



# Police Law Bulletin

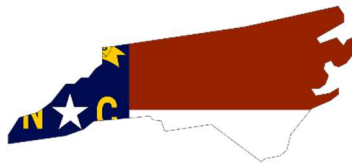


City Attorneys' Office

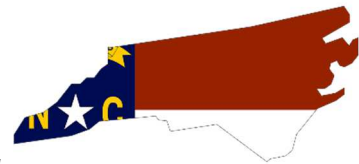
Toni M. Russ, Senior Assistant City Attorney

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## LEGISLATIVE UPDATE



This Police Law Bulletin summarizes bills enacted into law this Session which may be of interest to municipal police officers. For specific details about the legislative bills summarized below, please review the actual legislation on the General Assembly's website: [www.ncleg.net](http://www.ncleg.net).

### **House Bill 34 Session Law 2023-76**

#### **Protect Those Who Serve and Protect**

This bill creates new G.S. 14-34.1A making it a Class H felony to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles (such as a pellet gun, shotgun, or rifle) at or into any unoccupied emergency vehicle, including a law enforcement vehicle. Currently, it is a Class E felony to discharge a firearm into occupied property, but there is no crime covering discharge of a firearm into an unoccupied vehicle other than misdemeanor offenses for damage to property.

The bill also amends G.S. 14-34.8 making it a Class I felony to intentionally point a laser device that is emitting a beam of light at any of the following persons who are in the performance of their official duties: (1) a law enforcement officer; (2) a probation officer or parole officer; (3) detention and correctional personnel (such as a detention officer working for a sheriff); (4) a firefighter; (5) an emergency medical technician or other emergency health care provider; (6) a member of the North Carolina National Guard or any branch of the Armed Forces of the United States; or (7) juvenile court counselors. The bill also makes it a Class A1 misdemeanor to intentionally point a laser device that is emitting a beam of light at a law enforcement agency animal (such as an agency K-9) or a search and rescue animal while the animal is in the performance of its duty. Currently, it is an infraction to point an emitting laser device at a law enforcement officer or at the head or face of another person.

The bill also increases the punishments for various types of assaults against government officers. G.S. 14-34.2 is amended making it a Class E, rather than a Class F, felony to assault a government officer with a deadly weapon. G.S. 14-34.5 is amended making it a Class D, rather than a Class E, felony to assault with a firearm a member of the National Guard in the performance of his or her duties. G.S. 14-34.7 is amended making it a Class F felony, rather than a Class I felony, to assault and inflict serious bodily injury on a law enforcement officer, probation or parole officer, a member of the National Guard, or a person employed at a detention facility, while in the performance of their duties. Assaults on these individuals inflicting physical injury is increased from a Class I felony to a Class H felony. Finally, G.S. 14-32 is amended to make an assault with a deadly weapon with the intent to kill or inflict serious injury on an emergency worker a Class D felony.

Effective: December 1, 2023

## **House Bill 40 Session Law 2023-6**

### **Rioting and Civil Disorder**

This bill amended G.S. 14-288.2 to increase the punishment for various rioting offenses. The amended statute makes it a Class H felony for a person to brandish a dangerous weapon or use a dangerous substance while willfully engaging in a riot; a Class F felony for a person to willfully engage in a riot and thereby cause property damage in excess of \$2,500. or serious bodily injury; a Class E felony for a person to cause a death while willfully engaging in a riot; a Class A1 misdemeanor for a person to willfully incite a riot so that as a result of such urging a riot occurs or a clear and present danger of a riot is created; a Class E felony for a person to willfully incite a riot when such inciting is a contributing cause of a riot in which there is property damage in excess of \$2,500. or serious bodily injury; and a Class D felony for a person to willfully incite a riot when such inciting causes a death.

