



Police Law Bulletin



City Attorneys' Office

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2019 Legislation Affecting Criminal Law and Procedure



Below are summaries of 2019 legislation affecting criminal law and procedure. To obtain the full text of the legislation, go to the North Carolina General Assembly's website, www.ncleg.gov, and enter the bill number in the upper right hand search box. For example, for Senate Bill 9, type S9 in the search box. Once the bill history is displayed, click on the name of the bill that appears on the upper left side of the screen and the full text of the bill will appear.

Female Genital Mutilation

Senate Bill 9

Session Law

New G.S. 14-28.1 makes it a Class C felony to knowingly circumcise, excise, or infibulate (the surgical removal of the female genitalia) the whole or any part of the labia majora, labia minora, or clitoris of a child less than 18 years of age. It is a Class C felony for any parent, guardian or other person responsible for the minor to consent to or permit such acts, or remove or permit the removal of the child from the State for the purpose of having such acts performed. Surgical operations performed by a medical practitioner that are necessary for the health of the minor or performed in connection with labor or child birth are not a violation of the statute. A person's belief that the act is required because of custom, ritual or consent is not a defense to prosecution.

Effective: October 1, 2019

Changes to ABC Laws

Senate Bill 11

Session 2019-49

G.S. 18B-104 has allowed the ABC Commission to fine a permittee for any violation of the ABC laws. Fines could be up to \$500. for the first violation, up to \$750. for a second violation, and up to \$1,000. for a third violation. The statute was amended so that the increased penalties apply to second and third violations only if those violations occur within 3 years of a previous violation. A new subsection (3a) was added so that if the violations involve acts of violence, controlled substances or prostitution, the permittee may be fined up to \$750 for the first violation, up to

\$1,000. for a second violation within 3 years, and up to \$1250. for a third violation within 3 years.

Subsection (b1) was added to G.S. 18B-104 so that in any case in which there are two or more violations within 3 years in which the Commission is entitled to suspend or revoke a permit, the Commission may accept from the permittee a penalty of not more than \$10,000. if the violations involve acts of violence on the licensed premises, or the permittee or his or her agent or employee knowingly allowing a violation of the controlled substances or prostitution statutes on the licensed premises. If the Commission accepts payment of such a penalty, it may suspend, but not revoke, a permit.

Effective: October 1, 2019

New G.S. 18B-1000 (4a) was added to define a private bar as an establishment that is organized and operated as a for-profit entity that is not open to the general public but is open only to members of the organization and their bona fide guests for the purpose of allowing its members and their guests to socialize and engage in recreation. The definition of a private club was changed to an establishment that qualifies under Section 501(c)(3) of the Internal Revenue Code and that has been in operation for a minimum of 12 months prior to application for an ABC permit. Private bars were then added to the lists of establishments eligible for various types of ABC permits.

Effective: June 26, 2019

Increased Penalty for Violation of Move Over Law Resulting in Serious Injury or Death; Use of Amber Lights

Senate Bill 29

Session 2019

Amended G.S. 20-157 increases the punishment for a violation of the move over law from a Class I to a Class F felony when the violation results in serious injury or death to a law enforcement officer, firefighter, emergency vehicle operator or other emergency response person.

Amended G.S. 20-130.2 adds a new subsection (b) that makes it unlawful for any vehicle to operate a flashing or strobing amber light while in motion on a street or highway unless one of the following conditions apply:

- A law enforcement vehicle in route to an emergency or engaged in the chase or apprehension of violators of the law
- A fire, rescue, first responder or emergency response vehicle in route to an emergency situation
- When any vehicle or its load exceeds a width of 102"
- When the use of flashing or strobing lights is required by the Department of Transportation
- When the vehicle must travel 15 mph or more below the posted speed limit for safety reasons or is otherwise impeding traffic which could cause a danger to the public, in

performing the vehicle's intended service, such as waste management vehicles, utility vehicles, school buses and mail delivery vehicles

- During a State of Emergency declared by the Governor

Effective: December 1, 2019

Disclosure and Release of Law Enforcement Recordings

Senate Bill 148

Session Law 2019-48

G.S. 132-1.4A(h) is amended to allow a custodial law enforcement agency to disclose or release a law enforcement recording for the purpose of suspect identification or apprehension, or to locate a missing or abducted person.

