

# **Criminal Law and Procedure**

**See full summary documents for additional detail**

## **Transfer North Carolina Center for Missing Persons to the State Highway Patrol – House Budget Technical Corrections.**

SL 2025-4 (H74), Sec. 5.1

Section 5.1 of S.L. 2025-4 (House Bill 74) corrects the earlier move of the State Highway Patrol away from the Department of Public Safety by addressing and moving the Center for Missing Persons to the new independent State Highway Patrol and amends and establishes alerts that may be issued by the Center for Missing Persons.

This section became effective May 14, 2025.

## **Clarification on Safe Surrender of Infants – House Budget Technical Corrections.**

SL 2025-4 (H74), Sec. 5.4

Section 5.4 of S.L. 2025-4 (House Bill 74) provides that a parent who safely surrenders an infant less than 30 days old will not be prosecuted under the misdemeanor child abuse statute for any acts or omissions related to the care of that infant, which harmonizes the misdemeanor child abuse statute with the same change previously made in other statutes. This section also provides that the safe surrender of an infant less than 30 days old can be treated as a mitigating factor in sentencing for a felony child abuse conviction.

This section became effective May 14, 2025.

## **Revisions Regarding Permanent No Contact Orders and Felony Child Abuse – Fostering Care in NC Act.**

SL 2025-16 (H612), Part III

Part III of S.L. 2025-16 (House Bill 612) expands the offenses for which a permanent no contact order may be issued by the court at sentencing and modifies felony child abuse laws.

### Permanent No Contact Orders

This part expands the ability of a court to issue a permanent no contact order against a defendant at sentencing as follows:

- Expands the offenses for which the order may be issued to include any Class A through G felony and any offense of strangulation inflicting serious injury. Previously, the order was only allowed for offenses requiring sex offender registration.

- Authorizes the court to include members of the victim's immediate family in the order, if the immediate family members are specifically identified.

### Felony Child Abuse

This part modifies the offense of felony child abuse as follows:

- Broadens the applicability of the Class D felony for committing or allowing the commission of any sexual act upon a child less than 16 to apply to any person providing care to or supervision of the child. Previously, the offense required the person to be a parent or legal guardian.
- Adds an additional Class B2 felony for a parent of or any other person providing care to or supervision of a child less than 16 years of age who intentionally and routinely inflicts physical injury on the child and deprives the child of necessary food, clothing, shelter, or proper physical care for the purpose of causing fear, emotional injury, or deriving sexual gratification.
- Provides that "grossly negligent omission", which is a term used in several existing provisions, includes the failure to report a child as missing to law enforcement as provided in G.S. 14-318.5(b).

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

### **Criminal History Record Check Requirement for Applicants Offered a Position for City and County Employment Working With Children – Fostering Care in NC Act.**

SL 2025-16 (H612), Part IV

Part IV of S.L. 2025-16 (House Bill 612) requires local governments to run criminal history record checks with the State Bureau of Investigation (SBI) for any person offered employment in any position with the local government that will require the employee to work with children in any capacity. Any offer of employment in those positions must be conditional pending the results of the criminal history record check through the SBI.

This part became effective October 1, 2025, and applies to offers of employment on or after that date.

### **Theft of Temporary Housing During Emergency – Various Disaster Recovery Reforms.**

SL 2025-18 (H251), Sec. 4

Section 4 of S.L. 2025-18 (House Bill 251) provides that the offense of trespass during an emergency occurs when a person unlawfully enters upon the premises of another person in an emergency area during a declared state of emergency when the usual security of property is not

effective due to the occurrence or aftermath of the emergency that prompted the declared state of emergency.

Section 4 of S.L. 2025-18 also increases the penalty for looting temporary housing. Specifically, it provides that any person who commits the crime of trespass during an emergency under G.S. 14-288.6(a) and unlawfully takes or damages the temporary housing of another, or unlawfully takes property from the temporary housing of another, is guilty of looting and is punished as a Class F felon. Looting property other than temporary housing is punishable as a Class H felony.

The term "emergency area" is defined to mean the geographical area covered by a declared state of emergency. The term "temporary housing" includes the following:

- Any structure being used for human shelter which is designed to be transportable and is not permanently attached to the ground, another structure, or a utility system.
- A vehicle being used as temporary living quarters.
- Any equipment used to transport or deliver a temporary living structure or vehicle.
- Any item attached or intended to be attached to a temporary living structure or vehicle that provides air conditioning, heating, or a source of power.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

### **Support Implementation of Capacity Restoration Pilot Programs – Department of Health and Human Services Revisions.**

SL 2025-27 (H576), Sec. 6.1

Section 6.1 of S.L. 2025-27 (House Bill 576) sets requirements for the implementation of pilot programs for community-based capacity restoration programs and detention center capacity restoration programs. It also mandates a study to be completed by the North Carolina Department of Health and Human Services and the Administrative Office of the Courts (AOC). Those agencies are required to submit proposed legislative changes for the creation of a permanent process for capacity restoration to the Joint Legislative Oversight Committee on Health and Human Services by January 1, 2026.

This section became effective on June 27, 2025.

## **Allow Certain Schools to Apply for Re-Accreditation by the Criminal Justice Education and Trainings Standards Commission – Various Education Changes.**

SL 2025-38 (H959), Sec. 5

Section 5 of S.L. 2025-38 (House Bill 959) requires the Criminal Justice Education and Training Standards Commission to allow any school that received a suspension of its accreditation for at least four years to apply for re-accreditation after serving two years of the suspension.

This section became effective July 1, 2025, and applies to suspensions occurring on or before that date.

## **Emergency Medical Services Personnel Provisions.**

SL 2025-42 (H975)

S.L. 2025-42 (House Bill 975) directs the North Carolina Office of Emergency Medical Services (Office) and the Medical Care Commission (Commission) to adopt rules that permit emergency medical services (EMS) personnel to carry pepper spray. It also allows EMS personnel to transport or render aid to an injured police K-9 unit or search and rescue dog without being licensed by the North Carolina Veterinary Medical Board (Board). EMS personnel who provide such assistance in good faith are not subject to prosecution.

The Part of this act pertaining to the adoption of rules by the Office and the Commission for the carrying of pepper spray by EMS personnel became effective on July 1, 2025. The Part of this act that allows EMS personnel to transport and render aid to injured dogs without a license from the Board became effective July 30, 2025, and applies to acts on or after that date. The Part of this act that immunizes EMS personnel from prosecution for transporting and rendering aid to injured dogs became effective July 30, 2025, and applies to acts on or after that date.

