

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

4

SENATE BILL 419  
Commerce and Insurance Committee Substitute Adopted 5/2/19  
House Committee Substitute Favorable 10/30/19  
Fourth Edition Engrossed 10/31/19

Short Title: Technical and Other Changes. (Public)

Sponsors:

Referred to:

April 1, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER CHANGES TO STATUTES  
3 AND SESSION LAWS.

4 The General Assembly of North Carolina enacts:

5 SECTION 2.(a) G.S. 14-208.6 reads as rewritten:

6 "§ 14-208.6. Definitions.

7 The following definitions apply in this Article:

8 ...

9 (1e) ~~Department.~~ — ~~The Department of Public Safety.~~

10 ...

11 (8) Statewide registry. — The central registry compiled by the ~~Department~~ State  
12 Bureau of Investigation in accordance with G.S. 14-208.14.

13 ...."

14 SECTION 2.(b) G.S. 14-208.7 reads as rewritten:

15 "§ 14-208.7. Registration.

16 ...

17 (b) The ~~Department of Public Safety~~ State Bureau of Investigation shall provide each  
18 sheriff with forms for registering persons as required by this Article. The registration form shall  
19 require all of the following:

20 (1) The person's full name, each alias, date of birth, sex, race, height, weight, eye  
21 color, hair color, drivers license number, and home address.

22 (1a) A statement indicating what the person's name was at the time of the  
23 conviction for the offense that requires registration; what alias, if any, the  
24 person was using at the time of the conviction of that offense; and the name  
25 of the person as it appears on the judgment imposing the sentence on the  
26 person for the conviction of the offense.

27 (2) The type of offense for which the person was convicted, the date of conviction,  
28 and the sentence imposed.

29 (3) A current photograph taken by the sheriff, without charge, at the time of  
30 registration.

31 (4) The person's fingerprints taken by the sheriff, without charge, at the time of  
32 registration.

33 (5) A statement indicating whether the person is a student or expects to enroll as  
34 a student within a year of registering. If the person is a student or expects to



1 enroll as a student within a year of registration, then the registration form shall  
2 also require the name and address of the educational institution at which the  
3 person is a student or expects to enroll as a student.

4 (6) A statement indicating whether the person is employed or expects to be  
5 employed at an institution of higher education within a year of registering. If  
6 the person is employed or expects to be employed at an institution of higher  
7 education within a year of registration, then the registration form shall also  
8 require the name and address of the educational institution at which the person  
9 is or expects to be employed.

10 (7) Any online identifier that the person uses or intends to use.

11 (c) When a person registers, the sheriff with whom the person registered shall  
12 immediately send the registration information to the ~~Department of Public Safety-State Bureau~~  
13 ~~of Investigation~~ in a manner determined by the ~~Department of Public Safety-State Bureau of~~  
14 ~~Investigation~~. The sheriff shall retain the original registration form and other information  
15 collected and shall compile the information that is a public record under this Part into a county  
16 registry.

17 ...."

18 **SECTION 2.(c)** G.S. 14-208.8(a) reads as rewritten:

19 "(a) At least 10 days, but not earlier than 30 days, before a person who will be subject to  
20 registration under this Article is due to be released from a penal institution, an official of the  
21 penal institution shall do all of the following:

- 22 (1) Inform the person of the person's duty to register under this Article and require  
23 the person to sign a written statement that the person was so informed or, if  
24 the person refuses to sign the statement, certify that the person was so  
25 informed.
- 26 (2) Obtain the registration information required under G.S. 14-208.7(b)(1), (2),  
27 (5), (6), and (7), as well as the address where the person expects to reside upon  
28 the person's release.
- 29 (3) Send the ~~Department of Public Safety-State Bureau of Investigation~~ and the  
30 sheriff of the county in which the person expects to reside the information  
31 collected in accordance with subdivision (2) of this subsection."