Effective: June 26, 2019

Increased Punishment for Breaking and Entering a Pharmacy

Senate Bill 151

Session Law 2019-40

New G.S. 14-54.2 makes it a Class E felony for a person to break or enter a pharmacy with the intent to commit larceny of a controlled substance. In addition, it makes it a Class F felony for a person to receive or possess any controlled substance knowing or having reasonable grounds to believe the controlled substance was stolen from a pharmacy.

Effective: December 1, 2019

Sexual Abuse and Assault

Senate Bill 199

Session 2019

New G.S. 14-318.6 requires any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse to immediately report the matter to the appropriate local law enforcement agency. Failure to report is a Class 1 misdemeanor. If a law enforcement agency, as a result of such report, finds evidence that a juvenile may be abused, neglected or dependent, the officer shall make an oral report as soon as practical and make a subsequent written report to the director of the Department of Social services within 48 hours after discovery of the evidence.

G.S. 15-1 is amended expanding the statute of limitations from 2 years to 10 years for the following misdemeanors: G.S. 7B-301 Duty to report abuse, neglect, dependency or death due to maltreatment; G.S. 14-27.33 Sexual battery; G.S. 14-202.2 Indecent liberties between children; G.S. 14-318.2 Child abuse; and new G.S. 14-318.6 Failure to report crimes against juveniles.

G.S. 14-202.5, which was struck down by the United States Supreme Court in 2017 as being unconstitutional, has been amended. The statute now makes it unlawful for a high-risk sex offender to:

- communicate with or contact a person that the offender believes is under 16 years of age;
- pose falsely as a person under 16 years of age with the intent to commit an unlawful sex act with a person the offender believes is under 16 years of age;
- use a web site to gather information about a person that the offender believes is under 16 years of age; or
- use a commercial social networking site (defined in the statute) in violation of a policy, posted in a manner reasonably likely to come to the attention of users, prohibiting convicted sex offenders from using the site.

A high-risk sex offender is a registered sex offender who:

- was convicted of an aggravated offense, as defined in G.S. 14-208.6, against a person under 18 years of age;
- is a recidivist, as defined in G.S. 14-208.6, and one offense is against a person under 18 years of age;
- was convicted of an offense against a minor, as that term is defined in G.S. 14-208.6;
- was convicted of a sexually violent offense, as defined in G.S. 14-208.6, against a person under 18 years of age; or
- was found by a court to be a sexually violent predator, as defined in G.S. 14-208.6, based on a conviction of a sexually violent offense committed against a minor.

A new definition for “against the will of another person” is added to G.S. 14-27.20. The definition, which is applicable to rape and other sex offenses, clarifies that the phrase includes not having the consent of the other person, as well as situations in which consent is revoked.

G.S. 14-401.11 is amended to prohibit, in addition to food, the distribution of a beverage knowing that it contains a substance that could be injurious to a person’s health.

Effective: December 1, 2019

Political Signs and Advertising

Senate Bill 220

Session Law 2019-119

Amended G.S. 136-32 allows citizens to remove political signs that remain in a public right-of-way after 30 days from the date the signs are to be removed. Currently, political signs are to be removed within 10 days of the primary or general election. G.S. 163A-1046 and 163A-1134(c) are amended to require a county board of elections to ensure that candidates are allowed at least 36 hours before the opening of a voting place and at least 36 hours after it closes to place and retrieve political advertising.

Effective: December 1, 2019

Raise the Age Modifications

Senate Bill 413
Session 2019

This bill amends portions of the raise the juvenile age legislation enacted into law in 2018. Of particular interest, amended GS 7B-1604(b) provides that when determining whether a juvenile will be prosecuted as an adult because of a previous conviction in either district or superior court, motor vehicle violations, except for driving while impaired offenses, are excluded.

Effective: December 1, 2019

Criminal Law Reform

Senate Bill 584
Session Law 2019-198

This bill provides that ordinances of local governments created after December 1, 2019, will not be punishable as crimes.

Effective: August 14, 2019

Crime Victim's Rights Amendment

Senate Bill 682
Session Law 219-216

This bill was designed to implement better protections and safeguards to victims of crimes.

A "victim" of a crime alleged to have occurred on or after August 31, 2019 is defined in amended G.S. 15A-830 as a person whom there is probable cause to believe an offense against the person or a felony property crime has been committed. (If the crime alleged occurred prior to the effective date of the legislation, August 31, 2019, the person will qualify as a "victim" if the person is believed to have been a victim of one of the crimes enumerated in the statute before its amendment.)

