

Courts, Justice, and Corrections

See full summary documents for additional detail

H8 - Court of Appeals Election Modifications (SL 2015-292)

S.L. 2015-292 requires candidates running in non-partisan races for Court of Appeals judge to have the candidate's party affiliation printed on the ballot.

This act became effective October 29, 2015, and applies to elections held on or after that date.

H59 - Clarify Report Admissibility (SL 2015-173)

S.L. 2015-173 clarifies the admissibility of reports of forensic and chemical analysis and provides that court reporting will not be provided for ex parte or emergency hearings on certain protective orders.

This act became effective July 31, 2015. The provisions regarding admissibility of reports apply to notices of intent to introduce a statement or report provided by the State on or after that date. The provisions regarding ex parte or emergency hearings apply to hearings conducted on or after that date.

H79 - Contempt for 50C/Scope of Stay for Appeals (SL 2015-25)

S.L. 2015-25 clarifies that a knowing violation of a civil no-contact order is punishable by civil or criminal contempt, and amends the statutes to specify the circumstances under which further proceedings are stayed after an appeal is perfected.

The provision of the act that clarifies the punishment for a knowing violation of a civil non-contact order became effective October 1, 2015, and applies to orders entered on or after that date. The remainder of this act became effective May 21, 2015.

H82 - Execution/Nonsecure Custody Order/Child Abuse (SL 2015-43)

S.L. 2015-43 clarifies the manner in which a law enforcement officer may enter premises in order to take physical custody of a juvenile when there is a reasonable factual basis to believe the juvenile is abused, neglected, or dependent and a nonsecure custody order has been issued.

This act became effective June 2, 2015, and applies to orders issued on or after that date.

H97 - 2015 Appropriations Act, Subpart XVI-C: Division of Adult Correction (SL 2015-241)

Subpart XVI-C of S.L. 2015-241 includes the following provisions pertaining to the Division of Adult Correction of the Department of Public Safety:

Section 16C.4. Medical Costs for Inmates and Juvenile Offenders

Sec. 16C.4 of S.L. 2015-241 codifies the provisions for addressing adult inmate medical costs that were previously enacted in 2013, and amended in 2014, and extends those provisions to juvenile offenders. The statute requires the Department of Public Safety (DPS) to reimburse providers and facilities providing approved medical services to inmates and juvenile offenders outside the correctional or juvenile facility the lesser amount of either a rate of seventy percent (70%) of the provider's then-current prevailing charge or two times the then-current Medicaid rate for any given service. It also directs DPS to make every effort to contain medical costs for inmates and juvenile offenders by making use of its own hospital and health care facilities to provide health care services to inmates and juvenile offenders, and provides guidelines to be followed whenever the Department must utilize other facilities and services to provide health care services to inmates and juvenile offenders. Finally, it directs DPS to report quarterly to the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight) and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on several specific enumerated items regarding the medical costs of adult inmates and juvenile offenders.

This section became effective July 1, 2015.

Section 16C.11. Annual Report on Safekeepers

Sec. 16C.11 of S.L. 2015-241, codifies language originally enacted in 2013 to require DPS to report by October 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of JPS Oversight on safekeepers, the term used to describe county prisoners housed in the State prison system pursuant to safekeeping orders under G.S. 162-39. The statute provides that the report must include several specific enumerated items regarding numbers of safekeepers, facilities in which they are housed, average length of stay by safekeepers, the amount paid for housing and medical care of safekeepers, and counties that are in arrears for safekeeper payments.

This section became effective July 1, 2015.

Section 16C.12. Collection of Delinquent Safekeeper Reimbursements

Sec. 16C.12 of S.L. 2015-241 adds a new provision to the statute governing the Statewide Misdemeanant Confinement Fund to require the North Carolina Sheriffs' Association, upon notification from the Division of Adult Correction that an amount owed by a county for safekeeper reimbursements is more than 120 days overdue, to withhold funds from any reimbursement due to that county from the Fund and transmit those funds to the Division until the overdue reimbursement is satisfied.

This section became effective July 1, 2015.

Section 16C.13A. Evaluation Requirement for Electrical Devices

Sec. 16C.13A of S.L. 2015-241 amends the statutes pertaining to the safety of goods to provide that electrical devices, appliances, and equipment used by the Division of Adult Correction in DPS in institutional kitchens, as well as manufacturing equipment used by Correction Enterprises, are exempt from required safety and suitability evaluation for intended use in accordance with nationally recognized standards conducted by a qualified testing laboratory.