32 **SECTION 2.(d)** G.S. 14-208.8A(c) reads as rewritten:

33 "(c) Notice to ~~Department of Public Safety-State Bureau of Investigation~~. – Upon  
34 receiving the notice required under subsection (a) of this section, the sheriff shall immediately  
35 forward the information to the ~~Department of Public Safety-State Bureau of Investigation~~. The  
36 ~~Department of Public Safety-State Bureau of Investigation~~ shall notify the sheriff of the county  
37 where the person is working and maintaining a temporary residence of the person's place of  
38 employment and temporary address in that county."

39 **SECTION 2.(e)** G.S. 14-208.9 reads as rewritten:

40 **"§ 14-208.9. Change of address; change of academic status or educational employment**  
41 **status; change of online identifier; change of name.**

42 (a) If a person required to register changes address, the person shall report in person and  
43 provide written notice of the new address not later than the third business day after the change to  
44 the sheriff of the county with whom the person had last registered. If the person moves to another  
45 county, the person shall also report in person to the sheriff of the new county and provide written  
46 notice of the person's address not later than the tenth day after the change of address. Upon receipt  
47 of the notice, the sheriff shall immediately forward this information to the ~~Department of Public~~  
48 ~~Safety-State Bureau of Investigation~~. When the ~~Department of Public Safety-State Bureau of~~  
49 ~~Investigation~~ receives notice from a sheriff that a person required to register is moving to another  
50 county in the State, the ~~Department of Public Safety-State Bureau of Investigation~~ shall inform  
51 the sheriff of the new county of the person's new residence.

1 (b) If a person required to register intends to move to another state, the person shall report  
2 in person to the sheriff of the county of current residence at least three business days before the  
3 date the person intends to leave this State to establish residence in another state or jurisdiction.  
4 The person shall provide to the sheriff a written notification that includes all of the following  
5 information: the address, municipality, county, and state of intended residence.

6 (1) If it appears to the sheriff that the record photograph of the sex offender no  
7 longer provides a true and accurate likeness of the sex offender, then the  
8 sheriff shall take a photograph of the offender to update the registration.

9 (2) The sheriff shall inform the person that the person must comply with the  
10 registration requirements in the new state of residence. The sheriff shall also  
11 immediately forward the information included in the notification to the  
12 ~~Department of Public Safety, State Bureau of Investigation,~~ and the  
13 ~~Department of Public Safety State Bureau of Investigation~~ shall inform the  
14 appropriate state official in the state to which the registrant moves of the  
15 person's notification and new address.

16 (b1) A person who indicates his or her intent to reside in another state or jurisdiction and  
17 later decides to remain in this State shall, within three business days after the date upon which  
18 the person indicated he or she would leave this State, report in person to the sheriff's office to  
19 which the person reported the intended change of residence, of his or her intent to remain in this  
20 State. If the sheriff is notified by the sexual offender that he or she intends to remain in this State,  
21 the sheriff shall promptly report this information to the ~~Department of Public Safety, State Bureau~~  
22 ~~of Investigation.~~

23 (c) If a person required to register changes his or her academic status either by enrolling  
24 as a student or by terminating enrollment as a student, then the person shall, within three business  
25 days, report in person to the sheriff of the county with whom the person registered and provide  
26 written notice of the person's new status. The written notice shall include the name and address  
27 of the institution of higher education at which the student is or was enrolled. The sheriff shall  
28 immediately forward this information to the ~~Department of Public Safety, State Bureau of~~  
29 ~~Investigation.~~

30 (d) If a person required to register changes his or her employment status either by  
31 obtaining employment at an institution of higher education or by terminating employment at an  
32 institution of higher education, then the person shall, within three business days, report in person  
33 to the sheriff of the county with whom the person registered and provide written notice of the  
34 person's new status not later than the tenth day after the change to the sheriff of the county with  
35 whom the person registered. The written notice shall include the name and address of the  
36 institution of higher education at which the person is or was employed. The sheriff shall  
37 immediately forward this information to the ~~Department of Public Safety, State Bureau of~~  
38 ~~Investigation.~~