An "offense against the person" is an offense that constitutes a violation of:

- Subchapter III (Offenses Against the Person) of Chapter 14 of the General Statutes (i.e. G.S. 14-17 through 14-50.43 such as homicide, rape and other sexual offenses, assaults, and kidnapping)
- Subchapter VII (Offenses Against Public Morality and Decency) of Chapter 14 of the General Statutes (i.e. G.S. 14-177 through 14-208.4 such as disclosure of private images, sexual exploitation of a minor, indecent liberties, and prostitution)
- Article 39 (Protection of Minors) of Chapter 14 of the General Statutes (i.e. G.S. 14-313 through 14-321.2)
- Chapter 20 of the General Statutes if an element of the offense involves the impairment of the defendant, or injury or death to the victim
- A valid protective order under G.S. 50B-4.1

- Article 35 (Offenses Against the Public Peace, G.S. 14-269 through G.S. 14-277.5) of Chapter 14 of the General Statutes if the elements of the offense involve communicating a threat or stalking

A “felony property crime” is an offense that constitutes a felony violation of:

- Subchapter IV (Offenses Against the Habitation and Other Buildings) of Chapter 14 of the General Statutes (i.e. G.S. 14-51 through 1-69.3 such as burglary and arson)
- Subchapter V (Offenses Against Property) of Chapter 14 of the General Statutes (i.e. G.S. 14-70 through 14-125 such as larceny, robbery, embezzlement, frauds and forgeries)

New G.S. 15A-830.5 provides a victim of crime with the following rights: Upon request, reasonable, accurate and timely notice of court proceedings of the accused; 2. Upon request, the right to be present at court proceedings of the accused; 3. The right to be reasonably heard at any hearing regarding the release, plea, conviction, or sentencing of the accused (currently, a victim may only be heard during sentencing); 4. The right to receive restitution in a reasonably timely manner, when ordered by the court; 5. The right to be given information about the crime or act of delinquency committed against the victim; 6. Upon request, information about the conviction or final disposition and the sentence of the accused; 7. Upon request, be given notice of the escape, release or proposed parole or pardon of the accused; 8. The right to confer with the prosecution; 9. The right to present the victim’s views in writing to the Governor or to an agency considering the release of the accused, such as a parole board, prior to releasing the accused; and 10. The right to confer with the District Attorney. Similar provisions were inserted into the Juvenile Code to extend these same rights to victims of crime that have been perpetrated by individuals subject to juvenile court jurisdiction.

G.S. 15A-831 has amended the responsibilities of law enforcement agencies after identifying a victim covered by this Article.

Subsection (a) of the statute includes new information that the investigating law enforcement agency must provide to a victim, and specifies the form on which the information must be provided. Previously, the statute required that, within 72 hours of identifying a victim of crime, the investigating law enforcement agency was to provide the victim with certain specified information (such as the availability of medical services and crime victim compensation funds, contact information for an investigator as well as the District Attorney’s Office, etc.) Now, in addition to the information previously required to be provided, the victim must also be advised of each of the rights enumerated in new 15A-830.5(b) as well as other rights afforded to victims by law. This information must be provided to the victim in writing on a form created by the Conference of District Attorneys. Once the victim returns the form to the investigating law enforcement agency, the investigating law enforcement agency must promptly share the form with the District Attorney’s Office.

Other subsections provide that within 72 hours after the arrest of a person believed to have committed a crime under this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. Within 72 hours of receiving this information, the investigating law enforcement agency must:

- notify the victim of the arrest; and
- provide the District Attorney's Office with the defendant's name, and certain victim information (unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the District Attorney's Office). If the offense is alleged to have occurred on or after August 31, 2019, officers should utilize AOC-CR-180B to transmit victim information to the District Attorney's Office. If the offense occurred prior to August 31, 2019, officers should utilize AO-CR-180A.

Effective: August 31, 2019

Standing Up for Rape Victims Act of 2019

House Bill 29

Session Law 2019-221

New G.S. 15A-266.5A creates a statewide protocol for the processing and testing of Sexual Assault Examination Kits (SAEKs).

Any agency, such as a hospital, that collects a SAEK on or after July 1, 2019, must notify the appropriate law enforcement agency as soon as practical, but no later than 24 hours after the collection occurred. The law enforcement agency receiving such notification must take custody of the SAEK within seven days of receiving the notification and must retain and preserve it in accordance with G.S. 15A-268.

