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Sponsors:

Referred to:

March 6, 2025

A BILL TO BE ENTITLED
AN ACT TO SET LIMITS ON MOTIONS FOR APPROPRIATE RELIEF IN NONCAPITAL
CASES; TO CREATE A NEW CRIMINAL OFFENSE FOR EXPOSING A CHILD TO A
CONTROLLED SUBSTANCE; TO REQUIRE RECORDATION OF ALL CRIMINAL
MATTERS IN DISTRICT COURT; TO REVISE LAWS PERTAINING TO THE
DISCLOSURE AND RELEASE OF AUTOPSY INFORMATION COMPILED OR
PREPARED BY THE OFFICE OF THE CHIEF MEDICAL EXAMINER; TO REVISE
THE LAW GOVERNING THE GRANTING OF IMMUNITY TO WITNESSES; AND TO
REPEAL THE FILIAL RESPONSIBILITY CRIME.

The General Assembly of North Carolina enacts:

SET LIMITS ON MOTIONS FOR APPROPRIATE RELIEF IN NONCAPITAL CASES

SECTION 1.(a) G.S. 15A-1415 reads as rewritten:

"§ 15A-1415. Grounds for appropriate relief which may be asserted by defendant after verdict; limitation as to time.

(a) ~~At any time after verdict, a noncapital defendant by motion may seek appropriate relief upon any of the grounds enumerated in this section.~~ In a capital case, a defendant may file a postconviction motion for appropriate relief ~~shall be filed based on any of the grounds enumerated in this section~~ within 120 days from the latest of any of the following:

- (1) The court's judgment has been filed, but the defendant failed to perfect a timely ~~appeal; appeal.~~
- (2) The mandate issued by a court of the appellate division on direct appeal pursuant to N.C.R. App. P. 32(b) and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being ~~filed; filed.~~
- (3) The United States Supreme Court denied a timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North ~~Carolina; Carolina.~~
- (4) Following the denial of discretionary review by the Supreme Court of North Carolina, the United States Supreme Court denied a timely petition for writ of certiorari seeking review of the decision on direct appeal by the North Carolina Court of ~~Appeals; Appeals.~~
- (5) The United States Supreme Court granted the defendant's or the State's timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North Carolina or North Carolina Court of Appeals, but subsequently left the defendant's conviction and sentence ~~undisturbed; or undisturbed.~~



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(6) The appointment of postconviction counsel for an indigent capital defendant.
(a1) In a noncapital case, a defendant may file a postconviction motion for appropriate relief based on any of the grounds enumerated in this section within two years from the latest of any of the events listed in subdivisions (1) through (5) of subsection (a) of this section.

...
(c1) Notwithstanding the time limitations otherwise provided in this section, a defendant may file a motion for appropriate relief based on any of the grounds enumerated in this section at any time if the district attorney for the prosecutorial district where the case originated consents to the filing of the motion."

SECTION 1.(b) G.S. 15A-1419(a)(4) reads as rewritten:

"(4) The defendant failed to file a timely motion for appropriate relief as required by ~~G.S. 15A-1415(a)~~ subsection (a) or (a1) of G.S. 15A-1415."

SECTION 1.(c) This section becomes effective December 1, 2025, and applies to verdicts entered on or after that date.

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

SECTION 2.(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, recklessly, or intentionally causes or permits a child to be exposed to a controlled substance is guilty of a Class H felony.

(c) A person who knowingly, recklessly, or intentionally 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, recklessly, or intentionally 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, recklessly, or intentionally 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, recklessly, or intentionally 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) 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 2.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

REQUIRE RECORDATION OF ALL CRIMINAL MATTERS IN DISTRICT COURT

SECTION 3.(a) G.S. 7A-191.1 reads as rewritten:

"§ 7A-191.1. Recording of ~~proceeding in which defendant pleads guilty or no contest to felony in district court.~~ criminal proceedings.

(a) ~~The trial judge shall require that a true, complete, and accurate record be made of the proceeding in which a defendant pleads guilty or no contest to a Class H or I felony pursuant to G.S. 7A-272. Criminal district court shall be continuously recorded by electronic or mechanical means while court is in session unless the presiding judge orders the recording stopped for a legal reason. If the presiding judge orders a stop of the recording while court is in session, prior to the recording being stopped the judge shall state on the record the legal reason for stopping the recording. Upon resumption of the recording, the judge shall restate the purpose for stopping the recording and provide information on anything that transpired during the time the recording was stopped.~~

(b) Any recording created pursuant to this section shall be public record and a duplicate copy of the audio court record may be obtained upon payment of the cost of making the copy. Recordings shall not be edited or be reduced to a written transcript by the clerk. Any recordings retained by the clerks under this subsection shall be retained in accordance with the retention schedule for the underlying case type, as prescribed by the Director of the Administrative Office of the Courts in conjunction with the State Archives pursuant to Chapter 121 of the General Statutes, but in no event shall the recordings be retained less than 90 days. The Administrative Office of the Courts may maintain on behalf of the clerks of superior court any records retained in electronic form by the clerks under this subsection."

SECTION 3.(b) This section becomes effective December 1, 2025, and applies to proceedings conducted 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 4.(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 to (i) 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 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.

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 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 subsection (d1) and (d3) of this section, the records and materials shall not be disclosed or released except as authorized by subsection (d1) 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 4.(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 district attorney may, but is not required to, assert to the Chief Medical

1 Examiner the facts supporting probable cause to believe that a violation of
2 G.S. 14-18.4 has occurred.

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

8 **SECTION 4.(c)** G.S. 130A-389.1 reads as rewritten:

9 **"§ 130A-389.1. Photographs and video or audio recordings made pursuant to autopsy.**

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

27 ...

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

50"

51 **SECTION 4.(d)** G.S. 132-1.8 reads as rewritten:

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

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

SECTION 4.(e) This section becomes effective October 1, 2025.

REVISE THE LAW GOVERNING THE GRANTING OF IMMUNITY TO WITNESSES

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

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

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

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

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

REPEAL FILIAL RESPONSIBILITY CRIME

SECTION 6.(a) G.S. 14-326.1 is repealed.

SECTION 6.(b) This section becomes effective July 1, 2025, and applies to offenses committed on or after that date.

SEVERABILITY, SAVINGS CLAUSE, AND EFFECTIVE DATE

SECTION 7.(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 7.(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 7.(c) Except as otherwise provided, this act is effective when it becomes law.