## **Eliminate Required Inspection of Window Tint and Require Drivers with Tinted Windows to Roll Down on Approach of Law Enforcement – Department of Transportation Omnibus.**

SL 2025-47 (S391), Sec. 22

Section 22 of S.L. 2025-47 (Senate Bill 391) eliminates inspection of window tint from vehicle safety inspection requirements. It also adds a statutory requirement that a driver of a vehicle with tinted windows must roll down the window when the vehicle is approached by a law enforcement officer.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Parents Protection Act.**

SL 2025-59 (S442)

S.L. 2025-59 (Senate Bill 442) makes the following changes to laws pertaining to the adoption and care of children:

- Provides that a parent, guardian, custodian, or caretaker who raises or refers to a child consistent with the child's biological sex is not subject to a petition alleging abuse or neglect based on those acts only. This limitation cannot be construed to authorize or allow any other act or omission that would constitute child abuse or neglect. This section of the act became effective July 3, 2025, and applies to petitions filed before, on, or after that date.
- Prohibits an adoption agency from denying or delaying the opportunity to become an adoptive parent or the placement of a child for adoption because of an adoptive parent's refusal, unwillingness, or lack of support to enable the child to engage in gender transition. This section of the act became effective July 3, 2025, and applies to petitions and placements for adoption and opportunities to become an adoptive parent requested, filed, or submitted before, on, or after that date.
- Provides that a parent or other person providing care or supervision of a child less than 18 years old who is raising or referring to the child consistent with the child's biological sex would not be guilty of misdemeanor or felony child abuse. This section of the act became effective July 1, 2025, and applies to offenses committed on, before, or after that date.
- Provides that serious mental injury does not include a parent raising a child consistent with the child's biological sex. This section of the act became effective July 1, 2025, and applies to offenses committed on, before, or after that date.

## **Create Criminal Offense for Exposing a Child to a Controlled Substance – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec 1

Section 1 of S.L. 2025-70 (Senate Bill 429) creates new criminal offenses for exposing a child under the age of 16 to a controlled substance. Any person who "knowingly, intentionally, or with reckless disregard for human life" causes or permits a child to be exposed to a controlled substance is guilty of a felony.

The classification of offense is determined by the degree of harm caused, as follows:

- Causing exposure – Class H felony.
- Causing exposure resulting in the child ingesting the controlled substance – Class E felony.
- If the ingestion results in serious physical injury – Class D felony.
  - Serious physical injury is physical injury that causes great pain and suffering, including serious mental injury.
- If the ingestion results in serious bodily injury – Class C felony.

- Serious bodily injury is bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.
- If the ingestion is the proximate cause of death – Class B1 felony.

The offense does not apply to a person that intentionally gives a child a controlled substance that has been prescribed for the child by a licensed medical professional when given to the child in the prescribed amount and manner.

This section becomes effective December 1, 2025, and applies to offenses on or after that date.

## **Revise Laws Pertaining to the Disclosure and Release of Autopsy Information Compiled or Prepared by the Office of the Chief Medical Examiner – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 2

Section 2 of S.L. 2025-70 (Senate Bill 429) amends the statutes relating to the availability of autopsy records by doing the following:

- For autopsies related to criminal investigations, upon notice from the investigating law enforcement agency or prosecuting district attorney, the records would not be a public record until the holder of the records is notified that the criminal investigation or prosecution has concluded, a determination has been made to terminate the criminal investigation, or some portion of the records have been introduced as evidence at a public trial. The records would only be permitted to be released to the following persons or for the following purposes:
  - To the personal representative of the decedent's estate to fulfill lawful duties, to a beneficiary of a benefit or claim related to the decedent's death for purposes of receiving the benefit, or to the decedent's spouse, child or stepchild, parent or stepparent, sibling, or legal guardian.
  - By the entity performing the autopsy as necessary to conduct a thorough and complete death investigation, to consult outside physicians and other professionals, and to conduct necessary toxicological screenings.
  - When disclosing information to the investigating public law enforcement agency or prosecuting district attorney.
  - When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to facilitate education, to release decedent remains to transporters, funeral homes, family members, or others for final disposition, to comply with State or federal reporting requirements or in connection with State or federal grants, or to comply with any other duties imposed by law.

- For autopsies related to the death of a child under the age of 18, the records would not be a public record and may only be released with the written consent of the child's parent or guardian. Without that consent, the records may only be released to the following persons or for the following purposes:
  - To the personal representative of the decedent's estate to fulfill lawful duties, or to a beneficiary of a benefit or claim associated with the decedent for purposes of receiving the benefit or resolving the claim.
  - When necessary to conduct a thorough and complete death investigation, to consult with outside physicians and other professionals during the investigation, and to conduct necessary toxicology screenings.
  - When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to facilitate education, to release decedent remains for final disposition, to comply with State or federal reporting requirements or in connection with State or federal grants, or to comply with any duty imposed by law.
  - The deceased's surviving spouse, parents, children or children's legal guardian or custodian, the deceased's legal guardian or custodian, or any person holding power of attorney of healthcare attorney for the deceased.
  - The legal representatives of any person authorized to receive records.
- For autopsy records that are both criminal investigation records and records of the death of a child under the age of 18, the provisions related to criminal investigations would prevail.
- Persons that disclose or release records in violations of these provisions will be guilty of a Class 1 misdemeanor.

This section became effective October 1, 2025.

### **Increase the Punishment for Committing the Offense of Solicitation of Minors by Computer – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 3

Section 3 of S.L. 2025-70 (Senate Bill 429) increases the punishment for committing the offense of solicitation of minors by computer as follows:

- A first violation is increased from a Class H felony to a Class G felony.
- A second or subsequent violation, or a first violation committed when the defendant had a prior conviction for a substantially similar offense, is a new offense and is punishable as a Class E felony.
- The punishment for a defendant who actually appears at the meeting location with the minor is increased from a Class G felony to a Class D felony.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Revise Law Governing the Granting of Immunity to Witnesses – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 4

Section 4 of S.L. 2025-70 (Senate Bill 429) removes the requirement that the district attorney inform the Attorney General prior to applying to the court for an order to compel a witness to testify when that order would grant the witness immunity after the witness has asserted, or is likely to assert, a privilege against self-incrimination.

This section became effective July 9, 2025, and applies to applications made on or after that date.

## **Require Certain Petitions Pertaining to Sex Offender Registration be Placed on the Criminal Docket – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 5

Section 5 of S.L. 2025-70 (Senate Bill 429) modifies the process related to petitions to terminate sex offender registration by requiring the clerk of court upon receipt of the petition from the petitioner to collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney.

This section becomes effective December 1, 2025, and applies to petitions filed on or after that date.

## **Allow Persons Outside of this State to File for a Domestic Violence Protection Order – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec 6

Section 6 of S.L. 2025-70 (Senate Bill 429) modifies the law related to domestic violence protective orders so that a person who resides outside of North Carolina may seek a protective order for certain acts that have occurred in North Carolina.

This section becomes effective December 1, 2025, and applies to motions filed on or after that date.

## **Revise Requirement Under the Crime Victims Compensation Act That Criminally Injurious Conduct Be Reported to Law Enforcement Within 72 Hours of Its Occurrence – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 7

Section 7 of S.L. 2025-70 (Senate Bill 429) amends the reporting requirement under the Crime Victim's Compensation Act to allow a victim 6 months, rather than 72 hours, to report the criminally injurious conduct to law enforcement and still be eligible for benefits under the act.



This section became effective July 9, 2025, and applies to applications filed on or after that date.

### **Revise Criminal Offense of Secretly Peeping into Room Occupied by Another Person – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 8

Section 8 of S.L. 2025-70 (Senate Bill 429) modifies the criminal law related to secretly peeping into a room occupied by another person by updating certain definitions and modifying certain offenses.