A "reported" SAEK is a kit collected from a person who consented to the collection and who has consented to participate in the criminal justice process by reporting the crime to law enforcement. An "unreported" kit is one collected from a person who consented to the collection but has not consented to participate in the criminal justice process. A law enforcement agency must submit all reported SAEKs to the North Carolina State Crime Laboratory, or another laboratory approved by the State Crime Laboratory, within 45 days of taking custody of the kit. A law enforcement agency must submit all unreported SAEKs to the North Carolina Department of Public Safety not more than 45 days after taking custody of it. The Department of Public safety must store the kit.

Any law enforcement agency that possesses SAEKs completed on or before January 1, 2018 must establish a review team no later than 3 months after the effective date of this legislation. The review team may consist of prosecutors, active or retired law enforcement officers, and representatives from a forensics laboratory. The review team shall survey the agency's entire untested SAEK inventory and conduct a case review to determine each kit's testing priority. The review shall be completed as soon as practical but no later than 6 months after the effective date of this legislation. The following factors shall be taken into consideration when determining priorities for submission:

- Investigative and evidentiary value for the individual case;
- CODIS potential to link profiles and identify potential serial offenders;
- Potential for victim participation;

- Potential value for admission of evidence;
- Age and health of victim;
- Potential for exculpatory value for a convicted person; and
- Any other factor the review team deems relevant.

Upon determination that a SAEK is of priority status, the law enforcement agency shall notify the State Crime Lab, or a laboratory approved by the State Crime Lab, and submit a request for testing.

The following SAEKs are not eligible for submission for testing:

- Unreported kits;
- Kits that have been confirmed as unfounded after a comprehensive case review by the law enforcement agency and its SAEK review team. The law enforcement agency shall track within the agency the number of kits concluded to be unfounded along with a brief summary indicating the information and evidence supporting the determination. If information or evidence develops that creates investigative or evidentiary value for testing, the unfounded kit must be submitted for testing;
- Kits in which a criminal prosecution has resulted in a conviction, the convicted person does not seek DNA testing, and the convicted person's DNA profile is already in CODIS.

Any other SAEKs not subject to the above requirements shall be submitted to the State Crime Lab, or a lab approved by the State Crime Lab, as soon as practical.

As soon as practical after receiving a written request for testing, the lab shall notify the submitting law enforcement agency of the request's approval and provide shipment instructions.

The Department of Justice, the North Carolina Coalition Against Sexual Assault, the North Carolina Victims Assistance Network, and the Conference of District Attorneys will jointly develop and provide training to law enforcement and their SAEK review teams on sexual assault investigations, including victim interactions and kit collection, storage, tracking and testing.

Finally, G.S. 15A-266.8 is amended to require a law enforcement agency that receives a CODIS hit on a submitted DNA sample to provide electronic notice to the State Crime Lab detailing any arrest made in connection with the CODIS hit no later than 15 days after the arrest, and detailing any conviction resulting from a CODIS hit no later than 15 days from the date of conviction.

Effective: September 18, 2019

Road Barrier Prohibition

House Bill 67

Session Law 2019-84

Amended G.S. 136-26 clarifies that the Class 1 misdemeanor offense of driving onto roadways closed by the North Carolina Department of Transportation due to construction or hazardous conditions does not apply to law enforcement, first responders, emergency management

personnel, or Department of Transportation personnel when they are acting within the scope of their official duties.

Effective: December 1, 2019

Railroad Crossings/On-Track Equipment

House Bill 82

Session Law 2019-36

G.S. 20-142.1 and G.S. 20-142.4 are amended to clarify that a vehicle approaching a railroad signaling device or railroad crossing must stop for any “on-track equipment” in the same manner as is required for stopping a vehicle for a train. New subsection (24b) of G.S. 20-4.01 defines on-track equipment as any railcar, rolling stock, equipment vehicle or other device that is operated on stationary rails.

Amended G.S. 20-142.3 requires the driver of the following types of vehicles to always stop at railroad tracks that are not protected by gates or signals and to look and listen for trains and on-track equipment: 1) school buses; 2) activity buses; 3) motor vehicles that carry passengers for compensation; and 4) any other motor vehicle that has a capacity to hold 16 or more passengers. Previously, the operators of these types of vehicles were required to stop at tracks unprotected by gates or signals to look and listen for trains only.

Finally, amended G.S. 142.5 makes it an infraction for the driver of a motor vehicle to enter onto any railroad crossing in a manner that would obstruct the passage of on-track equipment as well as any train.