39 (e) If a person required to register changes an online identifier, or obtains a new online  
40 identifier, then the person shall, within 10 days, report in person to the sheriff of the county with  
41 whom the person registered to provide the new or changed online identifier information to the  
42 sheriff. The sheriff shall immediately forward this information to the ~~Department of Public~~  
43 ~~Safety, State Bureau of Investigation.~~

44 (f) If a person required to register changes his or her name pursuant to Chapter 101 of  
45 the General Statutes or by any other method, then the person shall, within three business days,  
46 report in person to the sheriff of the county with whom the person registered to provide the name  
47 change to the sheriff. The sheriff shall immediately forward this information to the ~~Department~~  
48 ~~of Public Safety, State Bureau of Investigation."~~

49 **SECTION 2.(f)** G.S. 14-208.9A(a) reads as rewritten:

50 "(a) The information in the county registry shall be verified semiannually for each  
51 registrant as follows:

- 1 (1) Every year on the anniversary of a person's initial registration date, and again  
2 six months after that date, the ~~Department of Public Safety State Bureau of~~  
3 Investigation shall mail a nonforwardable verification form to the last reported  
4 address of the person.
- 5 (2) The person shall return the verification form in person to the sheriff within  
6 three business days after the receipt of the form.
- 7 (3) The verification form shall be signed by the person and shall indicate the  
8 following:
- 9 a. Whether the person still resides at the address last reported to the  
10 sheriff. If the person has a different address, then the person shall  
11 indicate that fact and the new address.
- 12 b. Whether the person still uses or intends to use any online identifiers  
13 last reported to the sheriff. If the person has any new or different online  
14 identifiers, then the person shall provide those online identifiers to the  
15 sheriff.
- 16 c. Whether the person still uses or intends to use the name under which  
17 the person registered and last reported to the sheriff. If the person has  
18 any new or different name, then the person shall provide that name to  
19 the sheriff.
- 20 (3a) If it appears to the sheriff that the record photograph of the sex offender no  
21 longer provides a true and accurate likeness of the sex offender, then the  
22 sheriff shall take a photograph of the offender to include with the verification  
23 form.
- 24 (4) If the person fails to return the verification form in person to the sheriff within  
25 three business days after receipt of the form, the person is subject to the  
26 penalties provided in G.S. 14-208.11. If the person fails to report in person  
27 and provide the written verification as provided by this section, the sheriff  
28 shall make a reasonable attempt to verify that the person is residing at the  
29 registered address. If the person cannot be found at the registered address and  
30 has failed to report a change of address, the person is subject to the penalties  
31 provided in G.S. 14-208.11, unless the person reports in person to the sheriff  
32 and proves that the person has not changed his or her residential address."

33 **SECTION 2.(g)** G.S. 14-208.12A(a3) reads as rewritten:

34 "(a3) If the court denies the petition, the person may again petition the court for relief in  
35 accordance with this section one year from the date of the denial of the original petition to  
36 terminate the registration requirement. If the court grants the petition to terminate the registration  
37 requirement, the clerk of court shall forward a certified copy of the order to the ~~Department of~~  
38 Public Safety State Bureau of Investigation to have the person's name removed from the registry."

39 **SECTION 2.(h)** G.S. 14-208.13 reads as rewritten:

40 **"§ 14-208.13. File with Criminal Information Network.**

41 (a) The ~~Department of Public Safety State Bureau of Investigation~~ shall include the  
42 registration information in the Criminal Information Network as set forth in G.S. 143B-905.

43 (b) The ~~Department of Public Safety State Bureau of Investigation~~ shall maintain the  
44 registration information permanently even after the registrant's reporting requirement expires."

