

Courts, Justice, and Corrections

See full summary documents for additional detail

H136 - Recall Retired Business Court Judge. (SL 2016-91)

S.L. 2016-91 provides that a special superior court judge who retires from service as a business court judge before reaching mandatory retirement age, and who is commissioned by the Governor to serve as an emergency judge, can be recalled by the Chief Justice and assigned to serve as a senior business court judge if, at the time of retirement, the judge had been nominated for a successive term of office, the nomination had not yet been confirmed by the General Assembly, and the judge would have reached mandatory retirement age before completing the successive term of office.

The act also provides that an emergency superior court judge who is recalled to serve as a senior business court judge as described above, and whose commission expires upon reaching mandatory retirement age, can be recalled again by the Chief Justice to continue to serve as a senior business court judge.

With regard to any judge so recalled, the act provides that:

- The judge's eligibility to serve as a recalled senior business court judge terminates five years after being commissioned as an emergency judge.
- The judge is paid actual expenses plus \$500 per day of active service rendered as a senior business court judge, in addition to the compensation or retirement allowance to which the judge is otherwise entitled by law.
- The judge can be designated as the chief business court judge by the Chief Justice.

This act became effective July 11, 2016, and applies to judges retiring on or after that date, or whose commission to serve as an emergency judge expires upon reaching mandatory retirement age on or after that date.

H253 - Justice Reinvestment Act Changes. (SL 2016-77)

S.L. 2016-77 makes changes to the authority of probation officers with respect to setting conditions of probation, post-release, and parolees, to further implement the Justice Reinvestment Act of 2011.

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

H357 - Chemical Analysis Reports/District Court. (SL 2016-10)

S.L. 2016-10 amends the procedures governing the admissibility of chemical analysis test results into evidence.

This act becomes effective October 1, 2016, and applies to trials commencing on or after that date.

H678 - Amend Innocence Commission Statutes. (SL 2016-73)

S.L. 2016-73 amends the process to claim factual innocence and makes changes to the Innocence Inquiry Commission (Commission) proceedings in the following ways:

- Directs the Commission Director to report to the Director of the Administrative Office of the Courts (AOC), who must consult with the Commission Chair.
- Limits the types of direct claims made by prisoners to specific felonies while any other claims must be referred by counsel.
- Creates a process to address co-defendants in a pending claim of factual innocence.
- Requires a confidential case status update by the Commission Director at least every six months.
- Specifies the parties that should be served with notice at various points in the Commission investigation.
- Requires that the final, full Commission meetings be public.
- Authorizes the District Attorney and defense counsel to bypass the Commission by consenting to judicial review.
- Makes the Commission's entire file available to both the district attorney and defense counsel if the case goes forward to judicial review.
- Clarifies counsel for indigent people would be appointed by the Indigent Defense Services and requests for specific legal counsel would be taken into consideration.

This act became effective August 1, 2016, and applies to any claim filed on or after that date and any claim pending on that date. However, nothing in this act abates a claim filed prior to that date or invalidates any action taken on a claim prior to that date.

H817 - Enact Uniform Law on Adult Guardianship. (SL 2016-72)

S.L. 2016-72 establishes the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act in North Carolina to clarify the ambiguity in the law concerning the proper jurisdiction in guardianship proceedings when more than one state is involved. The act expands related definitions and provides direction to courts, attorneys, guardians, and individuals in respect to multiple appointments of guardians, the transferability of guardianship, and interstate recognition of guardianship orders. This act brings North Carolina law into conformity with the law of neighboring states and provides a uniform process for interstate cooperation between courts.

This act becomes effective December 1, 2016, and applies to multistate guardianship and protective proceedings initiated on or after that date. Please see the full summary for more detail regarding proceedings that are initiated prior to December 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 7.11: Agency Exemptions From Department of Information Technology Oversight. (SL 2016-94)

Sec. 7.11 of S.L. 2016-94 amends the statute which requires certain State agencies to, during the 2015-2016 fiscal year, transfer information technology personnel, operations, projects, assets, and appropriate

funding to the Department of Information Technology (Department) for the State Chief Information Officer (CIO) to prepare plans to transition each participating agency to the Department.

Sec. 7.11 of S.L. 2016-94 removes the Office of the State Controller from the list of participating agencies and adds the Department of Public Safety, with the exception of the: (i) State Bureau of Investigation; (ii) State Highway Patrol; and (iii) Division of Emergency Management. Accordingly, this section releases the Department of Public Safety from its requirement to work with the State CIO to plan its transition to the Department of Information Technology and report to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division by October 1, 2018 on its plans.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17A.3: Clarify that State Bureau of Investigation Director Exercises Powers Independently . (SL 2016-94)

Sec. 17A.3 of S.L. 2016-94 clarifies that the State Bureau of Investigation is not subject to the direction and control of the Secretary of Public Safety.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17B.1: Require Quarterly Voice Interoperability Plan for Emergency Responders (VIPER) Reports. (SL 2016-94)

Sec. 17B.1 of 2016-94 amends the 2015 Appropriations Act to direct the Department of Public Safety to report progress of the VIPER system quarterly rather than annually.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17C.1: Misdemeanant Confinement Program. (SL 2016-94)

Sec. 17C.1 of S.L. 2016-94 modifies the method by which the operating and administrative expenses of the Statewide Misdemeanor Confinement Program are paid. It does so by repealing the statute that directed they be paid as a percentage of the Statewide Misdemeanant Confinement Fund (Fund) and, instead, directing that a specific dollar amount of the appropriation to the Fund be paid to the North Carolina Sheriffs' Association (\$1 million) and to the Division of Adult Correction (\$225,000) to operate and administer the program.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17C.2: Inmate Grievance Resolution Board Report Changes. (SL 2016-94)

Sec. 17C.2 of S.L. 2016-94 amends the annual reporting requirement for the Department of Public Safety and the Inmate Grievance Resolution Board from the number of "grievances" to the number of "grievance appeals."