Effective: December 1, 2019

ALE Transferred to Department of Public Safety

House Bill 99

Session law 2019-203

ALE is transferred from the State Bureau of Investigation to the Department of Public Safety.

Effective: August 27, 2019

Damaging Jail/Prison Fire Systems

House Bill 138

Session 2019

Amended subsection (b) of G.S. 14-286 makes it a Class H felony for any person to willfully interfere with, damage, deface or injure any part of a fire alarm, fire detection, smoke detection, or fire extinguishing system. Currently, it is a Class 2 misdemeanor to commit such an offense.

Effective: December 1, 2019

Mini-Trucks

House Bill 179
Session Law 2019-34

A new subsection g1. is added to G.S. 20-4.01(27) to define mini-truck as a four-wheel motor vehicle with an engine displacement of 660 cubic centimeters or less that is designed primarily for the transportation of property, has an overall length of 130 inches (10 feet) or less, has an overall width of 60 inches (5 feet) or less, and has an overall height of 78 inches (6 ½ feet) or less. Mini-trucks are small light trucks, also known as micro-trucks, that are often used for low tonnage delivery services in urban areas. G.S. 20-121.1 is amended to limit the use of mini-trucks to streets and highways where the posted speed limit is 55 miles per hour or less. Mini-trucks need to be insured and registered with the North Carolina Division of Motor Vehicles and have to be equipped with the common safety features associated with a motor vehicle, such as headlamps, stop lamps, turn signal lamps, tail lamps, windshield wipers, speedometer and seat belts.

Effective: June 21, 2019

Human Trafficking

House Bill 198
Session 2019

Amended G.S. 14-43.13 clarifies that the criminal offense of sexual servitude also includes a person who obtains another for the purpose of sexual servitude. Currently, the offense is limited to those persons who knowingly or recklessly subject or maintain a person for sexual servitude.

The legislation also creates a new criminal offense under G.S. 14-208.1, “Promoting travel for unlawful sexual conduct.” It is a Class G felony for any person to sell or offer to sell any travel services that the person knows to include travel for the purpose of committing certain offenses such as prostitution, sexual exploitation of a minor, or indecent liberties with a minor. “Travel services” means transportation by air, sea or ground; hotel or other lodging accommodations; package tours; or vouchers or coupons for future travel.

Effective: December 1, 2019

New G.S. 14-43.18 creates a civil claim for a victim of human trafficking that allows the victim to collect from a person who violated the State’s human trafficking laws, money damages, attorneys’ fees, and compensation for things such as loss of income and costs associated with medical care and psychological treatment. A victim must file the civil claim within 10 years of the abuse occurring, or if the victim was a minor, within 10 years after reaching age 18.

Effective: July 1, 2019

In addition, the legislation amends various statutes to expand the ability of a human trafficking victim to obtain an expunction of nonviolent misdemeanor or felony convictions so long as the court finds that the victim was “coerced or deceived” into committing the offense(s) as a result of being the victim of human trafficking. However, Class A through G felony offenses and certain serious misdemeanor offenses, such as those involving assault, stalking, or that would require registration under our sex offender registry laws, would not qualify for expunction.

Effective: December 1, 2019

Clarification to Definition of Handicapped Parking Space

House Bill 206

Session Law 2019-199

Among various changes to transportation related laws, this bill clarifies that a designated handicapped parking space also includes the clearly marked access aisles for the parking space. Therefore, any vehicle without a handicapped placard that blocks clearly marked access aisles is subject to the same penalties applicable to parking within the handicapped parking space.

Effective: August 21, 2019

DMV Changes

House Bill 211

Session Law 2019

Amends G.S. 20-57(b) removing the space for the owner’s signature on a vehicle registration card.

Amends G.S. 20-7(f)(1) so that a full provisional license issued to a person under 18 expires 60 days following, instead of on, the person’s 21st birthday. Subsection (f)(6) is amended to allow for the remote conversion of a full provisional license.

Effective: September 27, 2019

Amends G.S. 20-63.1 requiring all registration plates to be replaced every 7 years regardless of condition.

Effective: July 1, 2020

Amends 20-140.4(a)(2) to clarify that a safety helmet is not required to be worn by an operator or passenger of an autocycle that is equipped with a roll bar or roll cage. Currently, an operator or passenger of an autocycle is not required to wear a safety helmet if the autocycle has seating that is completely enclosed.