The bill also amends G.S. 14-288.9 to increase the punishment for committing an assault upon emergency personnel from a Class I felony to a Class H felony and deletes the requirement that the assault cause physical injury. If the assault causes serious bodily injury it is a Class E felony. It is a Class D felony if the assault causes death. The statute was also amended to add members of the North Carolina National Guard to the list of emergency personnel upon whom an assault is prohibited.

Further, the bill amends G.S. 15A-534.8 to require a judge to be the official who determines the conditions of pretrial release for persons charged with rioting offenses. Currently, magistrates may determine the conditions of pretrial release for persons charged with a crime except for crimes of domestic violence and for communicating a threat of mass violence on educational property or at a place of religious worship.

Finally, effective March 21, 2023, the bill requires the North Carolina Department of Justice, in consultation with the North Carolina Department of Public Safety, the North Carolina Sheriffs' Education and Training Standards Commission, and the North Carolina Criminal Justice

Education and Training Standards Commission, to develop model law enforcement protest response and engagement policies.

Effective: December 1, 2023 unless otherwise noted above

**House Bill 125**  
**Session Law 2023-129**

**NC Health & Human Services Workforce Act**

This bill makes various changes to the laws regarding optometry, behavior analyst credentialing, and security in medical facilities. Of interest to the criminal justice community, the bill amends G.S. 131E-88 to require each public hospital with an emergency department to develop and implement a security plan with protocols to ensure that at least one law enforcement officer is present at all times, except when temporarily required to leave in connection with the discharge of their duties. A hospital may be exempt from this requirement if the hospital, in good faith, determines that a different level of security is necessary and appropriate based upon findings in a security risk assessment. A hospital that determines a different level of security is necessary and appropriate must adopt a security plan signed off on by the county sheriff, municipal chief of police, and county emergency management director.

Effective: October 1, 2024

**House Bill 140**  
**Session Law 2023-52**

**Civilian Traffic Investigators**

This bill creates new G.S. 160A-499.6 which authorizes a city to employ nonsworn personnel, to be known as “Civilian Traffic Investigators,” to investigate crashes that only involve property damage. The bill specifies that the employment or use of the Investigators shall not supplant or replace any of the city’s existing sworn law enforcement personnel or otherwise reduce the number of sworn law enforcement officers employed by a City. The bill requires the city employing such investigators to establish minimum standards for employment, to issue credentials identifying the individuals as Civilian Traffic Investigators, and to provide them with uniforms substantially different in color and style from that of a law enforcement officer. Civilian Traffic Investigators may not be issued weapons of any type, nor badges. Vehicles issued to them may have emergency equipment and red or amber lights, but may not be equipped with blue lights nor bear any markings or symbols that identify the vehicles as police vehicles. Each Civilian Traffic Investigator must attend a training program designed by the North Carolina Justice Academy and, upon completion of the program, each must spend no less than four weeks of field training with a law enforcement officer who has experience conducting traffic crash investigations. Civilian Traffic Investigators will have the same authority to tow a vehicle that is obstructing a street or highway.

Effective: June 23, 2023

**House Bill 142**  
**Session Law 2023-128**

**Protect Our Students Act**

This bill amends G.S. 14-27.32 making it a Class G, rather than I, felony for a defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than 4 years older than the victim to engage in vaginal intercourse or a sexual act with a victim who is a student.

The bill also creates new G.S. 115C-326.20 requiring any superintendent, assistant superintendent, associate superintendent, personnel administrator, or principal who knows, has reason to believe, or has actual notice of a complaint that an employee licensed under Article 17E of Chapter 115C has engaged in misconduct resulting in dismissal, disciplinary action, or resignation to report the misconduct to the State Board of Education within 5 days of dismissal, determination of disciplinary action, or acceptance of resignation. Failure to report misconduct pursuant to this statute is a Class I felony.