G.S. 14-202 generally provides that it is a Class 1 misdemeanor to "peep secretly" into any room occupied by another person or underneath the clothing of another person. Higher penalties attach to certain aggravating conduct. Previously, subsection (e) provided that "Any person who secretly or surreptitiously uses any device to create a photographic image of another person underneath or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person without their consent shall be guilty of a Class I felony."

S.L. 2025-70 deletes this language and replaces it with the following: " Unless covered under some other provision of law providing greater punishment, any person who, with the intent to create a photographic image of a private area of an individual without the individual's consent, knowingly does so under circumstances in which the individual has a reasonable expectation of privacy shall be guilty of a Class I felony."

Additionally, any person who secretly peeps into a room while possessing a device capable of creating a photographic image, with the intent to create that image, is guilty of a Class A1 misdemeanor.

This section becomes effective December 1, 2025, and applies to offenses on or after that date.

### **Revise Law Prohibiting Sexual Activity by a Substitute Parent or Custodian to Include Religious Organizations or Institutions – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 9

Section 9 of S.L. 2025-70 (Senate Bill 429) modifies G.S. 14-27.31, which prohibits sexual activity by a substitute parent or custodian to include religious organizations or institutions. G.S. 14-27.31(b) prohibits a person having custody of a victim of any age or a person who works for an institution having custody over a person from engaging in sexual activity with the person. Section 9 modifies this law to provide that an institution having custody over a person includes a "religious organization or institution." This section also creates a new definition of "custody" to clarify that definition.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Clarify that all Felony School Notifications are limited to Class A through Class E Felonies – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 10

Section 10 of S.L. 2025-70 (Senate Bill 429) modifies G.S. 7B-3101 to clarify that a juvenile court counselor is only required to notify the juvenile's school if the juvenile committed what would be a Class A through E felony, if committed by an adult.

This section became effective July 9, 2025.

## **Increase Punishment for Fentanyl Offenses – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 14

Section 14 of S.L. 2025-70 (Senate Bill 429) modifies the North Carolina Controlled Substances Act to provide for increased penalties related to the possession and sale of fentanyl and carfentanil. The punishment is increased as provided below:

- Possession of fentanyl and carfentanil is increased from a Class I felony to a Class H felony.
- Sale, delivery, and possession with intent to sell or deliver fentanyl and carfentanil is increased from a Class G felony to a Class F felony.
- Trafficking offenses for possession of fentanyl and carfentanil are increased as provided below:
  - 4 grams or more, but less than 14 grams is increased from a Class F felony to a Class E felony.
  - 14 grams or more, but less than 28 grams is increased from a Class E felony to a Class D felony.
  - 28 grams or more remains a Class C felony.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Set Limits on Motions for Appropriate Relief in Noncapital Cases – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 15

Section 15 of S.L. 2025-70 (Senate Bill 429) provides that in a noncapital case, a defendant may file a postconviction motion for appropriate relief (MAR) based on any of the enumerated grounds within 7 years of one of the triggering events. A defendant is permitted to file an MAR based on one of the enumerated grounds at any time with the consent of the district attorney.

These provisions also allow a defendant to raise any of the following claims at any time after the verdict:

- Good cause exists for excusing the grounds for denial and actual prejudice results from denial of the defendant's claim, or that failure to consider the defendant's claim will result in a fundamental miscarriage of justice.
- There has been a significant change in law applied in the proceedings and retroactive application is required.
- The defendant is in confinement and is entitled to release because his sentence has been fully served.

This section becomes effective December 1, 2025, and applies to verdicts entered on or after that date.

### **Repeal Filial Responsibility Crime – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 16

Section 16 of S.L. 2025-70 (Senate Bill 429) repeals G.S. 14-326.1 which made it a crime for a person to fail to maintain and support their parents if the parents are sick or not able to work and not able to support themselves. The offense was a Class 2 misdemeanor generally, and a Class 1 misdemeanor for a second or subsequent offense.

This section became effective July 1, 2025, and applies to offenses committed on or after that date.

### **Clarifying Changes Regarding Misdemeanor Crime of Domestic Violence – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 17

Section 17 of S.L. 2025-70 (Senate Bill 429) makes the following clarifying changes regarding a misdemeanor crime of domestic violence:

- Misdemeanor assaults, batteries, and affrays (G.S. 14-33) must not be a lesser included offense of misdemeanor crime of domestic violence (G.S. 14-32.5).
- A person is guilty of habitual misdemeanor assault if that person (i) commits a misdemeanor crime of domestic violence, and (ii) has two or more prior convictions for misdemeanor assault, felony assault, or a violation of a misdemeanor crime of violence, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation.
- An officer may make an arrest without a warrant if the officer has probable cause to believe that a person has committed a misdemeanor crime of domestic violence.
- In a case where a defendant is charged with a violation of a misdemeanor crime of violence, the judicial official who determines the conditions of pretrial release shall be a judge.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Create Felony Crime of Habitual Domestic Violence – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 18

Section 18 of S.L. 2025-70 (Senate Bill 429) creates the felony crime of habitual domestic violence. A person is guilty of habitual domestic violence if that person commits an offense under the misdemeanor crime of domestic violence statute, or commits an assault where the person is related to the victim by a relationship described in the misdemeanor crime of domestic violence statute, and has two or more prior convictions that include either of the following combination of offenses, with the earlier of the prior convictions occurring no more than 15 years prior to the date of the current violation:

- Two or more convictions under the misdemeanor crime of domestic violence statute.
- One prior conviction under the misdemeanor crime of domestic violence statute and at least one prior conviction involving assault where the person is related to the victim by a relationship set forth in the misdemeanor crime of domestic violence statute.

A person convicted of this offense is guilty of a Class H felony for the first offense. Subsequent convictions are punished at a level which is one offense class higher than the offense class of the most recent prior conviction, not to exceed a Class C felony.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Remove Concurrent Sentencing Default – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 19

Section 19 of S.L. 2025-70 (Senate Bill 429) removes the default of a concurrent sentence if not expressly stated by the court and requires the court to make a finding on the record stating its reasoning for determining whether sentences shall run concurrently or consecutively.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Retrieval of Firearms, Ammunition, and Permits Surrendered Pursuant to an Ex Parte, Emergency, or Permanent Domestic Violence Protective Order – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 20

Section 20 of S.L. 2025-70 (Senate Bill 429) amends the laws regarding retrieval of firearms, ammunition, and permits surrendered pursuant to a domestic violence protective order (G.S. 50B-3.1) as follows:

- Authorizes the sheriff to release surrendered firearms to the defendant without a court order if the defendant is not otherwise prohibited from having a firearm and one of the following occurs:
  - The court does not enter a protective order when the ex parte or emergency order expires.
  - The protective order is denied by the court following a hearing.

Prior to releasing the firearms, the sheriff must conduct a criminal history check through the National Instant Criminal Background Check System (NICS) and verify that the defendant is not prohibited from possessing or receiving a firearm pursuant to federal law and that the defendant does not have any pending criminal charges committed against the person that is the subject of the current protective order or pending charges that, if convicted, would prohibit the defendant from possessing a firearm.