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17C.2A: Medical Costs for Inmates and Juvenile Offenders. (SL 2016-94)

Sec. 17C.2A of S.L. 2016-94 amends the details of the Department of Public Safety's (DPS) quarterly inmate cost containment report to the Joint Legislative Committee on Justice and Public Safety and the chairs of the Appropriations Committees on Justice and Public Safety. The requirements are amended to direct DPS to include in its report:

- The scheduled and emergent services listed by contracted and non-contracted hospitals.
- The scheduled and emergent admissions listed by contracted and non-contracted hospitals.
- The implementation status of the claims processing system and efforts to address the backlog of unpaid claims.
- Hospital utilization and the amount paid to each contracted and non-contracted hospital.
- The total cost and volume for the previous fiscal quarter for emergency room visits to UNC, Rex, and WakeMed Hospitals from Central Prison and the North Carolina Correctional Institution for Women.
- The total payments for Medicaid and non-Medicaid eligible inmates, including the number of days between when the claim was filed and when the claim was paid.
- The list of hospitals under contract.

Additionally, this section requires reports submitted on August 1 to include totals for the previous fiscal year. DPS must study whether contracts to provide inmate health services can be expanded, including a list of hospitals considered for expansion and reasons for or against expansion. Any findings will be reported to the Chairs of the House and Senate Appropriations Committees on Justice and Public Safety by February 1, 2017.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17C.3: Study Whether Probation and Parole Officers Should Take State Vehicles Home. (SL 2016-94)

Sec. 17C.3 of S.L. 2016-94 directs the Department of Public Safety, in consultation with the Departments of Administration and Revenue, to study whether probation and parole officers should be allowed to take

State vehicles home with them and any related tax implications, and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2017.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17C.4: Revision to Treatment for Effective Community Supervision Report. (SL 2016-94)

Sec. 17C.4 of S.L. 2016-94 clarifies the reporting requirements for the Department of Public Safety, Community Corrections Section regarding initiatives funded through the Treatment for Effective Community Supervision Program. The amended reporting requirements include the following components: Recidivism Reduction Services, Community Intervention Centers, Transitional and Temporary Housing, Local Reentry Councils, and Intensive Outpatient Services.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 17C.5: Change Payment Structure for Recidivism Reduction Services. (SL 2016-94)

Sec. 17C.5 of S.L. 2016-94 specifies the payment schedule for service providers by the Department of Health and Human Services (DHHS.) The payment schedule includes a contract base award at the initiation of services and remaining payments made as milestones are reached. In the event that a contract is terminated or canceled, the vendor must reimburse DHHS for any unearned fees from the base award.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 18.1: Creation of Social Media Training for Law Enforcement. (SL 2016-94)

Sec. 18.1 of S.L. 2016-94 directs the Justice Academy to develop and make available an online training course for law enforcement on the use of social media and methods for officers to protect their own personal information.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 18.2: Law Enforcement Certification and Training Clarification. (SL 2016-94)

Sec. 18.2 of S.L. 2016-94 extends the North Carolina Criminal Justice Education and Training Standards Commission's (Commission) certification authority to include criminal justice instructors and school directors who participate in programs accredited by the Commission.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 19A.3: Study Capital Case Prosecution. (SL 2016-94)

Sec. 19A.3 of S.L. 2016-94 directs the Office of Indigent Defense Services (Office), in consultation with the Conference of District Attorneys, to study the cases that merit the cost of capital prosecution and defense, local appointment of counsel in capital cases, and procedural changes to save costs in capital cases. This section also directs the Office to study the need for satellite offices and the benefits of adding capital defenders to existing public defender offices. The Office must report findings, recommendations, and specific statistics to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2017.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 19A.4: Uniform Fee Schedule for Indigent Defense Services Pilot Project. (SL 2016-94)

Sec. 19A.4 of S.L. 2016-94 directs the Administrative Office of the Courts, in conjunction with the Office of Indigent Defense Services and certain judicial districts, to develop and implement a pilot project to create a uniform fee schedule for the payment of attorney fees for the representation of indigent persons. It is the intent of the General Assembly that the fee schedule provides the necessary funding to cover the cost of legal representation for indigent persons in the participating judicial districts.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 19B.3: Additional District Court Judges for Districts 19A and 27B. (SL 2016-94)

Sec. 19B.3 of S.L. 2016-94 amends the number of district court judges as follows:

- Adds one judge to District 19A, Cabarrus County
- Adds one judge to District 27B, Cleveland County.

This section becomes effective December 1, 2016.

S508 - Amend Bail Bond/Collection Agency/Criminal Mediation Laws. (SL 2016-107)

S.L. 2016-107 makes the following changes to laws relating to bail bonds, collection agencies, and mediation of misdemeanor criminal cases:

- Terminates a surety's obligation under a bail bond under specified circumstances.
- Requires a bond forfeiture judgment to be paid in full before any professional bail bondsman, runner or bail agent listed on that bond can sign any other bond elsewhere in the State.
- Expands the Commissioner of Insurance's disciplinary authority over bail bondsmen and runners.
- Updates and modernizes certain laws related to collection agencies.
- Amends procedures for mediation of certain misdemeanor criminal cases.

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