This section became effective July 1, 2015.

Section 16C.13B. Inmate Grievance Resolution Board Changes

Sec. 16C.13B of S.L. 2015-241 amends the statute pertaining to the appointment, salary, and authority of the Executive Director and inmate grievance examiners to change the procedure for appointing the Executive Director of the Grievance Resolution Board of the Division of Adult Correction of DPS. Instead of the Board itself appointing the Executive Director and grievance examiners after consultation with the Secretary of Public Safety, this section provides for the Board, in consultation with the Secretary, to provide the Governor with at least three nominees, and for the Governor to appoint the Executive Director from those nominees. This section also provides that the Executive Director serves at the pleasure of the Governor and that the Board appoints the grievance examiners. This section also removes language that previously gave a grievance examiner who was removed from his or her position for other than just cause priority for any position that becomes available for which that examiner was qualified. Lastly, this section directs DPS and the Board to report by October 1 of each year to JPS Oversight and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on several specific enumerated items regarding the grievance process and the number and type of grievances received.

This section became effective July 1, 2015.

Section 16C.14. Parole Eligibility Report

Sec. 16C.14 of S.L. 2015-241 codifies the language from recent appropriations acts that direct the Post-Release Supervision and Parole Commission, with the assistance of the North Carolina Sentencing and Policy Advisory Commission and DPS, to (i) analyze the amount of time each inmate who is eligible for parole on or before July 1 of the previous fiscal year has served compared to the time served by offenders under Structured Sentencing for comparable crimes and (ii) determine whether the person has served more time in custody than the person would have served if sentenced to the maximum sentence under the statutes governing structured sentencing of persons convicted of crimes.

This section became effective July 1, 2015.

Section 16C.15. Study Management and Utilization of Probation and Parole Vehicles

Sec. 16C.15 of S.L. 2015-241 directs JPS Oversight to study the management and utilization of probation and parole vehicles and to report its findings and recommendations to the General Assembly by May 1, 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Subpart XVIII-A: Judicial Department (SL 2015-241)

Subpart XVIII-A of S.L. 2015-241 includes the following provisions pertaining to the Judicial Department:

Section 18A.3. Annual Report on Criminal Court Cost Waivers

Sec. 18A.3 of S.L. 2015-241 codifies language from recent appropriations acts directing the Administrative Office of the Courts (AOC) to maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court under statute and to report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight) by February 1 of each year. The directive provides for the reports to aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers. The provision also directs the AOC to make the necessary modifications to its information systems to maintain the records required under the newly codified statute.

This section became effective July 1, 2015.

Section 18A.9. Report on Dismissals Due to Delay in Analysis of Evidence

Sec. 18A.9 of S.L. 2015-241 requires each district attorney to report to the Conference of District Attorneys on any dismissal of a criminal case that is the direct result of a delay in the analysis of evidence by the State Crime Laboratory, including the facts surrounding the dismissal. This section directs the Conference to compile any such reports of dismissals and, in coordination with the State Crime Laboratory, report them quarterly starting October 30, 2015, to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of JPS Oversight.

This section became effective July 1, 2015.

Section 18A.16. Innocence Inquiry Commission

Sec. 18A.16 of S.L. 2015-241 transfers the Innocence Inquiry Commission, which was originally established as an independent commission housed within the Judicial Department, to the oversight of the AOC, and directs the AOC to conduct an annual audit of the Commission.

This section became effective July 1, 2015.

Section 18A.17. Transfer Office of Indigent Defense Services to the Administrative Office of the Courts

Sec. 18A.17 of S.L. 2015-241, as amended by Sec. 6.3 of S.L. 2015-268, transfers the Office of Indigent Defense Services, which includes the Commission on Indigent Defense Services, to the AOC, and specifically provides that the budget of the Office of Indigent Defense Services must be part of the budget of the AOC. The Office of Indigent Defense Services was originally established as an independent agency within the Judicial Department, and though it received assistance from the Director of the AOC in preparing the Office's budget, the Commission on Indigent Defense Services had final authority with respect to preparation of the budget and representation of matters pertaining to the Office that were before the General Assembly. This section removes that independence and also directs the AOC to conduct an annual audit of the Office of Indigent Defense Services.

This section became effective July 1, 2015.