- Allows third-party owners to file a motion requesting return of seized firearms at any time following seizure and prior to their disposal. Previously, third-party owners only had 30 days after seizure to file a motion.
- Authorizes a sheriff to file a motion to dispose of seized firearms under any of the following circumstances:
  - 90 days after the expiration of an order or final disposition of any pending criminal charges if no motion has been filed by the defendant or a third-party owner requesting return.
  - The court has determined that the third-party owner is precluded from regaining possession.
  - The defendant or third-party owner fails to remit all fees within 30 days of a request to retrieve the firearm.

This section becomes effective December 1, 2025, and applies to firearms, ammunition, and permits surrendered on or after that date. Beginning February 1, 2026, this section also applies to firearms, ammunition, and permits surrendered before December 1, 2025.

### **Protect Minor Victims of and Witnesses to Crime – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 21

Section 21 of S.L. 2025-70 (Senate Bill 429) provides that the contents of any "911" or other emergency telephone call where the caller is less than 18 years of age are not public record.

This section became effective July 9, 2025.

## **Allow Law Enforcement Agencies with Online Reporting Systems to Accept Reports of Lost or Stolen Firearms from Individuals – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 23

Section 23 of S.L. 2025-70 (Senate Bill 429) allows any local law enforcement agency that has an online crime reporting system to also allow individuals to file online reports of lost or stolen firearms. Online reports of lost or stolen firearms submitted to any local law enforcement agency are not public records under State law. Any person who willfully makes or causes to be made a false report of a lost or stolen firearm is guilty of a violation of the statute governing false reports to law enforcement agencies or officers.

This section became effective October 1, 2025.

## **The Law and Order Act.**

SL 2025-71 (S311)

S.L. 2025-71 (Senate Bill 311) does the following:

- Increases the punishment for committing an assault against a utility or communications worker to a Class 1 misdemeanor. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Creates new criminal offenses related to the unlawful sale and possession of embalming fluid, with the penalties ranging from a Class I felony to a Class D felony. These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.
- Amends the Workplace Violence Prevention laws to include mass picketing and allows an employer who has suffered unlawful conduct at the workplace to obtain a civil no-contact order. These provisions became effective July 9, 2025, and apply to acts or omissions occurring on or after that date.
- Establishes an offense for entering a part of a building not open to the public with the intent to commit an unlawful act, with a first offense being a Class 1 misdemeanor and any subsequent offenses being a Class I felony. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Establishes the offense of larceny of gift cards, which is punishable as a Class 1 misdemeanor if the value of the gift card is not more than \$1,000. Any other violation is punishable as a Class H felony. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Revises the organized retail theft offense laws to include offenses involving gift cards, with the penalty ranging from a Class H felony to a Class C felony depending on the aggregate value of gift cards stolen. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Provides civil liability for the new offense of larceny of gift cards. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.

- Creates a new Class H felony for possession of an explosive or incendiary device or material under certain circumstances. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Increases the penalty for reckless driving to a Class 1 misdemeanor if the reckless driving causes serious injury and a Class A1 misdemeanor if the reckless driving causes serious bodily injury. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Increases the penalty for unlawful street racing to a Class H felony if the speed competition causes serious injury and a Class G felony if the speed competition causes serious bodily injury or death and increases the penalties for hit and run offenses that result in death. These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.
- Amends the current statute on possession of a firearm or weapon of mass death and destruction by a felon to create additional offenses:
  - Possession of a firearm or weapon of mass death and destruction by a felon during the commission or attempted commission of certain felonies is a Class F felony.
  - Possession and brandishing of a firearm or weapon of mass death and destruction by a felon during the commission or attempted commission of certain felonies is a Class D felony.
  - Possession and discharge of a firearm or weapon of mass death and destruction by a felon during the commission or attempted commission of certain felonies is a Class C felony.

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

- Enhances the punishment for larceny of mail by requiring a person convicted of larceny to be sentenced at one class level higher than the principal offense if the larceny is of mail. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Revises the offenses of first and second degree burglary and creates an enhancement for burglary when committed by a person in possession of a firearm, revises the offense of breaking out of a dwelling and creates an enhancement when committed by a person in possession of a firearm, and creates an enhancement for the offense of breaking or entering buildings generally when committed by a person in possession of a firearm. These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.
- Establishes a mitigating factor for certain persons charged with impaired driving who voluntarily equip and operate a motor vehicle with an ignition interlock system prior to trial. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.
- Prohibits the use of immobilization devices on commercial motor vehicles for parking enforcement purposes. A violation of this provision is a Class 2 misdemeanor. This provision becomes effective December 1, 2025, and applies to offenses committed on or after that date.

- Requires towers of a nonconsensual tow or a tow pursuant to the direction of a law enforcement officer to promptly return commercial cargo to the owner of the commercial cargo upon request and provides for circumstances under which a tower must allow for a trailer swap. This provision became effective July 9, 2025.
- Reduces the waiting period to obtain eligibility to petition to expunge one nonviolent misdemeanor to three years. This provision became effective July 9, 2025, and applies to petitions filed on or after that date.

Except as otherwise provided, this act became effective July 9, 2025.

Section 8 of S.L. 2025-71, which creates new offenses regarding possession of a firearm or weapon of mass death and destruction by a felon, is similar to the provisions in Section 15.5 and Section 15.6 of Senate Bill 50. Senate Bill 50 was ratified by the General Assembly on June 12, 2025, and vetoed by the Governor on June 20, 2025.

### **Reduce Concealed Handgun Fees for Certain Veterans – Military and Veteran Support Act.**

SL 2025-72 (S118), Part I

Part I of S.L. 2025-72 (Senate Bill 118) reduces the concealed handgun permit application and renewal fees for individuals who were discharged honorably or under general honorable conditions from military service in the Armed Forces of the United States. An applicant claiming a reduced fee based on previous military service must provide one of the following:

- A Form DD-214 showing the applicant has been discharged honorably or under general honorable conditions.
- A Veterans Identification Card issued by the United States Department of Veterans Affairs.
- Other documentation (i) showing the applicant was discharged honorably or under general honorable conditions and (ii) deemed satisfactory by the sheriff.

If the applicant provides this documentation, the application fee for a concealed handgun permit is \$45.00, and the renewal fee is \$40.00. The proceeds of these fees are remitted to the Department of Public Safety.

This Part became effective July 1, 2025, and applies to applications for concealed handgun permits and permit renewals submitted on or after that date.

### **Authorize Sheriffs to Send Permit Expiration Notice via Email – Military and Veteran Support Act.**

SL 2025-72 (S118), Part VII

Part VII of S.L. 2025-72 (Senate Bill 118) authorizes a sheriff to send the holder of a concealed handgun permit the statutorily required notice regarding the expiration of a permit holder's



concealed handgun permit via electronic mail, rather than first class mail, if the permit holder consents to receive electronic communications. The permit holder may consent to receive electronic communications on the permit application. The State Bureau of Investigation is required to create a separate paper form that a permit holder may submit to the sheriff to provide or revoke their consent to receive electronic communications.

