to G.S. 7A-498.4(b)(1).
- 22 (3) For those appointed pursuant G.S. 7A-498.4(b)(3), (5), and (7), the terms shall  
23 end with the appointment of members pursuant to G.S. 7A-498.4(b)(3).
- 24 (4) For those appointed pursuant G.S. 7A-498.4(b)(1), (2), and (4), the terms shall end  
25 with the appointment of members pursuant to G.S. 7A-498.4(b)(4)."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_