Section 18A.18. Study Future of Indigent Defense Services Commission and Innocence Inquiry Commission

Sec. 18A.18 of S.L. 2015-241 directs JPS Oversight to (i) study the Office of Indigent Defense Services and determine whether changes should be made to the ways in which appropriated funds are used to provide legal assistance and representation to indigent persons; and (ii) study the North Carolina Innocence Inquiry Commission and determine whether changes should be made to the way in which the Commission investigates and determines credible claims of factual innocence made by criminal defendants. The Committee must report its findings and recommendations, including any proposed legislation, to the 2015 General Assembly when it reconvenes in 2016.

This section became effective July 1, 2015.

Section 18A.19. Abolish Three Special Superior Court Judgeships

Sec. 18A.19 of S.L. 2015-241 abolishes three existing superior court judgeships upon the occurrence of vacancies in those judgeships. This section also requests the Chief Justice of the Supreme Court to exercise the statutory authority granted to the Chief Justice to designate special superior court judges as business court judges in such a manner as to maintain at least five business court judgeships in the State.

This section became effective July 1, 2015.

Section 18A.21. E-Courts Information Technology Initiative/Strategic Plan/Advisory Committee/Pilot Program for Online Collection of Court Costs

Sec. 18A.21 of S.L. 2015-241 directs the AOC to establish a strategic plan for the design and implementation of its e-Courts information technology initiative by February 1, 2016. The e-Courts initiative will provide for the automation of all court processes, including the electronic filing, retrieval, and processing of documents. This section sets forth specific requirements for the strategic plan, and directs the AOC to report quarterly, beginning November 1, 2015, to the JPS Oversight Committee and the Joint Legislative Oversight Committee on Information Technology on the development, implementation, and specific costs of the strategic plan and on any changes in the projected costs for implementing the e-Courts system or the schedule for implementation. The report must also provide an accounting of the use of funds appropriated in the budget act for development of the e-Courts initiative.

This section also directs the AOC to establish an e-Courts advisory committee consisting of clerks of superior court, judges, district attorneys, public defenders, and representatives of the State Bar in order to ensure that, in the development and implementation of the strategic plan, it has the input and advice of those stakeholders in the e-Courts system and the benefit of the various stakeholders' expertise on the information technology needs of the courts. The advisory committee is to be guided by an executive steering committee.

Upon completion of the strategic plan, the AOC must issue a Request for Information (RFI) for a contractor to provide the e-Courts system as outlined in the strategic plan. The AOC is directed to evaluate the responses to the RFI before issuing a Request for Proposals (RFP) for the e-Courts system.

Finally, as a precursor to the implementation of its e-Courts initiative, the AOC is directed to establish a pilot program in New Hanover County for the online collection and payment of court costs, fines, and related fees, with the potential for expanding the program statewide at the conclusion of a successful pilot,

with the costs incurred by the programs to be borne by vendors selected by the AOC. The Administrative Office of the Courts must report by March 1, 2016, to the chairs of the JPS Oversight Committee and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on this pilot program and its plans to expand the program statewide.

This section became effective July 1, 2015.

Section 18A.24. Clarify Authorization to Contract for the Provision of Remote Access to Court Records

Sec. 18A.24 of S.L. 2015-241 amends the statute that authorizes the Director of the AOC to enter into contracts with third parties to provide remote access to court records to the public, by clarifying that the records referred to are more specifically "electronic data processing records or any compilation of electronic court records or data of the clerks of superior court...." The clarification also provides that neither the Director nor the Administrative Office of the Courts is the custodian of those records.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Subpart XVIII-B: Office of Indigent Defense Services (SL 2015-241)

Subpart XVIII-B of S.L. 2015-241 includes the following provisions pertaining to indigent defense and the Office of Indigent Defense Services:

Section 18B.3. Reports on Criminal Case Information System

Sec. 18B.3 of S.L. 2015-241 amends the implementation date and reporting requirements of a provision from previous appropriations acts directing the Administrative Office of the Courts (AOC), in consultation with the Office of Indigent Defense Services, to develop or acquire and to implement a component of its criminal case information system for use by public defenders. This section changes the date for final implementation of the system component from February 1, 2015, to February 1, 2016, adds a requirement for quarterly reports on the development and implementation of the system, including costs, milestones and performance measures, and changes the date for a final report on the completed implementation of the system from July 1, 2015, to July 1, 2016.

This section became effective June 30, 2015.