This Part became effective October 1, 2025.

## **Enact Harrison's Law to Revise the Criminal Offense of Hazing – Harrison's Law.**

SL 2025-73 (S375), Sec. 1

Section 1 of S.L. 2025-73 (Senate Bill 375) modifies the offense of hazing as follows:

- Modifies the offense of hazing committed by a student so that it is punished as a Class A1 misdemeanor.
- Creates a new offense prohibiting hazing by school personnel that is punished as a Class I felony. School personnel include teachers, school administrators, and coaches.

Hazing is defined as "subjecting a student to physical or serious psychological injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group."

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Personal Privacy Protection Act.**

SL 2025-79 (S416)

S.L. 2025-79 (Senate Bill 416) enacts the "Personal Privacy Protection Act" as new Article 18 in the North Carolina Nonprofit Corporation Act.

Prohibited Agency Actions – Public agencies are prohibited from doing any of the following, except as otherwise required by law:

- Requiring any person or nonprofit organization to provide the agency with personal information or otherwise compelling its release.
- Releasing, publicizing, or otherwise publicly disclosing personal information in the agency's possession.
- Requesting or requiring a current or prospective agency contractor or grantee to list nonprofit organizations to which it has provided financial or nonfinancial support.

The term "personal information" is defined as "any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member,

supporter, volunteer, or donor of financial or nonfinancial support to any nonprofit organization."

**Penalties for Violations** – A person alleging a violation of these provisions is entitled to bring a civil action in which the court can award injunctive relief; compensatory damages of not less than \$2,500 per violation or three times that amount if the violation was intentional, and court costs, including reasonable attorney's fees and witness fees. In addition, a person who knowingly violates this Article will be guilty of a Class 2 misdemeanor.

If any provision or application of Article 18 is held invalid, then the invalidity does not affect other provisions or applications of Article 18 that can be given effect without the invalid provision or application.

This bill was vetoed by the Governor on July 9, 2025, and that veto was overridden by the General Assembly on July 29, 2025. This act becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Prevent Sexual Exploitation/Women and Minors.**

SL 2025-84 (H805)

S.L. 2025-84 (House Bill 805) does the following:

- Provides that the following definitions apply to all administrative rules, regulations, or public policies of North Carolina and its political subdivisions, unless otherwise specified:
  - **Biological Sex.** – The biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.
  - **Boy.** – A minor human male.
  - **Father.** – A male parent.
  - **Female.** – A term that when used to refer to a natural person, means a person belonging, at conception, to the sex characterized by a reproductive system with the biological function of producing ova (eggs).
  - **Gender identity.** – A term that means an individual's self-declared identity that may not align with biological sex and, being a subjective internal sense, shall not be treated as legally or biologically equivalent to sex.
  - **Girl.** – A minor human female.
  - **Male.** – A term that when used to refer to a natural person, means a person belonging, at conception, to the sex characterized by a reproductive system with the biological function of producing sperm.
  - **Man.** – An adult human male.
  - **Mother.** – A female parent.
  - **Woman.** – An adult human female.

This section becomes effective January 1, 2026.

- Enacts Article 51A of Chapter 66 of the General Statutes, which is entitled "Prevent Sexual Exploitation of Women and Minors Act." This Article does the following:
  - Requires online entity operators to comply with certain age verification and written consent requirements for individuals appearing in pornographic images.
  - Requires online entity operators to establish certain procedures for removing a pornographic image upon request and to prominently display a notice on its website or mobile application that provides instructions on how to request removal of a pornographic image.
  - Prohibits users of online entities from distributing or publishing a pornographic image of an individual to the online entity without that individual's consent.
  - Authorizes the Attorney General to impose civil penalties on online entity operators for violations of this Article.
  - Authorizes civil actions against online entity operators and users of online entities for certain violations of this Article.

This section becomes effective December 1, 2025, and applies to acts or omissions occurring before, on, or after that date.

- Prohibits State funds from being used to fund surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones for any prisoner incarcerated in the State prison system or the Statewide Misdemeanor Confinement Program or otherwise in the custody of the Department of Adult Correction, or to support the administration of any governmental health plan or government-offered insurance policy offering surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones to any prisoner incarcerated in the State prison system or the Statewide Misdemeanor Confinement Program or otherwise in the custody of the Department of Adult Correction. This provision does not apply to the State Health Plan for Teachers and State Employees. This section became effective July 1, 2025. The exemption for the State Health Plan for Teachers and State Employees expires 30 days after the Memorandum and Order, dated June 10, 2022, or the permanent injunction ordered therein in *Kadel v. Folwell*, 1:19CV272 is vacated, overturned, or is no longer in force.
- Provides that certain causes of action for malpractice under G.S. 1-15 arising out of the performance of or failure to perform services while in the course of facilitating or perpetuating gender transition must be commenced within 10 years from the time of discovery by the injured party of both the injury and the causal relationship between the treatment and the injury against the offending medical professional or entity. This section became effective July 29, 2025, and applies to causes of action accruing before, on, or after that date.
- Provides that when the sex of a person is changed on an amended or new birth certificate, the State Registrar will attach the new certificate to the certificate of birth then on file and will preserve both certificates as a multi-page document. The State Registrar will forward a copy of the new certificate to the register of deeds of the county of birth. The register of deeds of the county of birth will attach the new certificate to the copy of the

certificate of birth on file. The register of deeds will preserve both certificates as a multi-page document. Thereafter, when a certified copy of the certificate of birth of the person is issued, it will be a copy of the multi-page document. The State Registrar will adopt rules and policies to implement these requirements. This section becomes effective December 1, 2025.

Please note that the summaries for sections 3.2, 3.3, and 3.4 of S.L. 2025-84 can be found in the Education subject area of this publication.

This bill was vetoed by the Governor on July 3, 2025, and that veto was overridden by the General Assembly on July 29, 2025. Except as otherwise provided, this act became effective July 29, 2025.

### **Excuse Students with Religious Objections – Prevent Sexual Exploitation/Women and Minors.**

SL 2025-84 (H805), Sec. 3.2

Section 3.2 of S.L. 2025-84 (House Bill 805) requires local boards of education to adopt policies allowing a student or the student's parent or guardian to request excusal from any classroom discussions, activities, or assigned readings if the student, parent, or guardian believes either of the following:

- The discussion, activity, or assigned reading would impose a substantial burden on the student's religious beliefs.
- The discussion, activity, or assigned reading would invade the student's privacy by calling attention to the student's religion.

To the extent practicable, the local board of education must provide advance notice to students, parents, and guardians of the discussions, activities, or assigned readings. The school must provide the excused student with an alternative activity or assignment aligned with the standard course of study.

This bill was vetoed by the Governor on July 3, 2025, and that veto was overridden by the General Assembly on July 29, 2025. This section became effective July 29, 2025.

### **Parent Access to Library Books – Prevent Sexual Exploitation/Women and Minors.**

SL 2025-84 (H805), Sec. 3.3

Section 3.3 of S.L. 2025-84 (House Bill 805) requires local boards of education to adopt policies to do both of the following:

- Provide public access to the titles of library books available within each school within the local school administrative unit.