Effective: December 1, 2023

**House Bill 186**  
**Session Law 2023**

**Confidentiality of Juvenile information**  
**Juvenile Interrogation Rights**  
**Execution of Secure Custody Orders**

This bill creates new G.S. 7B-3103 to allow a court to order the Division of Juvenile Justice or a law enforcement agency to release certain information pertaining to a juvenile if the court finds: 1) a petition has been filed alleging the juvenile has committed at least one offense that would subject the juvenile to transfer to superior court; 2) the juvenile presents a danger to self or others; and 3) good cause exists for the disclosure. Only the following information is subject to public disclosure: 1) the juvenile's first and last names, and a photograph; 2) any offense in the juvenile petition alleged to have been committed by the juvenile; 3) whether a secure custody order has been issued for the juvenile; and 4) a statement, based on the juvenile's record or nature of the alleged offense and the level of concern of the Division of Juvenile Justice or law enforcement, as to the juvenile's threat to self or others. Before the information is released to the public, the Division of Juvenile Justice or law enforcement agency shall make a reasonable effort to notify a parent, legal guardian or custodian of the juvenile. If a juvenile who is the subject of such an order is taken into custody before the required disclosure is made to the public, the Division of Juvenile Justice or law enforcement shall not make the disclosure. Once a juvenile who is the subject of such an order is taken into custody, then all released information must be removed from any publicly available law enforcement agency or Division of Juvenile Justice website or social media account.

The bill also amends G.S. 7B-2101 to provide that an in custody juvenile, 16 years of age or older, must be advised of the following prior to questioning:

- 1) That the juvenile has the right to remain silent;
- 2) That any statement the juvenile does make can be and may be used against the juvenile;
- 3) That the juvenile has a right to have a parent, guardian, custodian, *or caretaker* present during questioning; and
- 4) That the juvenile has a right to consult with an attorney and that one will be appointed for the juvenile if the juvenile is not represented and wants representation.

Currently, an in custody juvenile, 16 years of age or older, must be advised of the above rights except the right is to have a parent, guardian or custodian present during questioning – it does not currently include a caretaker. According to the revised statute, if an in-custody juvenile, 16 years of age or older, requests that a parent, guardian or custodian be present during questioning, law enforcement must make a reasonable effort to contact the parent, guardian, or custodian. If a parent, guardian or custodian is not available, a caretaker may be present during questioning. A “caretaker” means any person other than a parent, guardian or custodian who has responsibility for the health and welfare of a juvenile in a residential setting, such as a stepparent, foster parent, adult member of the juvenile’s household, an adult entrusted with the juvenile’s care, a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile’s health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services.

Also, remember that currently, juveniles under 16 may not waive their right to have a parent, guardian or custodian present. This requirement has not changed.

Finally, the bill creates new G.S. 7B-1904.5 clarifying that a secure custody order for a juvenile carries the same authority to enter private premises and vehicles as an arrest warrant issued for an adult. A law enforcement officer may enter private premises or a vehicle to take a juvenile into custody when all of the following requirements are met: 1) The law enforcement officer possesses a secure custody order or a copy of the order. If the law enforcement officer possesses a copy of the order, the officer must verify the order’s validity and the original order must be in the possession of a member of a law enforcement agency in the same county in which the officer executing the secure custody order is employed. 2) The law enforcement officer has probable cause to believe the juvenile to be taken into custody is present in the premises or vehicle. 3. The law enforcement officer has given, or made a reasonable effort to give, notice of the law enforcement officer’s authority and purpose to an occupant of the premises or vehicle, unless there is probable cause to believe that the giving of such notice would present a danger to the life or safety of any person. A law enforcement officer may use force to enter the premises or vehicle if the law enforcement officer believes that they are being denied entry or unreasonably delayed or if there is probable cause to believe that giving notice of the officer’s authority and purpose would present a danger to the life or safety of any person.

Effective: December 1, 2023

**House Bill 259**  
**Session Law 2023-134**

**2023 Appropriations Act**

G.S. 20-7 is amended within the State budget bill extending the duration of original and renewed drivers licenses issued to individuals at least 18 years of age, but less than 66 years of age, from eight years to sixteen years.