Section 18B.4. Study Efficiency of Establishing a System of Automated Kiosks in Local Confinement Facilities to Allow Attorneys Representing Indigent Defendants to Consult with Their Clients Remotely

Sec. 18B.4 of S.L. 2015-241 directs the AOC, in conjunction with the Office of Indigent Defense Services and the North Carolina Sheriffs' Association, to study and determine whether savings can be realized through the establishment of a system of fully automated kiosks in local confinement facilities to allow attorneys representing indigent defendants to consult with their clients remotely. The system would incorporate technology through which meetings between attorneys and their clients cannot be monitored or recorded, would provide for end-to-end message encryption, and would have scheduling software integrated into the system. This section directs the AOC to reports its findings and recommendations, including recommendations for at least two potential pilot sites for the proposed system, to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the

chairs of the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight Committee) by February 1, 2016.

This section became effective July 1, 2015.

Section 18B.5. Study Fee Schedules Used by Office of Indigent Defense Services

Sec. 18B.5 of S.L. 2015-241 directs the JPS Oversight Committee to study the creation and implementation of fee schedules to be used by the Office of Indigent Defense Services to compensate private assigned counsel representing indigent defendants and to report its findings and recommendations in its report to the 2015 General Assembly when it reconvenes in 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 16A.7: Clarify Administration and Organization of the Law Enforcement Functions of the Department of Public Safety (SL 2015-241)

Sec. 16A.7 of S.L. 2015-241, as amended by Sec. 6.2 of S.L. 2015-268, makes the following changes related to the organization of the Department of Public Safety:

- The State Bureau of Investigation is removed from the Division of Law Enforcement, is required to operate and maintain the Information Sharing and Analysis Center, and is authorized to hire its own legislative liaison.
- The State Capitol Police is removed from the Division of Law Enforcement and relocated as a section within the State Highway Patrol.
- The Law Enforcement Division of the Department of Public Safety is effectively abolished.
- Various conforming changes are made to the General Statutes.

This section became effective on July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 16B.3: GANGNET Report and Recommendations (SL 2015-241)

Sec. 16B.3 of S.L. 2015-241 codifies a requirement that the State Highway Patrol, in conjunction with the State Bureau of Investigation and the Governor's Crime Commission, develop recommendations concerning gang prevention and report those recommendations to the chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety by March 1 of each year.

This section became effective on July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 27.6: Vehicles Assigned to Section of Community Correction/Exempt from Minimum Mileage Requirement (SL 2015-241)

Sec. 27.6 of S.L. 2015-241 provides that, for the 2015-2017 fiscal biennium only, motor vehicles assigned from the central motor fleet to the Section of Community Corrections of the Division of Adult Correction of the Department of Public Safety are exempt from any requirement that the motor vehicle be driven a minimum number of miles per month or quarter. In addition, the Department of Administration must provide to the Joint Legislative Oversight Committee on General Government and the Joint Legislative Oversight Committee on Justice and Public Safety a report (i) providing details on the use of the exempt motor vehicles and (ii) on the status of all motor vehicles managed by the Department of Administration for the Department of Public Safety.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 16A.5: Sensitive Public Security Information is Not a Public Record (SL 2015-241)

Sec. 16A.5 of S.L. 2015-241 exempts from the definition of a "public record" all of the following:

- Plans, schedules, or other documents that contain information related to patterns or practices associated with executive protection; and
- Specific security information or detailed plans, patterns, or practices associated with prison operations, or the prevention of or response to criminal, gang, or organized illegal activity.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 17.3: Collect DNA/All Violent Felony Arrests (SL 2015-241)

Sec. 17.3 of S.L. 2015-241 expands the list of criminal offenses for which a DNA sample must be obtained for testing and analysis upon arrest to include additional violent felonies and requires a study of expanding the requirement to include all arrests for all felony offenses.

The expansion of offenses in this section became effective December 1, 2015, and applies to arrests occurring on or after that date. The provision directing the study became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 12F.10: Joint Study of Justice and Public Safety and Behavioral Health (SL 2015-241)

Sec. 12F.10 of S.L. 2015-241 requires the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety to each appoint a subcommittee to study the intersection of Justice and Public Safety and behavioral health. The

subcommittees must meet jointly to study and report on: (i) the impact of the Justice Reinvestment Act on the State's behavioral health system; (ii) the impact of mental illness and substance abuse on county law enforcement agencies; (iii) the impact of judicial decisions on the State's behavioral health and social services system; and (iv) any other issues the subcommittees jointly deem appropriate. Each subcommittee must submit a report of its findings and recommendations to its respective committee.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 12F.16(m)-(r): Statewide Strategic Plan/Creation of Prescription Drug Abuse Advisory Committee (SL 2015-241)