- Allow a parent of a student to identify library books that cannot be borrowed by the student.

Library books are defined as electronic, print, and nonprint resources, excluding textbooks, for independent use by students and school personnel outside of the standard course of study for any grade or course. Library books can be held in a formal school library or in a classroom.

This bill was vetoed by the Governor on July 3, 2025, and that veto was overridden by the General Assembly on July 29, 2025. This section became effective July 29, 2025, and applies beginning with the 2025-2026 school year.

## **Restrictions on Sleeping Quarters – Prevent Sexual Exploitation/Women and Minors.**

SL 2025-84 (H805), Sec. 3.4

Section 3.4 of S.L. 2025-84 (House Bill 805) requires the governing bodies of public school units to adopt a policy prohibiting students from sharing sleeping quarters with a member of the other biological sex during any activity or event authorized by a school within the public school unit, except when authorized by the school when either (i) written permission is provided from the parents or legal guardians of all students sharing the sleeping quarters, or (ii) the member of the other biological sex is the student's immediate family member, which includes parent, brother, sister, or grandparent, including step and half relationships. Sleeping quarters are a room with a bed that is intended to be used to house a person overnight or other area designated for overnight sleep.

This bill was vetoed by the Governor on July 3, 2025, and that veto was overridden by the General Assembly on July 29, 2025. This section became effective July 29, 2025, and applies beginning with the 2025-2026 school year.

## **Department of Labor Modifications – Continuing Budget Operations Part II.**

SL 2025-92 (H358), Sec. 4.1

Section 4.1 of S.L. 2025-92 (House Bill 358) does the following:

- Allows the Department of Labor (Department) to hire private counsel from available funds and represent itself in court, as necessary.
- Permits the Department to take action in court to enforce rules and regulations.
- Provides that upon request of the Department, the Attorney General must represent the Department in actions or proceedings. The Attorney General can designate staff to fulfill this duty.

This section became effective September 30, 2025.

## **Iryna's Law.**

SL 2025-93 (H307)

S.L. 2025-93 (House Bill 307) enacts "Iryna's Law" and makes changes to various criminal and court procedures.

### Pretrial Release

The act makes several changes to the pretrial release laws as follows:

- Requires law enforcement to share any relevant behaviors of a defendant the officer has observed with a judicial official determining conditions of pretrial release.
- Creates a new definition of "violent offense" and provides additional requirements for pretrial release of defendants charged with a violent offense or who have a significant criminal history.
- Provides a new procedure to address defendants with mental health concerns. If a defendant is: (i) charged with a violent offense and court records indicate that the defendant has been involuntarily committed within the prior three years, or (ii) charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others, the judicial official shall enter an order including all the following:
  - Require the defendant to receive an initial examination by a commitment examiner.
  - Require the arresting officer to transport the defendant to a hospital emergency room or other crisis facility with certified commitment examiners for the initial examination.
  - Require the commitment examiner to either (i) petition for involuntary commitment, or (ii) provide written notice to the judicial official that there are no grounds to file a petition for involuntary commitment.
  - Provide that, except as provided below, if a petition for involuntary commitment is filed, the custody of the defendant is determined by that process during the pendency of the petition, any hearings, or involuntary commitment orders issued.
  - Provide that if a defendant has not met all other conditions of pretrial release, if no involuntary commitment petition is filed, no involuntary commitment custody order is issued, or at any time the involuntary commitment provisions would otherwise release the defendant, the defendant must be held in the local confinement facility in the county where pretrial release conditions were set until all conditions of pretrial release are met by the defendant.
- Creates a rebuttable presumption that no condition of release will reasonably assure the appearance of a defendant and the safety of the community if the defendant is charged with a violent offense, and requires that if conditions of pretrial release are set, a secured bond, and in some instances house arrest, must be ordered. Judicial districts that do not currently have house arrest available are directed to enter into a Memorandum of Agreement with a vendor to provide this service.

- Provides that if a defendant has been convicted of 3 or more offenses (Class 1 misdemeanor or higher) within the prior 10 years, a judicial official may only release the defendant under the conditions of a secured bond, or with house arrest with electronic monitoring.
- Directs judicial officials to make written findings of fact in all cases where pretrial release is authorized for defendants subject to these new pretrial release conditions.
- Removes a written promise to appear from the options for pretrial release conditions.

These provisions become effective December 1, 2025, and apply to persons appearing before a judicial official for the determination of pretrial release conditions on or after that date.

### Aggravating Factor

The act provides that the commission of the offense by the defendant while the victim was using a public transportation system is an aggravating factor to be considered in felony sentencing and capital sentencing.

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

### Modify Suspension of Magistrates

The act makes changes to rules governing magistrates as follows:

- Requires that rules of conduct for magistrates include rules regarding conflicts of interest.
- Authorizes the Chief Justice to suspend a magistrate.
- Expressly provides that failure of a magistrate to make written findings of fact that are required by statute is grounds for suspension and removal. However, a magistrate may not be removed from office for the first incident of failure to make written findings.

### Direct the Collaboratory to Study Mental Health and the Justice System

The act directs the North Carolina Collaboratory to study the following:

- The intersection of mental health in the justice system for both adults and juveniles in North Carolina.
- The availability of house arrest as a condition of pretrial release in each county or judicial district.
- Methods of execution other than those currently authorized by State law.

Additionally, the North Carolina Collaboratory is authorized to reallocate up to \$1,000,000 of funds previously appropriated to the Collaboratory to conduct the studies required.

### Prohibit the Task Force for Racial Equity in Criminal Justice

The act provides that the Task Force for Racial Equity in Criminal Justice, created by the Governor's Executive Order No. 145, and extended by Executive Order No. 273, which has expired, may not be recreated except by act of the General Assembly.

#### Modify Death Penalty Proceedings

The act modifies the timing and venue of proceedings in death penalty cases as follows:

- Requires automatic review by the North Carolina Supreme Court and any post-conviction motions for appropriate relief be heard within 24 months of filing or entry of judgment. Any extension beyond that time must include a written finding of extraordinary circumstances that provide good cause for the extension of time. These provisions apply: (i) to motions filed and judgments entered on or after December 1, 2025, and (ii) to motions filed or judgments entered prior to, and any motions pending on, December 1, 2025, except that any motion filed or judgment entered more than 24 months prior to December 1, 2025 shall be heard or reviewed no later than December 1, 2027, and shall be scheduled for hearing or review no later than December 1, 2026.
- Modifies the venue for post-conviction proceedings in capital cases to provide that any filing, claim, or proceeding related to the conviction, sentencing, treatment, housing, or execution of a defendant that has been convicted of a capital offense and sentenced to death is in the county of conviction. This provision applies to any filings made and any proceedings or hearings held on or after December 1, 2025.

The act also provides that lethal injection is the default method of execution in North Carolina; however, it allows for the use of other methods of execution if lethal injection is found to be unconstitutional or is not available for another reason. Upon such an event, the Secretary of the Department of Adult Correction is required to select another method of execution that has been adopted by another state that has not been declared unconstitutional by the United States Supreme Court. All challenges to a method of execution that have been declared unconstitutional are subject to direct appeal to the North Carolina Supreme Court. These provisions are effective when they become law.