Effective: July 1, 2024

**House Bill 347**  
**Session Law 2023-42**

**Sports Wagering and Horse Racing**

This bill creates a new Article 9 in Chapter 18C of the General Statutes to authorize and regulate sports wagering on professional, amateur and college sports in North Carolina, as well as the placing of pari-mutuel wagers on the outcome of horse races within the State. Of interest to the criminal justice community, the bill: 1) legalizes sports and pari-mutuel wagering in the State for persons 21 years of age and older who are in compliance with certain conditions established in the bill; 2) provides that any sports wagering (such as betting on college sports and professional sports) conducted lawfully under the terms of the bill does not constitute a crime under Article 37 of Chapter 14 of the North Carolina General Statutes, "Lotteries, Gaming, Bingo and Raffles;" 3) makes it a Class 2 misdemeanor for any person to engage in sports or pari-mutuel wagering in violation of the regulatory requirements of the bill; 4) makes it a Class 2 misdemeanor for any person to engage in sports or pari-mutuel wagering while under the age of 21; 5) makes it a Class G felony to knowingly attempt to suborn, collude, or conspire to influence the outcome or any aspect of any competition subject to the bill; 6) makes it a Class I felony for an applicant for an interactive sports wagering license to give false information on the license application; and 7) allows the transmission or reception of interstate or intrastate simulcasting of greyhound races for commercial purposes in this State if authorized under the regulatory conditions of the bill.

Effective: January 8, 2024

**House Bill 387**  
**Session Law 2023-94**

**Medal of Valor for First Responders**

This bill allows the Governor and the Lieutenant Governor to each award the "Medal of Valor Award" to a maximum of two first responders and one entire unit of first responders each calendar year. The "Medal of Valor Award" is for first responders who have performed great acts of heroism, while under threat of personal risk to their safety, beyond the call of duty in the

field. The bill defines a “first responder” to include any firefighter, paramedic, law enforcement officer, emergency medical services personnel, or rescue squad member.

Effective: July 10, 2023

**House Bill 611**  
**Session Law 2023-56**

**Powers of Criminal Justice and Sheriffs’ Education and Training Standards Commissions**

This bill prohibits the North Carolina Sheriffs’ Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (the Commissions) from denying, suspending, or revoking a person’s certification based on a felony conviction which has been expunged if that felony was a non-violent or low level felony committed by a person under the age of 18.

Effective: June 23, 2023

**House Bill 790**  
**Session Law 2023-74**

**Electronic Recordings of Interrogations**

This bill amends G.S. 15A-211 to require the electronic recording, in its entirety, of any custodial interrogation of any person in a felony criminal investigation conducted at a place of detention. Currently, custodial interrogations at a place of detention only have to be recorded for the following offenses: any Class A, B1, or B2 felony, and any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury. The statutory requirement to electronically record any custodial interrogation, in a place of detention, of a juvenile has not changed. Recordings of nondefendant custodial interrogations must be provided in discovery.

Also, the bill creates new G.S. 15A-981 requiring all interviews of in-custody informants by a law enforcement officer to be recorded using a visual recording device that provides an authentic, accurate, unaltered and uninterrupted record of the interview that clearly shows both the interviewer and the in-custody informant.

Effective: October 1, 2023

**Senate Bill 20**  
**Session Law 2013-14**

**Safe Surrender of Infants**  
**Misdemeanor Crime of Domestic Violence**

This bill amended Chapter 7B of the General Statutes by adding a new Article 5A titled Safe Surrender of Infants. The bill created new G.S. 7B-521 which requires the following individuals, without a court order, to take into temporary custody an infant, who shows no signs of abuse or neglect, who is believed to be not more than 30 days old, that is voluntarily delivered to the individual by the infant's parent who does not express an intent to return: (1) a health care provider who is on duty or at a hospital, local or district health department, or a nonprofit community health center; (2) a first responder, including a law enforcement officer, a certified emergency medical services worker, or a firefighter; or (3) a social services worker who is on duty or at a local department of social services.