Secs. 12F.16.(m) through (r) of S.L. 2015-241 create the Prescription Drug Abuse Advisory Committee (Committee), housed in and staffed by the Department of Health and Human Services (DHHS). The Committee is directed to develop and implement a statewide strategic plan to combat the problem of prescription drug abuse. In addition to any persons designated by the Secretary of Health and Human Services, the Committee must include representatives from the following:

- The Division of Medical Assistance, DHHS.
- The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, DHHS.
- The Division of Public Health, DHHS.
- The Rural Health Section of the Division of Public Health, DHHS.
- The State Bureau of Investigation.
- The Attorney General's Office.
- The following health care regulatory boards with oversight of prescribers and dispensers of prescription drugs: (i) North Carolina Board of Dental Examiners; (ii) North Carolina Board of Nursing; (iii) North Carolina Board of Podiatry Examiners; (iv) North Carolina Medical Board; and (v) North Carolina Board of Pharmacy.
- The UNC Injury Prevention Research Center.
- The substance abuse treatment community.
- Governor's Institute on Substance Abuse, Inc.
- The Department of Insurance's drug take-back program.

After the Committee develops the strategic plan, it becomes the State's steering committee to monitor achievement of strategic objectives and receive regular reports on progress made toward reducing prescription drug abuse in North Carolina.

In developing the strategic plan, the Committee must complete, at minimum, the following steps:

- Identify a mission and vision for North Carolina's system to reduce and prevent prescription drug abuse.
- Scan the internal and external environment for the system's strengths, weaknesses, opportunities, and challenges (a SWOC analysis).
- Compare threats and opportunities to the system's ability to meet challenges and seize opportunities (a GAP analysis).
- Identify strategic issues based on SWOC and GAP analyses.
- Formulate strategies and resources for addressing these issues.

The strategic plan for reducing prescription drug abuse must also include three to five strategic goals that are outcome-oriented and measurable. Each of these goals must be connected with objectives supported by the following five mechanisms of the system:

- Oversight and regulation of prescribers and dispensers by State health care regulatory boards.
- Operation of the Controlled Substances Reporting System (CSRS).
- Operation of the Medicaid lock-in program to review behavior of patients with high use of prescribed controlled substances.
- Enforcement of State laws for the misuse and diversion of controlled substances.
- Any other appropriate mechanism identified by the Committee.

In consultation with the Committee, DHHS must develop and implement a formalized performance management system that connects the goals and objectives identified in the statewide strategic plan to operations of the CSRS and Medicaid lock-in program, law enforcement activities, and oversight of prescribers and dispensers. This performance management system must be designed to monitor progress toward achieving goals and objectives and must recommend actions to be taken when performance falls short.

Beginning on December 1, 2016, and annually thereafter, DHHS must submit a report on the performance of North Carolina's system for monitoring prescription drug abuse to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety.

These sections became effective September 18, 2015.

H173 - Omnibus Criminal Law Bill (SL 2015-247)

S.L. 2015-247 amends various criminal laws by doing the following:

- Extending the period of time to avoid the court costs for failure to pay.
- Directing the Administrative Office of the Courts to report on certain orders of remand from superior court.
- Revising the law authorizing a chief district court judge to designate certain magistrates to appoint counsel, and authorizing magistrates to perform certain functions.
- Clarifying the law pertaining to probation revocation appeals.
- Conforming State law with United States Supreme Court decisions relating to individuals with intellectual disability.
- Making a conforming change to petition for judicial review.
- Providing that expunction information may be transmitted electronically or by facsimile.
- Providing that doubling of bond is permissive rather than mandatory for certain defendants.
- Amending statutory provisions pertaining to disposition of certain physical evidence that may contain biological evidence.
- Amending the rules of evidence to allow certification by the custodian of a business record to show the authenticity of the record.
- Amending laws relating to bail bond continuing education.

This act has various effective dates; please see the full summary for more detail.

H215 - Procedure for Waiver of Jury Trial (SL 2015-289)

S.L. 2015-289 establishes the procedure for waiver of the right to a jury trial in criminal cases in superior court. See the full summary for details of those procedures.

This act became effective October 1, 2015, and applies to defendants waiving their right to trial by jury on or after that date.