#### Modify the Procedures for Involuntary Commitment of a Defendant Found Incapable of Proceeding

The act modifies laws governing the custody of a person found incapable of proceeding in a criminal trial and their underlying charges as follows:

- Authorizes the district attorney to make a motion prior to the dismissal of criminal charges for the court to determine whether the defendant should be evaluated pursuant to Chapter 122C of the General Statutes for involuntary commitment.
- Provides that criminal charges dismissed due to incapacity to proceed are not expunged by operation of law.
- Requires notice to additional parties for actions regarding a defendant found incapable to proceed as follows:



- Requires the clerk to provide notice of any inpatient commitment hearing for a defendant found incapable to proceed to the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding if the defendant's custody order indicates that the defendant was charged with a violent crime.
- Requires a facility to notify the district attorney in the county in which the defendant was found incapable of proceeding before the defendant is discharged or conditionally released.
- Provides that if the district attorney elects to represent the State's interest in either of these matters, upon motion of the district attorney, the venue for the hearings, rehearings, and supplemental rehearings is the county in which the respondent was found incapable of proceeding.

These provisions become effective December 1, 2025, and apply to dismissals and proceedings occurring or commitment proceedings initiated on or after that date.

#### Extend Terms of Probation and Post-Release Supervision for Certain Juvenile Offenders and Clarify Victim's Notification Rights

The act makes the following changes to probation and post-release supervision of a juvenile adjudicated delinquent:

- Authorizes an additional 1 year extension of probation, not to exceed a total of 3 years, for a juvenile adjudicated of an offense that would be a Class A, B1, or B2 felony if committed by an adult.
- Requires the term of post-release supervision be 3 years for a juvenile adjudicated of an offense that would be a Class A, B1, B2, or C felony if committed by an adult.
- Requires notification to any victim that has requested notification, and an opportunity to be heard, for any termination of probation or post-release supervision for a juvenile.

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

#### Additional Assistant District Attorneys and Legal Assistants in Mecklenburg County

The act appropriates funds for 10 additional full-time assistant district attorneys and 5 full-time legal assistants in Mecklenburg County beginning fiscal year 2025-2026.

This provision became effective retroactively to July 1, 2025.

#### Require Authorization for Release of Violent Involuntary Commitment Respondents Prior to Hearing

The act modifies the procedure for involuntary commitment to provide that if the custody order directing a respondent be taken to a 24-hour facility for examination states that the respondent has had a conviction for a violent offense within the previous 10 years and has been subject to

an involuntary commitment order within the previous 5 years, the respondent may not be released from the 24-hour facility until one of the following occur:

- The court orders the respondent's release following the district court hearing.
- The physician has provided written certification to the court of several factors, and a district court judge has issued an order authorizing the respondent's release prior to the district court hearing.

This provision becomes effective December 1, 2027, and applies to custody orders issued on or after that date.

Except as otherwise provided above, this act became effective October 3, 2025.

### **Technical Corrections to Iryna's Law – Continuing Budget Operations Part IV.** SL 2025-97 (S449), Sec. 5.3

Section 5.3 of S.L. 2025-97 (Senate Bill 449) makes various technical corrections to S.L. 2025-93 (House Bill 307), including the following:

- Makes a conforming change to clarify that a criminal defendant's three or more convictions must have occurred in separate sessions of court for the provision requiring secured bond or house arrest as a condition of pretrial release to apply.
- Changes the effective date for a provision that requires judicial officials to conduct new involuntary commitment procedures from December 1, 2025, to December 1, 2026.

This section became effective October 22, 2025.

### **Expedited Removal of Unauthorized Persons.**

Ratified (H96)

House Bill 96 would have created an expedited removal process for the removal of an unauthorized person from residential property and created a new statute providing State uniformity for the operation of licensed pet shops.

#### Section 1

Section 1 would have added a new Article 22D to Chapter 14 of the General Statutes, under which a property owner or an authorized representative of the property owner may initiate an expedited removal proceeding for the removal of an unauthorized person unlawfully occupying residential property if all the following conditions are met:

1. The requesting party is the property owner or the authorized agent of the property owner.

2. The property that is being unlawfully occupied is residential property or property used in connection with or appurtenant to residential property.
3. An unauthorized person has entered the property after the property owner acquired the property and is remaining or residing unlawfully on the residential property of the property owner.
4. The property was not offered or intended as an accommodation for the general public at the time the unauthorized person entered.
5. The property owner or the authorized representative of the property owner has directed the unauthorized person to leave the residential property.
6. The unauthorized person is not a tenant of the property being unlawfully occupied.
7. The unauthorized person is not an owner of the property being unlawfully occupied.
8. There is no pending litigation between the property owner and the unauthorized person related to the residential property.
9. No other valid rental agreement or contract for deed has been entered into or formed by the property owner or a former property owner and the unauthorized person permitting the unauthorized person to occupy the residential property.

(10) No rent or other form of payment has ever been demanded of or paid by the unauthorized person to the property owner or to an authorized representative of the property owner in connection with the occupancy of the residential property.

The term "unauthorized person" would have meant a person who has no legal claim to the property and who is not entitled to occupy it under a valid rental agreement or otherwise. It would not have included a tenant holding over after the lease term has expired.

In terms of procedure, the following would have occurred: Filing of a complaint and issuance of a summons in the county where the property is located. ? The summons and complaint are provided to the sheriff. ? The summons and complaint are served on the unauthorized person by the sheriff within 24 hours of the sheriff receiving the documents. ? The sheriff promptly files a return. ? A hearing is held before a magistrate as soon as practicable, but no more than 48 hours after service. ? If the court finds for the property owner, the court immediately enters a written order granting the property owner possession of the property and stating the time the unauthorized person must vacate the property – which cannot be more than 4 hours after the order is served on the unauthorized person.

All parties would have had the right to appeal an order entered by a magistrate to the district court for a trial de novo.

If the court entered an order of removal and an unauthorized person failed to remove personal property from the residential property within the time allowed by the order, the property owner or authorized representative of the property owner would have been permitted to remove the personal property from the premises to or near the property line. The failure of an unauthorized person to vacate a residential property in accordance with a court order would have been a criminal trespass.

Law enforcement agencies, law enforcement officers, and magistrates would have been granted immunity for any acts or omissions related to the expedited removal process, provided the parties acted in good faith and did not act with gross negligence, willful or wanton misconduct, or intentional wrongdoing. The property owner or authorized representative would have been granted immunity for any damages related to the expedited removal process unless the removal was wrongful.

A person harmed by a wrongful removal would have been entitled to bring a civil action against the property owner or authorized representative seeking to recover possession of the property and would have been able to recover from the property owner or authorized representative damages limited to actual damages as in an action for trespass or conversion.

## Section 2

Section 2 would have directed the Administrative Office of the Courts, in consultation with the North Carolina Sheriff's Association and the North Carolina Association of Chiefs of Police, to develop the affidavit form to implement the expedited removal process discussed above by September 30, 2025.

