

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

**SESSION LAW 2026-37
HOUSE BILL 1173**

**AN ACT TO MAKE CERTAIN MODIFICATIONS RELATED TO THE CRIMINAL LAWS
OF NORTH CAROLINA.**

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

...

- (4) For support of the General Court of Justice, the sum of one hundred ~~forty-seven-seventy-seven~~ dollars and fifty cents ~~(\$147.50) (\$177.50)~~ in the district court, including cases before a magistrate, and the sum of one hundred ~~fifty-four-eighty-four~~ dollars and fifty cents ~~(\$154.50) (\$184.50)~~ in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19.

...."

SECTION 1.(b) This section becomes effective December 1, 2026, and applies to costs assessed on or after that date.

SECTION 2.(a) G.S. 14-50.16A reads as rewritten:

"§ 14-50.16A. Criminal gang activity.

Definitions. – The following definitions apply in this Article:

- (1) Criminal gang. – Any ongoing organization, association, or group of three or more persons, whether formal or informal, that ~~(i) has as one of its primary activities the commission of criminal or delinquent acts and (ii) shares a common name, identification, signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics, including common activities, customs, or behaviors. The term shall not include three or more persons associated in fact,~~



- ~~whether formal or informal, who are not engaged in criminal gang activity behaviors, and engages in criminal gang activity.~~
- (2) Criminal gang activity. – The commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (i) any offense under Article 5 of Chapter 90 of the General Statutes or (ii) any offense under Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 thereof, and further excepting G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313 thereof, and either of the following conditions is met:
 - a. The offense is committed with the intent to benefit, promote, or further the interests of a criminal gang or for the purposes of increasing a person's own standing or position within a criminal gang.
 - b. The participants in the offense are identified as criminal gang members acting individually or ~~collectively to further any criminal purpose of a criminal gang collectively.~~
 - (3) Criminal gang leader or organizer. – Any criminal gang member who acts in any position of management with regard to the criminal gang and who meets ~~two or more at least one~~ of the following criteria:
 - a. Exercises decision-making authority over matters regarding a criminal gang.
 - b. Participates in the direction, planning, organizing, or commission of criminal gang activity.
 - c. Recruits other gang members.
 - d. Receives a larger portion of the proceeds of criminal gang activity.
 - e. ~~Exercises control and authority over other criminal gang members.~~ Supervises or directs the actions of another criminal gang member or members during criminal gang activity.
 - (4) Criminal gang member. – Any person who (i) meets three or more of the following criteria: criteria or (ii) meets at least two of the following criteria, and one of the criteria is sub-subdivision a., b., or c. of this subdivision:
 - a. The person admits to being a member of a criminal gang.
 - b. The person is identified as a criminal gang member by a reliable source, including a parent or a guardian.
 - c. The person is in possession of or linked to a criminal gang by physical evidence, including ledgers, rosters, or membership documents.
 - ~~e-d.~~ The person has been previously involved in criminal gang activity.
 - ~~d-e.~~ The person has adopted symbols, hand signs, or graffiti associated with a criminal gang.
 - ~~e-f.~~ The person has adopted the display of colors or the style of dress associated with a criminal gang.
 - f. ~~The person is in possession of or linked to a criminal gang by physical evidence, including photographs, ledgers, rosters, written or electronic communications, or membership documents.~~
 - g. The person has tattoos or markings associated with a criminal gang.
 - h. The person has adopted language or terminology associated with a criminal gang.
 - i. The person appears in any form of photographs, social media-media, or written or electronic communication to promote a criminal ~~gang-gang~~ or document criminal gang activity."

SECTION 2.(b) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

SECTION 3.(a) G.S. 14-50.17 reads as rewritten:

"§ 14-50.17. Soliciting; encouraging participation.

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person ~~16-18~~ years of age or older to participate in criminal gang activity.

(b) A violation of this section is a ~~Class H~~ Class F felony."

SECTION 3.(b) G.S. 14-50.18 reads as rewritten:

"§ 14-50.18. Soliciting; encouraging participation; minor.

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under ~~16~~ 18 years of age to participate in criminal gang activity.

(b) A violation of this section is a ~~Class F~~ Class D felony.

(c) Nothing in this section shall preclude a person who commits a violation of this section from criminal culpability for the underlying offense committed by the minor under any other provision of law."

SECTION 3.(c) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

SECTION 4.(a) Article 13A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to or in furtherance of a serious felony, drug crime, or a crime of violence.