H222 - Retention Elections/Supreme Court (SL 2015-66)

S.L. 2015-66 establishes a process for the initial contested election, and potential subsequent retention election, of justices of the North Carolina Supreme Court.

This act became effective June 11, 2015.

H224 - Administrative Office of the Courts-Omnibus Changes (SL 2015-40)

S.L. 2015-40 amends laws related to the Administrative Office of the Courts as follows: (i) allows State agencies and other organizations to opt for no hard copies or fewer hard copies of the appellate reports; (ii) authorizes the clerk of superior court to transfer no longer needed acts of the General Assembly or the appellate reports to State Surplus; (iii) requires all clerks of superior court to report the names of persons granted a dismissal upon completion of a conditional discharge to the Administrative Office of the Courts (effective December 1, 2015); (iv) clarifies that Community Corrections may supervise the probation of any conditional discharge or deferred prosecution; (v) eliminates various reports; and (vi) provides that the Office of State Budget and Management has the duty to calculate the limitation on damages for non-economic losses in medical malpractice actions.

Except as otherwise provided, this act became effective July 1, 2015.

H284 - Civil Contempt/Jury Duty (SL 2015-210)

S.L. 2015-210 clarifies that imposition of a fine is not an allowable sanction for civil contempt and permits excused jury duty for students attending postsecondary schools out-of-state.

The provision pertaining to civil contempt became effective October 1, 2015, and applies to civil contempt orders entered on or after that date. The provisions pertaining to jury duty became effective on August 11, 2015, and apply to requests for excusal from jury service made on or after that date.

H294 - Prohibit Cell Phone/Delinquent Juvenile (SL 2015-47)

S.L. 2015-47 makes it a criminal offense to provide a cell phone to a delinquent juvenile in custody of the Department of Public Safety.

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

H295 - Juvenile Media Release. (SL 2015-41)

S.L. 2015-41 permits the Division of Juvenile Justice of the Department of Public Safety to determine whether it is appropriate to release certain information about an escaped delinquent juvenile.

This act became effective May 29, 2015.

H350 - Restore Driving Privileges/Competency (SL 2015-165)

S.L. 2015-165 requires the Division of Motor Vehicles to restore a person's driving privilege upon notification from the clerk of court that the person has been adjudicated to be restored to competency.

This act became effective October 1, 2015.

H383 - Clarify Statutory Scheme/Sex Offenses (SL 2015-181)

S.L. 2015-181 reorganizes, renames, and renumbers various sexual offenses to make them more easily distinguishable from one another, as recommended by the North Carolina Court of Appeals in a published opinion. The act also clarifies that to be guilty of statutory rape or statutory sexual offense with a person who is 15 years of age or younger, the defendant must be at least 12 years old.

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

H446 - Amend Statutes Governing Bail Bondsmen (SL 2015-180)

S.L. 2015-180 makes the following changes to the laws governing bail bondsmen:

- Increases the minimum age to qualify for licensure as a bail bondsman or a runner from 18 to 21 years of age.
- Lengthens the time within which a bondsman is required to return collateral after termination of liability on the bond from 72 hours to 15 days.

- Directs the Commissioner to return the portion of the security deposit in excess of that required to secure outstanding bond liability in the event of death, permanent incapacitation, or other circumstance resulting in the return of a bondsman's license.
- Grants bondsmen access to the Administrative Office of the Court's civil records.

This act became effective August 5, 2015, and applies to applications for licenses filed on or after that date.

H465 - Women and Children's Protection Act of 2015 (SL 2015-62)

[For a detailed summary of all of the provisions of this act, please see the CRIMINAL LAW AND PROCEDURE subject area.]

H570 - Facilitate Successful Reentry (SL 2015-48)

S.L. 2015-48 requires law enforcement, upon confinement, and the courts, prior to entry of an order, to determine if there are any outstanding warrants against the defendant; and directs the Department of Public Safety's Division of Adult Correction (DOC) to develop a policy for identifying any outstanding criminal warrants at intake and before release to resolve an inmate's outstanding warrants while in custody.

The act became effective October 1, 2015.

H595 - Military Experience/Law Enforcement Officer Certification Requirements (SL 2015-49)

S.L. 2015-49, as amended by Sec. 37 of S.L. 2015-264, establishes procedures to be followed by the Criminal Justice Education and Training Standards Commission in certifying current or former military police officers, and increases the Commission's membership from 31 to 34 voting members by adding the SBI Director, the State Highway Patrol Commander and a juvenile justice officer appointed by the Governor.