## Section 3

Section 3 would have created a new statute, G.S. 19A-27.5, to provide for State uniformity for operation of pet shops. Specifically, this new law would have provided that no local government or other political subdivision of the State may enact, maintain, or enforce any ordinance, resolution, or other enactment that does either of the following:

- Prohibits or restricts the sale of animals by a licensed pet shop.
- Imposes additional licensing, operational, or regulatory requirements on pet shops beyond those established by State law.

House Bill 96 was ratified by the General Assembly on June 30, 2025, and vetoed by the Governor on July 9, 2025. Subsequent to the Governor's veto of House Bill 96, the General Assembly enacted and the Governor signed Senate Bill 55, which included language similar to the sections of this bill addressing expedited removal of unauthorized persons.

## **Freedom to Carry NC.**

Ratified (S50)

Senate Bill 50 would have made the following changes to the firearms laws of North Carolina:

- Created a new Article 54C in the General Statutes, which would have authorized the concealed carry of a handgun by any U.S. citizen, who is at least 18 years old, and who is not otherwise disqualified by law because of a disqualifying criminal conviction or otherwise. The list of disqualifying criteria would have mirrored the criteria contained in

G.S. 14-415.12(b) which would disqualify a person from obtaining a concealed handgun permit.

- Allowed a person to carry a concealed handgun pursuant to Article 54B or Article 54C.
- Continued to authorize the issuance of concealed handgun permits for purposes of reciprocity with other states, efficiency of purchasing a firearm, and various other reasons.
- Eliminated an impaired driving conviction within the prior three years as a disqualifying event to obtaining a concealed handgun permit.
- Amended the current prohibitions against carrying a firearm into an assembly where a fee is charged for admission or an establishment where alcohol is served to only prohibit firearms in those locations if the person is consuming alcohol or has alcohol or a controlled substance remaining in their body.
- Amended several statutes that generally prohibit firearms in certain locations but provide an exception for a person with a concealed handgun permit, to modify the exception to reflect the creation of Article 54C.
- Amended the disqualifying criteria for restoration of firearm rights for a felon to remove a finding of probable cause for a felony from the list of disqualifying criteria. Being under indictment for a felony would have remained a disqualifier.

Section 1.9 of the bill would have increased the public safety employee death benefit to \$150,000.

Section 9.1 would have increased the punishment for assault with a firearm to a Class B1 felony if the assault is committed against one of the following:

- A law enforcement officer
- A probation officer
- A parole officer
- A member of the North Carolina National Guard
- An employee of a detention facility
- An emergency medical technician or other emergency health care provider
- A medical responder
- A firefighter
- A telecommunicator employed by a law enforcement agency.

Sections 15.5 and 15.6 would have amended the offense of possession of a firearm by a felon, which is a Class G felony, to include two new offenses as follows:

- A Class F felony for possession of a firearm by a felon during the commission or attempted commission of a felony under Chapter 14 or Article 5 of Chapter 90.
- A Class C felony for possession of a firearm by a felon when a firearm is discharged during the commission or attempted commission of a felony under Chapter 14 or Article 5 of Chapter 90.

Section 8 of S.L. 2025-71, which creates new offenses regarding possession of a firearm or weapon of mass death and destruction by a felon, is similar to the provisions in Section 15.5 and

Section 15.6 of Senate Bill 50. Senate Bill 50 was ratified by the General Assembly on June 12, 2025, and vetoed by the Governor on June 20, 2025.

## **North Carolina Border Protection Act.**

Ratified (S153)

Senate Bill 153 would have made various changes related to enforcement of federal immigration laws within the State.

### Require Certain Agencies to Cooperate with ICE

Senate Bill 153 would have directed the Secretary of the Department of Public Safety (DPS), the Secretary of the Department of Adult Correction (DAC), the Commander of the State Highway Patrol (SHP), and the Director of the State Bureau of Investigation (SBI) to do all the following:

- Enter into Memorandums of Agreement (MOAs) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to Section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)) to perform immigration law enforcement functions under the supervision of ICE.
- Develop policies requiring employees of each agency to do all the following:
  - Have employees attempt to determine if any person in the custody of or under the supervision of the agency is a legal resident or citizen of the United States by asking the person questions or examining relevant documents.
  - If an employee cannot determine a person's status by conducting the above inquiry, then the employee would be required to make an ICE query.
  - If an employee determines that the person is not a legal resident or citizen of the United States, then the employee would be required to provide information requested by ICE.
- Cooperate to the fullest extent allowed by law with ICE.
- Report the MOAs and policies required by this bill to the Joint Legislative Oversight Committee on Justice and Public Safety no later than August 1, 2025.

The State Auditor would have been required to perform an audit to determine that agencies are complying with the above requirements.

### Require Certain Agencies to Cease Providing Benefits to Certain Noncitizens

Senate Bill 153 would have required the Department of Health and Human Services (DHHS), the Department of Commerce, the Housing Finance Agency, and all local housing authorities to do the following:

- Cease providing State-funded benefits and publicly funded housing benefits to noncitizens residing in the United States without legal permission, to the extent permitted by federal law.

- Develop a plan, to the extent permitted by federal law, to update and review eligibility criteria for all State-funded benefits and publicly funded housing benefits to ensure noncitizens residing in the United States without legal permission are ineligible to receive those benefits.
- Report by January 15, 2026, on the steps taken to cease providing benefits and the details of the developed and implemented plan including all federal statutes or regulations prohibiting denial of benefits.

"State-funded benefits" would include various programs administered by DHHS or through a contract with DHHS, excluding benefits or services available under the listed programs that help eligible beneficiaries access food or meals.

"Publicly funded housing benefits" would include various programs or assistance administered by or through a contract with the Department of Commerce, the North Carolina Housing Agency, and any local housing authority.

#### Require Verification of Legal Residency for Unemployment Benefits

Senate Bill 153 would have required the Department of Commerce, Division of Employment Security, to the extent permitted by federal law, to adopt and implement a policy to verify that all applicants for unemployment benefits are legally authorized to reside in the United States prior to receiving the first unemployment benefit payment by January 15, 2026.

#### Waive Governmental Immunity for Sanctuary

Senate Bill 153 would have waived governmental immunity from tort liability for cities and counties that adopt sanctuary ordinances when the tort claim is based on the commission of a crime by an unauthorized alien against a person or property within the corporate limits of the city or county, whether or not insurance has been purchased.

Senate Bill 153 was ratified by the General Assembly on June 10, 2025, and vetoed by the Governor on June 20, 2025.

### **University of North Carolina Constituent Institutions to Comply with Laws Related to Immigration – North Carolina Border Protection Act.**

Ratified (S153), Part VI

Part VI of Senate Bill 153 would prohibit constituent institutions of The University of North Carolina from having policies or procedures that limit the enforcement of federal immigration laws to less than the full extent permitted by federal law. Constituent institutions would not be allowed to do any of the following with respect to information about an individual's citizenship or immigration status:

- Prohibit law enforcement officials or agencies from gathering the information.
- Prohibit communication of the information to federal law enforcement agencies.

Senate Bill 153 was ratified by the General Assembly on June 10, 2025, and was vetoed by the Governor on June 20, 2025.