The bill created new G.S. 7B-522 requiring an individual who takes an infant into temporary custody under G.S. 7B-521 to perform any act necessary to protect the physical health and well-being of the infant and to immediately notify the department of social services in the county where the infant was surrendered. An individual taking an infant into temporary custody under this statute may inquire into the parents' identities, the infant's date of birth, any relevant medical history, and the parents' marital status, but the parent(s) are not required to provide this information. If practical, the bill requires the parent be provided with specified written information to be created by the North Carolina Department of Health and Human Services, Division of Social Services on the safe surrender of infants and the rights of the parents.

New G.S. 7B-523 provides the individual taking custody of an infant under the statute with immunity from civil or criminal liability, so long as the individual acts in good faith. This immunity does not extend to gross negligence, wanton conduct, or intentional wrongdoing.

The bill amended G.S. 7B-101 to exclude safely surrendered infants from the definition of "neglected juvenile" in the statutes. And, new G.S. 7B-527 provides a surrendering parent with civil and criminal immunity as long as they were acting in good faith.

Effective: July 1, 2023

The bill also created new G.S. 14-32.5 Misdemeanor Crime of Domestic Violence. A person will be guilty of a Class A1 misdemeanor if that person uses or attempts to use physical force, or threatens the use of a deadly weapon, against another person and the person who commits the offense is: (1) a current or former spouse, parent, or guardian of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, (4) a person similarly situated to a spouse, parent, or guardian of the victim; or (5) a person who has a current or recent former dating relationship with the victim. For purposes of this statute, the term "dating relationship" is as defined in 18 U.S.C. § 921. The purpose of creating this new criminal offense is to have a North Carolina crime that matches all of the elements of a misdemeanor crime of domestic violence established under federal law for purposes of firearms possession. Persons convicted of this new offense will be prohibited from possessing a firearm.

The bill also amends G.S. 14-33(c) making it a Class A1 misdemeanor to assault a pregnant woman.



Effective: December 1, 2023

**Senate Bill 41**  
**Session Law 2023-8**

**Carrying Concealed Weapons**  
**Pistol Purchase Permits**

The first part of this bill was primarily enacted to protect religious meeting places. Currently, carrying a concealed weapon on educational property is prohibited, except in very limited circumstances, and those circumstances do not include school property that is jointly used for religious worship. This bill amended G.S. 14-269.2 and 14-415.11 to allow an individual with a concealed handgun permit, or a person who is exempt from having to obtain one, to carry a concealed handgun on school grounds if the school grounds also house a place of religious worship and the handgun is possessed and carried outside of school operating hours. School operating hours are any time that the premises are being used for curricular or extracurricular activities; educational, instructional or school-sponsored activities; or when the premises are being used for programs for minors by entities not affiliated with the religious institution. The person(s) in legal possession or control of the premises have the option to post a conspicuous notice prohibiting the carrying of concealed handgun on the premises.

Effective: December 1, 2023

The bill also amended G.S. 14-415.27 to allow a civilian employee of a law enforcement agency, with a valid concealed handgun permit, to carry a concealed handgun in a law enforcement facility so long as the person has been designated in writing by the agency head to carry the handgun and has in their possession written proof of the designation. Currently, civilian employees of a law enforcement agency may not carry a concealed handgun inside a law enforcement facility, even with a valid concealed handgun permit.

Effective: July 1, 2023

Finally, the bill repealed the statutes requiring, or related to the requirement, that a person obtain a pistol purchase permit.