This act became effective June 3, 2015

H597 - Mediated Settlement Agreements (SL 2015-57)

S.L. 2015-57 requires mediated settlement agreements to be signed by the parties against whom enforcement is sought in order to be enforceable.

This act became effective July 1, 2015, and applies to agreements entered into on or after that date.

H659 - Controlled Substances/Update Precursor List (SL 2015-32)

S.L. 2015-32 updates the list of methamphetamine precursor chemicals, and clarifies what constitutes certain drug offenses involving methamphetamine.

This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

H669 - Juvenile Law Changes/Abuse/Neglect/Dependency (SL 2015-136)

S.L. 2015-135, as amended by Sec. 34 of S.L. 2015-264, makes various changes to the juvenile laws pertaining to abuse, neglect, and dependency. Among other provisions, the act addresses a foster parent's standing to intervene in certain proceedings, authorizes a nonsecure custody order to be entered ex parte, requires certain notifications to persons with legal custody of a juvenile's siblings, specifies under what circumstances a county department of social services need not make reasonable efforts for reunification, and adds new provisions relating to the court's adoption of a permanent plan for the juvenile.

The provisions of this act pertaining to ex parte nonsecure custody orders became effective July 2, 2015. The remainder of this act became effective October 1, 2015, and applies to actions filed or pending on or after that date.

H712 - Pilot Project/Used Needle Disposal (SL 2015-284)

S.L. 2015-284 requires the State Bureau of Investigation (SBI), in consultation and collaboration with the NC Harm Reduction Coalition, to establish and implement a used needle and hypodermic syringe disposal pilot program by December 1, 2015. Initially the pilot will operate in two counties, but the SBI may select up to four counties if the pilot is successful. The SBI is required to report to the chairs of the Joint Legislative Oversight Committees on Health and Human Services and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety regarding the status of the pilot.

The act also amends the law pertaining to possession of drug paraphernalia to provide that a person will not be charged for residual amounts of a controlled substance contained in a needle or sharp object if prior to searching a person, a person's premises, or a person's vehicle, the person has advised the officer of the needle or sharp object.

The section of the act pertaining to the pilot program became effective October 22, 2015. The section of the act pertaining to charges for residual amounts of a controlled substance became effective December 1, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.38: Study Flood Elevations and Building Height Requirements (SL 2015-286)

Sec. 4.38 of S.L. 2015-286 directs the Department of Insurance, the Department of Public Safety, and the Building Code Council to jointly study how flood elevations and building heights for structures are established and measured in the coastal region of the State. The Departments and Council must specifically consider how flood elevations and coastal building height requirements affect flood insurance rates and how height calculation methods might be made more consistent and uniform in order to provide flood insurance rate relief. The Departments and Council must engage a broad group of stakeholders in the conduct of this study and jointly report the results of the study, including any legislative recommendations, by March 1, 2016, to the 2015 General Assembly.

This section became effective October 22, 2015.

H774 - Restoring Proper Justice Act (SL 2015-198)

S.L. 2015-198 authorizes a medical professional other than a physician to monitor lethal injection for death penalty executions and clarifies that matters relating to executions are not subject to rulemaking.

This act became effective August 5, 2015.

H792 - Privacy/Protection From Revenge Postings (SL 2015-250)

S.L. 2015-250 makes the following changes:

- Creates a criminal offense and a civil cause of action for knowingly disclosing with the intent to cause certain harms certain images of intimate parts or depicting sexual conduct in which there is a reasonable expectation of privacy.
- Requires the Joint Legislative Oversight Committee on Justice and Public Safety to study improper disclosure of images of people superimposed onto other images exposing intimate parts or depicting sexual conduct.
- Creates three new criminal offenses related to exposure of private parts on private premises.

This act became effective December 1, 2015, and applies to offenses committed on or after that date and to actions initiated on or after that date.

H879 - Juvenile Code Reform (SL 2015-58)

S.L. 2015-58 makes various changes to the juvenile code in regard to due process protections, reentry of juveniles in the delinquency system, and confinement of juveniles. See the full summary for details of the provisions.

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

S60 - No-Contact Order/No Expiration (SL 2015-91)

S.L. 2015-91 allows a victim (or a competent adult on behalf of a minor victim or incompetent person) of a sexual offense to obtain a permanent civil no-contact order against the person convicted of committing the offense, establishes the procedure for obtaining such an order, clarifies the penalties for violations of protective orders, and allows an extension of orders entered in street gang nuisance abatement cases after a court hearing. The provisions pertaining to permanent civil no-contact order orders became effective October 1, 2015. The provision on penalties for violations of protective orders became effective December 1, 2015, and applies to offenses committed on or after that date.