(a) For the purposes of this section, the following definitions apply:

(1) Brandish. – To display all or part of a firearm or otherwise make the presence of the firearm known to another person.

(2) Crime of violence. – Any offense that would be chargeable by indictment under the laws of this State for which the State proves, based on the defendant's actual conduct in committing the offense, that the defendant or another participant acting in concert with the defendant, used, attempted to use, or threatened to use physical force against the person or property of another.

(3) Drug crime. – Any offense that would be chargeable by indictment under Article 5 of Chapter 90 of the General Statutes.

(4) Firearm. – Any (i) weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or (ii) firearm muffler or firearm silencer. This term does not include an antique firearm as defined in G.S. 14-409.11.

(5) Serious felony. – Any offense that would be chargeable under Chapter 14 of the General Statutes that is a Class A, B1, B2, C, D, or E felony.

(b) It shall be unlawful for any member of a criminal gang to use or carry a firearm during and in relation to, or to possess a firearm in furtherance of, any serious felony, drug crime, or crime of violence. A violation of this subsection is a Class G felony, unless subsection (c) or (d) of this section applies.

(c) If a firearm is brandished during the commission of the offense, then the violation is a Class F felony.

(d) If a firearm is discharged during the commission of the offense, then the violation is a Class D felony."

SECTION 4.(b) Article 13A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-50.33. Sell, deliver, give, or transfer a firearm to a juvenile by a member of a criminal gang.

(a) It shall be unlawful for a member of a criminal gang to sell, deliver, give, or otherwise transfer a firearm to a person whom the criminal gang member knows or has reasonable cause to

believe is a juvenile. For purposes of this section, the term "juvenile" means a person who is less than 18 years of age.

(b) A violation of this section is a Class G felony."

SECTION 4.(c) Article 13A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-50.34. Use of witness testimony.

Criminal gang activity, membership, association, leadership, and existence may be proven through the testimony of a fact witness, an expert witness, or a combined fact and expert witness pursuant to Chapter 8C of the General Statutes. In any proceeding pursuant to this Article, expert testimony is admissible to show particular conduct, status, and customs indicative of criminal gangs and criminal gang activity, including any of the following:

- (1) Characteristics of persons who are members of a criminal gang.
- (2) Specific rivalries between criminal gangs.
- (3) Common practices and operations of criminal gangs and members of those criminal gangs.
- (4) Social customs and behavior of members of criminal gangs.
- (5) Terminology used by members of criminal gangs.
- (6) Codes of conduct, including criminal conduct, of particular criminal gangs.
- (7) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general."

SECTION 4.(d) Article 13A of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-50.35. Venue.

In any criminal proceeding brought under this Article, the crime shall be construed to have been committed in any county in which any act was performed as part of criminal gang activity."

SECTION 4.(e) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

SECTION 5.(a) Article 4 of Chapter 8C of the General Statutes is amended by adding a new section to read:

"Rule 416. Evidence of criminal gang activity.

(a) For purposes of this rule, the term "criminal gang activity" is as defined in G.S. 14-50.16A.

(b) In any proceeding in which a person is accused of conducting, participating in, or conspiring to commit criminal gang activity, or in any proceeding under Article 13B of Chapter 14 of the General Statutes, evidence of the defendant's commission of criminal gang activity may be considered for the purpose of proving any element of the alleged criminal offense.

(c) In any proceeding in which the prosecution intends to offer evidence under this rule, the prosecutor shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 10 days in advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the judge upon good cause shown.

(d) This rule shall not be the exclusive means to admit or consider the evidence described in this rule."

SECTION 5.(b) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

SECTION 6.(a) G.S. 15A-1340.16E reads as rewritten:

"§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as a part of criminal gang activity.

(a) Except as otherwise provided in subsection (b) of this section, if a person is convicted of any felony other than a Class A, B1, or B2 felony, and it is found that the offense was committed as part of criminal gang activity as defined in G.S. 14-50.16A(2), then the person shall

be sentenced at a felony class level ~~one class~~ two classes higher than the principal felony for which the person was convicted.

(b) If subsection (a) of this section applies and the person is found to be a criminal gang leader or organizer as defined in G.S. 14-50.16A(3), the person shall be sentenced at a felony class level ~~two~~ three classes higher than the principal felony for which the person was convicted.

...."

SECTION 6.(b) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

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

In the General Assembly read three times and ratified this the 2nd day of July, 2026.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 2:41 p.m. this 6th day of July, 2026