45 **SECTION 2.(i)** G.S. 14-208.14 reads as rewritten:

46 **"§ 14-208.14. Statewide registry; ~~Department of Public Safety State Bureau of~~**  
47 **Investigation designated custodian of statewide registry.**

48 (a) The ~~Department of Public Safety State Bureau of Investigation~~ shall compile and keep  
49 current a central statewide sex offender registry. The ~~Department State Bureau of Investigation~~  
50 is the State agency designated as the custodian of the statewide registry. As custodian the  
51 ~~Department State Bureau of Investigation~~ has the following responsibilities:

- 1 (1) To receive from the sheriff or any other law enforcement agency or penal  
2 institution all sex offender registrations, changes of address, changes of  
3 academic or educational employment status, and prerelease notifications  
4 required under this Article or under federal law. The ~~Department~~ State Bureau  
5 of Investigation shall also receive notices of any violation of this Article,  
6 including a failure to register or a failure to report a change of address.
- 7 (2) To provide all need-to-know law enforcement agencies (local, State, campus,  
8 federal, and those located in other states) immediately upon receipt by the  
9 ~~Department~~ State Bureau of Investigation of any of the following: registration  
10 information, a prerelease notification, a change of address, a change of  
11 academic or educational employment status, or notice of a violation of this  
12 Article.
- 13 (2a) To notify the appropriate law enforcement unit at an institution of higher  
14 education as soon as possible upon receipt by the ~~Department~~ State Bureau of  
15 Investigation of relevant information based on registration information or  
16 notice of a change of academic or educational employment status. If an  
17 institution of higher education does not have a law enforcement unit, then the  
18 ~~Department~~ State Bureau of Investigation shall provide the information to the  
19 local law enforcement agency that has jurisdiction for the campus.
- 20 (3) To coordinate efforts among law enforcement agencies and penal institutions  
21 to ensure that the registration information, changes of address, change of  
22 name, prerelease notifications, and notices of failure to register or to report a  
23 change of address are conveyed in an appropriate and timely manner.
- 24 (4) To provide public access to the statewide registry in accordance with this  
25 Article.
- 26 (4a) To maintain the system for public access so that a registrant's full name, any  
27 aliases, and any legal name changes are cross-referenced and a member of the  
28 public may conduct a search of the system for a registrant under any of those  
29 names.
- 30 (5) To maintain a system allowing an entity to access a list of online identifiers of  
31 persons in the central sex offender registry.
- 32 (b) The statewide registry shall include the following:

33 (1) Registration information obtained by a sheriff or penal institution under this  
34 Article or from any other local or State law enforcement agency.

35 (2) Registration information received from a state or local law enforcement  
36 agency or penal institution in another state.

37 (3) Registration information received from a federal law enforcement agency or  
38 penal institution."

39 **SECTION 2.(j)** G.S. 14-208.15 reads as rewritten:

40 **"§ 14-208.15. Certain statewide registry information is public record: access to statewide**  
41 **registry.**

42 (a) The information in the statewide registry that is public record is the same as in  
43 G.S. 14-208.10. The ~~Department of Public Safety~~ State Bureau of Investigation shall release any  
44 other relevant information that is necessary to protect the public concerning a specific person,  
45 but shall not release the identity of the victim of the offense that required registration under this  
46 Article.

47 (b) The ~~Department of Public Safety~~ State Bureau of Investigation shall provide free  
48 public access to automated data from the statewide registry, including photographs provided by  
49 the registering sheriffs, via the Internet. The public will be able to access the statewide registry  
50 to view an individual registration record, a part of the statewide registry, or all of the statewide  
51 registry. The ~~Department of Public Safety~~ State Bureau of Investigation may also provide copies

1 of registry information to the public upon written request and may charge a reasonable fee for  
2 duplicating costs and mailings costs.

3 (c) Upon request of an institution of higher education, the Sheriff of the county in which  
4 the educational institution is located shall provide a report containing the registry information for  
5 any registrant who has stated that the registrant is a student or employee, or expects to become a  
6 student or employee, of that institution of higher education. The ~~Department of Public Safety~~  
7 State Bureau of Investigation shall provide each sheriff with the ability to generate the report  
8 from the statewide registry. The report shall be provided electronically without charge. The  
9 institution of higher education may receive a written report upon payment of reasonable  
10 duplicating costs and mailing costs."

11 **SECTION 2.(k)** G.S. 14-208.15A reads as rewritten:

12 "**§ 14-208.15A. Release of online identifiers to entity; fee.**

13 (a) The ~~Department of Public Safety~~ State Bureau of Investigation may release registry  
14 information regarding a registered offender's online identifier to an entity for the purpose of  
15 allowing the entity to prescreen users or to compare the online identifier information with  
16 information held by the entity as provided by this section.