Effective: October 1, 2019

Increased Punishment for Assault on a LEO, Probation or Parole Officer, and Employee of Detention Facility

House Bill 224
Session Law 2019-116

Amended G.S. 14-34.5 increases the punishment for assault on a law enforcement, probation or parole officer, or an employee of a detention facility, from a Class D to a Class E felony.

Effective: December 1, 2019

Sexual Contact During Medical Treatment

House Bill 228
Session Law 2019-191

New G.S. 14-27.33A makes it a Class C felony for any person who provides medical treatment to a patient to represent that sexual contact between the person and the patient is necessary or beneficial to the patient's help and induces the patient to engage in sexual contact with the person by means of the representation; or engages in sexual contact with the patient while the patient is incapacitated.

Effective: December 1, 2019

Face Masks While Operating a Motorcycle Permitted

House Bill 257
Session Law 2019-115

Generally, it is currently unlawful to wear a mask in public to conceal a person's identity. G.S. 14-12.11, which lists exceptions to this prohibition, is amended to allow the operator of a motorcycle to wear a mask for the purpose of protecting the person's head and/or face. The mask must be removed during a traffic stop, a checkpoint or roadblock, or when approached by a law enforcement officer.

Effective: December 1, 2019

Increased Punishment For Assault on Law Enforcement and Emergency Personnel

House Bill 283
Session Law 2019

Amended G.S. 14-34.5 increases the penalty for an assault with a firearm upon a law enforcement officer, probation officer or parole officer while in the performance of their duties from a Class E to a Class D felony.

Amended G.S. 14-34.6 increases the penalty for an assault on a firefighter, emergency medical technician, medical responder, or hospital personnel from a Class H to a Class G felony if a deadly weapon other than a firearm was used, or if the assault resulted in serious bodily injury. If

a firearm was used in the commission of the assault, the penalty has increased from a Class F to a Class E felony.

Effective: December 1, 2019

A new subsection (7a) was added to G.S. 143-166.2 which creates an additional \$100,000 death benefit for the spouse or dependents of a law enforcement officer who is murdered in the line of duty.

Effective: Upon the appropriation of funds by the General Assembly and applies to qualifying deaths occurring on or after July 1, 2016

Cost of Crime Lab Analysis Assessed as Part of Cost of Court

House Bill 323
Session 2019

G.S. 7A-304 is amended to clarify that the \$600 crime laboratory fee that may be assessed upon a defendant's conviction in a case involving laboratory analysis is extended to apply to all laboratories, including private laboratories used by law enforcement agencies. The fee was limited to those laboratory facilities operated by a local government or a group of local governments.

Effective: July 1, 2019

Use of Drug Testing Equipment Decriminalized

House Bill 325
Session 2019

A new section is added to G.S. 90-113.22 and 90-113.22A to allow a person that is using an unlawful controlled substance, or that intends to use one, to possess testing equipment for identifying or analyzing the strength, effectiveness or purity of the controlled substance. A governmental or nongovernmental organization that promotes reducing health risks associated with drug use may also possess testing equipment and distribute it to a person who intends to introduce a controlled substance into his or her body. It has been a Class 1 misdemeanor to possess drug paraphernalia testing equipment and a Class 3 misdemeanor if the drug paraphernalia testing equipment was used to test marijuana.

Effective: July 22, 2019

Alcohol Sales at Public Colleges and Universities

House Bill 389
Session Law 2019-52

G.S. 18B-1006(a) is amended to allow for alcohol sales to the general public at a stadium, athletic facility, or arena on the campus or property of a public college or university if the Board

of Trustees votes to allow the issuance of permits for use at the stadium, facility or arena. For purposes of this legislation, public college or university does not include a community college. The legislation does not authorize the sale of mixed beverages when the stadium, athletic facility or arena is being used for a sporting event sponsored by the college or university.

Effective: June 26, 2019

Passenger Protection Act

House Bill 391

Session 2019-2020

Amended G.S. 20-280.5 adds a new subsection (d) that requires a transportation network company (TNC), such as Uber or Lyft, to require its drivers to display the license plate number of the driver's vehicle in a location that is visible from the front of the vehicle at the beginning of service and at all times during service.

Effective: October 1, 2019

New subsection (e) of G.S. 20-280.5 requires a TNC to require its drivers to display consistent and distinctive signage or emblems (such as trademarks, branding, logos) on the TNC driver's vehicle at all times when the driver is active on the TNC's digital platform or when providing any service.