Except as otherwise provided, this act became effective June 19, 2015.

S78 - Off-Duty Correctional Officers/Conceal Carry (SL 2015-5)

S.L. 2015-5 allows State correctional officers to carry a concealed weapon when off-duty. If the concealed weapon is a handgun, the officer must meet departmental firearms training standards.

This act became effective December 1, 2015.

S119 - GSC Technical Corrections 2015, Sec. 32.5: Reciprocal Attorneys' Fees Provisions in Business Contracts (SL 2015-264)

Sec. 32.5 of S.L. 2015-264 amends application of the phrase "sign by hand" in business-to-business contracts containing reciprocal provisions for reimbursement of attorneys' fees so that certain electronic signatures qualify. It also resolves an apparent conflict between two provisions dealing with a cap on awards of attorneys' fees.

This section became effective October 1, 2015.

S119 - GSC Technical Corrections 2015, Sec. 44: Amendments to Courts of Competent Jurisdiction for Adoption (SL 2015-264)

Sec. 44 of S.L. 2015-264 adds a new subsection to Chapter 48 of the General Statutes to clarify that the clerk of superior court, the district court, and the superior court are each courts of competent jurisdiction for the purposes of judicial proceedings accepting voluntary consents to adoption under federal regulations or state laws, and for making determinations as to whether there is good cause to deviate from regulatory placement preferences when accepting voluntary consents to adoption.

This section became effective October 1, 2015.

S161 - Supreme Court Sessions in Morganton (SL 2015-89)

S.L. 2015-89 authorizes sessions of the North Carolina Supreme Court to be held in the City of Morganton not more than twice per year.

This act became effective June 19, 2015.

S183 - Eliminate Confinement in Response to Violation for Misdemeanants (SL 2015-191)

S.L. 2015-191 eliminates confinement in response to violation for misdemeanants sentenced under Structured Sentencing.

This act became effective December 1, 2015, and applies to persons placed on probation on or after that date.

S185 - Clarify Credit for Time Served (SL 2015-229)

S.L. 2015-229 clarifies credit for time served, as recommended by the North Carolina Sentencing and Policy Advisory Commission.

This act became effective December 1, 2015.

S192 - Citations/Sheriffs Accept Faxes (SL 2015-176)

S.L. 2015-176 requires law enforcement agencies to accept receipt of copies of protective and civil no-contact orders and 122C custody orders issued by clerks of court by electronic or facsimile transmission. This act also requires the Administrative Officer of the Courts to solicit input from clerks of courts regarding use of the term "costs" rather than "court costs" on citations and make appropriate changes based on the input.

This act became effective August 5, 2015.

S199 - Funds Deposited with Clerk of Court (SL 2015-216)

S.L. 2015-216 increases the amount of funds in a single account on deposit with the Clerk of Superior Court above which the excess must be invested pursuant to statutory requirements from \$2,000 to \$10,000.

The act became effective September 1, 2015.

S488 - Amend Uniform Interstate Family Support Act (SL 2015-117)

S.L. 2015-117 amends the Uniform Interstate Family Support Act (UIFSA) and makes changes to the administration of child support services in order to improve the effectiveness and efficiency of the collection and payment of child support to families.

This act became effective on June 24, 2015.

S596 - Protection Against Unconstitutional Foreign Judgments (SL 2015-107)

S.L. 2015-107, as amended by Section 32 of S.L. 2015-264, clarifies the existing law regarding the enforcement of foreign-country judgments by stating that foreign-country judgments obtained by foreign governments to compensate for the expenditure of public funds for government programs must not be recognized in North Carolina. It also provides that the recognition of a judgment that is based on a foreign statute or rule of law which, as applied by the foreign court, would have been contrary to either the United States Constitution or the North Carolina Constitution must be denied unless the recognition is reasonable under the circumstances.

The act became effective June 24, 2015, and applies to recognition of foreign-country judgments on or after that date regardless of when the judgment was entered.

S675 - Limit Parole Review Frequency (SL 2015-228)

S.L. 2015-228 limits the frequency of parole review for inmates convicted of sexually violent offenses.

This act became effective October 1, 2015, and applies to parole reviews conducted on or after that date.