17 (b) An entity desiring to prescreen its users or compare its database of registered users to  
18 the list of online identifiers of persons in the statewide registry may apply to the ~~Department of~~  
19 Public Safety State Bureau of Investigation to access the information. An entity that complies  
20 with the criteria developed by the ~~Department of Public Safety~~ State Bureau of Investigation  
21 regarding the release and use of the online identifier information and pays the fee may screen  
22 new users or compare its database of registered users to the list of online identifiers of persons in  
23 the statewide registry as frequently as the ~~Department of Public Safety~~ State Bureau of  
24 Investigation may allow for the purpose of identifying a registered user associated with an online  
25 identifier contained in the statewide registry.

26 (c) The ~~Department of Public Safety~~ State Bureau of Investigation may charge an entity  
27 that submits a request for the online identifiers of persons in the statewide registry an annual fee  
28 of one hundred dollars (\$100.00). Fees collected under this section shall be credited to the  
29 ~~Department of Public Safety~~ State Bureau of Investigation and applied to the cost of providing  
30 this service.

31 (d) The ~~Department of Public Safety~~ State Bureau of Investigation shall develop  
32 standards regarding the release and use of online identifier information. The standards shall  
33 include a requirement that the information obtained from the statewide registry shall not be  
34 disclosed for any purpose other than for prescreening its users or comparing the database of  
35 registered users of the entity against the list of online identifiers of persons in the statewide  
36 registry.

37 ...."

38 **SECTION 2.(l)** G.S. 14-208.22(b) reads as rewritten:

39 "(b) The ~~Department of Public Safety~~ State Bureau of Investigation shall provide each  
40 sheriff with forms for registering persons as required by this Article."

41 **SECTION 2.(m)** G.S. 14-208.27 reads as rewritten:

42 "**§ 14-208.27. Change of address.**

43 If a juvenile who is adjudicated delinquent and required to register changes address, the  
44 juvenile court counselor for the juvenile shall provide written notice of the new address not later  
45 than the third business day after the change to the sheriff of the county with whom the juvenile  
46 had last registered. Upon receipt of the notice, the sheriff shall immediately forward this  
47 information to the ~~Department of Public Safety~~ State Bureau of Investigation. If the juvenile  
48 moves to another county in this State, the ~~Department of Public Safety~~ State Bureau of  
49 Investigation shall inform the sheriff of the new county of the juvenile's new residence."

50 **SECTION 2.(n)** G.S. 14-208.31 reads as rewritten:

51 "**§ 14-208.31. File with Criminal Information Network.**

1 (a) The ~~Department of Public Safety~~ State Bureau of Investigation shall include the  
2 registration information in the Criminal Information Network as set forth in G.S. 143B-905.

3 (b) The ~~Department of Public Safety~~ State Bureau of Investigation shall maintain the  
4 registration information permanently even after the registrant's reporting requirement expires;  
5 however, the records shall remain confidential in accordance with Article 32 of Chapter 7B of  
6 the General Statutes."

7 **SECTION 3.** G.S. 15A-145.8(b), as enacted by Section 11 of S.L. 2019-186, reads  
8 as rewritten:

9 "(b) The court shall also order the expunction of DNA records when the person's case has  
10 been ~~dismissed~~ remanded to the district court for juvenile adjudication by the trial court and the  
11 person's DNA record or profile has been included in the State DNA Database and the person's  
12 DNA sample is stored in the State DNA Databank as a result of the case that was ~~dismissed~~  
13 remanded. The order of expungement shall include the name and address of the defendant and  
14 the defendant's attorney and shall direct the North Carolina State Crime Laboratory to send a  
15 letter documenting expungement as required by subsection (c) of this section."