Effective: July 1, 2020

New G.S. 14-401.26 makes it an infraction, punishable by a \$250. fine, for a TNC driver to fail to display his or her license plate number as required by G.S. 20-280.5.

New G.S. 14-401.27 makes it a Class 2 misdemeanor for any person to impersonate a TNC driver by a false statement, false display of distinctive signage or emblems of the TNC, or any other act that falsely represents that the person has a current connection with a TNC. A violation is a Class H felony if the person impersonates a TNC driver during the commission of a felony.

New subsection (9) is added to G.S. 14-33(c) making it a Class A1 misdemeanor to assault a TNC driver.

Effective: December 1, 2019

Photographing Juvenile Suspects at Show-Ups

House Bill 415

Session Law 2019-47

G.S. 7B-2103 and G.S. 15A-284.52(c1) are amended to that an investigator is required to photograph a juvenile suspect who is 10 years old or older at the time and place of a show-up if the juvenile is reported to have committed: murder; first or second degree rape; first or second

degree sexual offense; arson; any violation of Article 5 Chapter 90 that would constitute a felony if committed by an adult; first degree burglary; crime against nature; any felony which involves the willful infliction of serious bodily injury or which was committed by use of a deadly weapon; or common law robbery. The photograph is not be public record and has to be kept separate from the records of adults. The photograph may be viewed without a court order by: 1) the juvenile or the juvenile's attorney; 2) the juvenile's parent or guardian; 3) the prosecutor; or 4) court counselors.

Effective: June 26, 2019

Special Registration Plates

House Bill 449

Session Law 2019-213

G.S. 20-37.6 is amended to authorize the issuance of a handicapped license plate to a registered vehicle owner that is the guardian or parent of a handicapped person. Other amendments were made to Chapter 20 authorizing DMV to produce various new special registration plates.

Effective: March 20, 2020

Death by Distribution

House Bill 474

Session Law 2019-83

New G.S. 14-18.4 creates two new offenses: "death by distribution of certain controlled substances" and "aggravated death by distribution of certain controlled substances." The Class C felony of death by distribution of certain controlled substances is committed when a person causes the death of another person, without malice, by the unlawful distribution of certain drugs, such as opium, opium derivatives, cocaine, methamphetamine or depressants. The Class B2 felony of aggravated death by distribution of certain controlled substances is committed when a person causes the death of another person, without malice, by the unlawful distribution of the types of drugs listed above and the person distributing the drugs has a previous conviction for causing the death of another person by the distribution of drugs, or for trafficking in drugs within the previous seven years.

Effective: December 1, 2019

Counterfeit/Nonfunctional Airbags Prohibited

House Bill 546

Session 2019

G.S. 20-71.4(a) is amended to make it a Class 2 misdemeanor to transfer a motor vehicle knowing that it has a counterfeit supplemental restraint system, or a nonfunctional or nonexistent airbag. G.S. 20-136.2 is also amended to make it a Class 1 misdemeanor to knowingly import, manufacture, sell, offer for sale, or distribute a counterfeit supplemental restraint system or

nonfunctioning airbag. If a violation contributes to a person's physical injury or death, the penalty increases to a Class H felony.

Effective: October 1, 2019

Mutual Aid

House Bill 629

Session 2019

Amended G.S. 160A-288 allows a North Carolina municipal or county police department or a sheriff's office to provide assistance to, or receive assistance from, an out-of-state municipal or county law enforcement agency if the laws of the other state allow for such assistance. Currently, North Carolina law enforcement agencies may provide mutual assistance to other North Carolina law enforcement agencies but not to an out-of-state agency.

Effective: July 19, 2019

Requirement to Add Missing Child/Person or Unidentified Person Information Into NamUs

House Bill 747

Session Law 2019-90

G.S. 143B-1015 is amended to allow a law enforcement agency to enter, at any time, missing or unidentified persons information into the National Missing and Unidentified Persons System (NamUS) created by the United States Department of Justice's National Institute of Justice. A law enforcement agency is **REQUIRED** to enter missing or unidentified person information into NamUS when either a missing person has been missing for more than 30 days or an unidentified person has not been identified for more than 30 days following the person's death. A law enforcement agency entering information into NamUS must include all information regarding the missing or unidentified person, including medical records, DNA records and dental records, and must update NamUS if a missing person is found or an unidentified person is identified.

Effective: October 1, 2019