Effective: March 29, 2023

**Senate Bill 58**  
**Session Law 2023-47**

**Protect Critical Infrastructure**

This bill creates G.S. 14-150.2 making it a Class C felony to willfully destroy, injure or damage an energy facility or obstruct, impede or impair the services of an energy facility, and subjects the offender to a \$250,000 fine. A violation that results in the death of another is a Class B2 felony. The bill further amends G.S. 14-159.12 making First Degree Trespass a Class I felony if

the offense is committed on the premises of an energy facility or a facility owned by a public utility or local government used for the treatment of wastewater. G.S. 14-154 is amended to make it a Class C felony to willfully injure, destroy or pull down telephone, broadband, broadcast cable poles, equipment or fixtures.

Effective: December 31, 2023

**Senate Bill 91**  
**Session Law 2023-97**

**Street Takeovers**

This bill creates new G.S. 20-141.10 making it a Class A1 misdemeanor with no less than \$1000 fine for a person to operate a motor vehicle in a street takeover. A subsequent violation in a 24-month period is a Class H felony with a minimum fine equal to twice the value of the vehicle but no less than \$1000. Assaulting or threatening an officer while violating these provisions raises the offense further to a Class H felony. In addition, the statute makes participating in, coordinating through social media, or facilitating a street takeover a Class A1 misdemeanor. Note, that just being a spectator is insufficient, but the charge could be used for those people who organize, promote or overtly engage in this conduct.

“Street takeover” is defined as “the unauthorized taking over of a portion of a highway, street, or public vehicular area, by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt, contest or exhibition.” A “stunt” is defined as a “burnout, doughnut, wheelie, drifting or other dangerous motor vehicle activity.” All of these terms are further defined in the statute. Because the State will have to show that the *regular flow of traffic was blocked or impeded*, the statute does not appear designed to address, for example, the operator of a motorcycle that simply pops a wheelie while traveling in a pack of motorcycles upon the roadway. (In that scenario, the more appropriate charge would be careless and reckless.) However, there are certainly a lot of activities that would be covered by the legislation. For example, it could be used when a single or multiple operators start popping wheelies while traveling through intersections or weaving in and out of traffic so that other traffic cannot proceed or has to yield, or the bikes begin performing doughnuts or burn outs that thereby impedes traffic.

G.S. 20-141.3(g) is amended to allow for a vehicle operated in a street takeover to be seized. The vehicle must be delivered to the Sheriff, or placed under the Sheriff’s constructive possession if delivery of actual possession is impractical. The vehicle must be held by the Sheriff until trial or the owner posts a bond double the value of the vehicle. Upon acquittal of the person charged, the Sheriff must return the motor vehicle to the owner. Upon conviction (unless the owner had no knowledge of the vehicle’s unlawful use) the vehicle will be ordered to be sold.

Effective: December 1, 2023

**Senate Bill 157**  
**Session Law 2023-13**

**Limited Provisional License Modification**

This bill amends G.S. 20-11 to allow, until December 31, 2023, a person who is 16 or 17 years of age to obtain a limited provisional license if the person has held a limited learner’s permit for at least 6 months. After that date, these individuals must hold a limited learner’s permit for at least 9 months before being eligible for a limited provisional license. Currently, individuals must hold a limited learner’s permit for 12 months before being eligible for a limited provisional license.

Effective: May 6, 2023

The amendment also allows a limited provisional license holder who is not accompanied by a supervising driver to have a second passenger under 21 years of age who is not a member of the license holder's immediate family or household when that passenger is a student being driven directly to or from school. Currently, a provisional license holder who is not accompanied by a supervising driver is limited to one passenger under 21 who is not a member of the license holder's immediate family or household.

Effective: August 1, 2023

**Senate Bill 171**  
**Session Law 2023-86**

**Missing Persons**  
**Jurisdiction of Capitol Police**  
**Release of Criminal Investigative Records to National Guard**

This bill amends several subsections of G.S. 143B-1022, the Silver Alert System. First, the North Carolina Silver Alert System is renamed the North Carolina Missing Endangered System. Second, it requires a law enforcement agency, upon request, to issue an alert for rapid statewide dissemination whenever a person or child who is believed to be suffering from dementia, Alzheimer's disease, or a cognitive impairment that would make the person or child at risk for abuse, harm, neglect or exploitation has been reported missing and, at the time of the request, no more than 72 hours have passed since the person or child went missing. Currently, the North Carolina Center for Missing Persons is the only entity required to issue such alerts. Third, it requires a law enforcement agency to develop and adopt procedures for issuing such alerts, and provide education and training to encourage radio and television broadcasters to participate in the alert. The procedures shall ensure that specific health information about the missing person or child is not made public through the alert or otherwise. Lastly, it requires all law enforcement agencies to consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the missing person or missing child that would enable motorists to assist in recovery of the individual. The North Carolina Center for Missing Persons and the Department of Transportation shall develop guidelines for the content, length and frequency of any message to be placed on an overhead permanent changeable message sign.

Effective: October 1, 2023

The statute regarding missing persons, G.S. 143B-1015(c) is amended to require a law enforcement agency to enter information into The National Missing and Unidentified Persons System (NamUs) regarding a missing person or child who has been missing for more than 90 days and regarding an unidentified deceased person who has not been identified for more than 90 days. Currently, law enforcement agencies are required to enter information into NamUs about missing persons, children and unidentified deceased persons once they have been missing/unidentified for more than 30 days.

This bill also amends G.S. 143B-911 to increase the jurisdiction of State Capitol Police. Currently, the territorial jurisdiction of the State Capitol Police only includes the City of Raleigh and property owned, leased, or maintained by the State that is located in Wake County. State Capitol Police will now have jurisdiction in these areas as well as in a building or its grounds, owned or leased by the State, located anywhere in the State, when the State agency responsible for that building executes a written agreement for service with the State Capitol Police.

The bill also amends G.S. 127A-63 to require a law enforcement agency to release records of a criminal investigation or criminal intelligence to the Adjutant General or the National Guard Staff Judge Advocate upon request, unless release is prohibited by court order, to be used by the National Guard in a court martial or administrative investigation.

Effective: July 10, 2023

**Senate Bill 189**  
**Session Law 2023**

**Controlled Substances**

This bill increases the fines imposed on persons convicted of trafficking in heroin, fentanyl, and carfentanil. The bill also modifies the offense of death by distribution to include the unlawful delivery and ingestion of certain controlled substances that proximately causes the death of a person, and increases the punishment for a person who commits the offense of death by distribution. In addition, the bill amends G.S. 90-96.2 to provide good Samaritan immunity for possession of less than one gram of any controlled substance. Currently, the good Samaritan immunity applies to the possession of less than one gram of heroin or cocaine.

Effective: December 1, 2023

**Senate Bill 206**  
**Session Law 2023-15**

**Stop Counterfeit Pills Act**

This bill amends G.S. 90-108 making it a Class 1 misdemeanor for a person to possess, manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to create a counterfeit controlled substance, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a counterfeit controlled substance.

The amended statute also makes it a Class I felony to intentionally possess, manufacture, distribute, export or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to create a counterfeit controlled substance, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a counterfeit controlled substance.

The amended statute makes it a Class E felony to possess, manufacture, distribute, export or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a genuine controlled substance, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance.

Effective: December 1, 2023

**Senate Bill 246**  
**Session Law 2023-85**

**Second Degree Trespass**

This bill amends G.S. 14-159.13 expanding the crime of second degree trespass to include a person entering or remaining on the curtilage of the dwelling of another between the hours of midnight and 6:00 A.M. without authorization. Currently, any form of second degree trespass is a Class 3 misdemeanor.

Effective: December 1, 2023

**Senate Bill 492**  
**Session Law 2023**

This bill makes various changes which mostly concern the Department of Adult Corrections. Of interest to local law enforcement agencies is an amendment to G.S. 15A-502(a2) requiring an arresting law enforcement agency to fingerprint individuals charged with a misdemeanor crime of domestic violence.

Effective: December 1, 2023

**Senate Bill 579**  
**Session Law 2023-127**

**Increased Punishments for Offenses Related to Public Morality and Decency**

Currently, it is a Class I felony to violate G.S. 14-190.1 (dissemination of obscenity). This bill increases the punishment to a Class H felony if a person knowingly commits the offense in the presence of a person under 18.

The bill also increases the punishment from a Class I, to a Class H, felony for a violation of G.S. 14-190.6 (Employing or permitting minor to assist in offense under Article 26 Offenses Against Morality) and G.S. 14-190.7 (Dissemination to minors under the age of 16), and increases the punishment from a Class I, to a Class G, felony for a violation of G.S. 14-190.8 (Dissemination to minors under the age of 13 years).

The bill also amends G.S. 14-190.9 (Indecent exposure) so that the enhanced punishment for indecent exposure in public and private places applies when the perpetrator is at least 18 years of age and the victim is less than 18. Currently, the victim must be less than 16.

Effective: December 1, 2023

**Senate Bill 582**  
**Session Law 2023-63**

**NC Farm Act**

The North Carolina Farm Act of 2023 makes various changes to the agricultural and wastewater laws of the State. Of interest, the bill creates new G.S. 14-399.3 making it a Class 3 misdemeanor for the driver of any vehicle to fail to immediately stop and remain at the scene of an incident if the driver knows or reasonably should know that animal waste, dead animals, animal parts, or animal by-products have been blown, scattered, spilled, thrown, or placed from the vehicle. The driver must remain at the scene until a law enforcement officer authorizes the driver to leave unless remaining at the scene presents a significant risk of injury to the driver or others. The new statute also makes it a Class 3 misdemeanor for the driver to facilitate, allow or agree to the removal of the vehicle from the scene of the incident for any reason, except to call law enforcement, to call for assistance to remove the materials spilled, or to avoid a significant risk of injury.

The bill also enacts new G.S. 15A-300.4 which prohibits any person, entity, or State agency from using an unmanned aircraft system (i.e. drone) within either a horizontal distance of 3,000 feet or a vertical distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service. The bill would exempt from its provisions law enforcement officers using an unmanned aircraft system in accordance with the already established law enforcement exceptions for use of a drone. Use of an unmanned aircraft system near a forest fire will be punishable as a Class D felony if use of the device proximately causes the death of another; a Class E felony if use of the device proximately causes serious bodily injury, a Class f felony if use of the device proximately causes serious physical or mental injury; a Class G felony if use of the device interferes with emergency operations and such interference causes damage to real or personal property; a Class H felony if use of the device interferes with emergency operations; a Class I felony if use of the device proximately causes physical or mental injury; and an Class A1 misdemeanor in all other circumstances. Unmanned aircraft system used in violation of the new criminal offense is subject to seizure by a law enforcement agency and forfeiture.

This bill also amends G.S. 14-135 to expand the criminal offense of larceny of timber to include: (i) knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another without consent or without a lawful easement running with the land, or (ii) knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without consent, or without a lawful easement running with the land. Violation is a Class G felony.

Effective: December 1, 2023

**Senate Bill 626**  
**Session Law 2023-71**

**Human Trafficking**

This bill amends G.S. 50D-1, 50D-2 and 50D-5 to allow a victim of a human trafficking offense to obtain a permanent civil no-contact order that would permanently prohibit any contact by an individual convicted of human trafficking with the victim of that offense. Currently, such orders are available to victims of a sex offense (ie offenses requiring sex offender registration).

Effective: August 1, 2023

The bill also expands the crimes of human trafficking and sexual servitude by amending G.S. 14.43.11 and G.S. 14-43.13 to include individuals who patronize or solicit human trafficking or sexual servitude, respectively.

December 1, 2023