16 **SECTION 4.(a)** G.S. 15A-521 reads as rewritten:

17 "**§ 15A-521. Commitment to detention facility pending trial.**

18 (a) Commitment. – Every person charged with a crime and held in custody who has not  
19 been released pursuant to Article 26 of this Chapter, Bail, must be committed by a written order  
20 of the judicial official who conducted the initial appearance as provided in Article 24 to an  
21 appropriate detention facility as provided in this section. If the person being committed by written  
22 order is under the age of 18, that person must be committed to a Division of Adult Correction  
23 and Juvenile Justice detention facility, to a detention facility approved by the Division of Adult  
24 Correction and Juvenile Justice for operation as a juvenile detention facility, or to a holdover  
25 facility pursuant to G.S. 7B-2204.

26 (b) Order of Commitment; Modification. – The order of commitment must:

- 27 (1) State the name of the person charged or identify him if his name cannot be  
28 ascertained.  
29 (2) Specify the offense charged.  
30 (3) Designate the place of confinement.  
31 (4) If release is authorized pursuant to Article 26 of this Chapter, Bail, state the  
32 conditions of release. If a separate order stating the conditions has been  
33 entered, the commitment may make reference to that order, a copy of which  
34 must be attached to the commitment.  
35 (5) Subject to the provisions of subdivision (4), direct, as appropriate, that the  
36 defendant be:  
37 a. Produced before a district court judge pursuant to Article 29 of this  
38 Chapter, First Appearance before District Court Judge,  
39 b. Produced before a district court judge for a probable cause hearing as  
40 provided in Article 30 of this Chapter, Probable-Cause Hearing,  
41 c. Produced for trial in the district or superior court, or  
42 d. Held for other specified purposes.  
43 (6) State the name and office of the judicial official making the order and be  
44 signed by him.

45 The order of commitment may be modified or continued by the same or another judicial official  
46 by supplemental order.

47 (c) Copies and Use of Order, Receipt of Prisoner. –

- 48 (1) The order of commitment must be delivered to a law-enforcement officer, who  
49 must deliver the order and the prisoner to the detention facility named therein.  
50 (2) The jailer or juvenile justice officer must receive the prisoner and the order of  
51 commitment, and note on the order of commitment the time and date of

1 receipt. As used in this subdivision, "jailer" includes any person having  
2 control of a detention ~~facility~~ facility and "juvenile justice officer" means any  
3 person having control of a juvenile detention facility.

- 4 (3) Upon releasing the prisoner pursuant to the terms of the order, or upon  
5 delivering the prisoner to the court, the jailer must note the time and date on  
6 the order and return it to the clerk. Personnel of the Division of Adult  
7 Correction and Juvenile Justice, or personnel approved by the Juvenile Justice  
8 Section, shall transport the person under the age of 18 from the juvenile  
9 detention facility to court and shall transfer the person back to the juvenile  
10 detention facility.

- 11 (4) Repealed by Session Laws 1975, 2nd Sess., c. 983, s. 142.

12 (d) Commitment of Witnesses. – If a court directs detention of a material witness  
13 pursuant to G.S. 15A-803, the court must enter an order in the manner provided in this section,  
14 except that the order must:

- 15 (1) State the reason for the detention in lieu of the description of the offense  
16 charged, and  
17 (2) Direct that the witness be brought before the appropriate court when his  
18 testimony is required."

19 **SECTION 4.(b)** G.S. 15A-1301 reads as rewritten:

20 **"§ 15A-1301. Order of commitment to imprisonment when not otherwise specified.**

21 When a judicial official orders that a defendant be imprisoned he must issue an appropriate  
22 written commitment order. When the commitment is to a sentence of imprisonment, the  
23 commitment must include the identification and class of the offense or offenses for which the  
24 defendant was convicted and, if the sentences are consecutive, the maximum sentence allowed  
25 by law upon conviction of each offense for the punishment range used to impose the sentence for  
26 the class of offense and prior record or conviction level, and, if the sentences are concurrent or  
27 consolidated, the longest of the maximum sentences allowed by law for the classes of offense  
28 and prior record or conviction levels upon conviction of any of the offenses. If the person  
29 sentenced to imprisonment is under the age of 18, the person must be committed to a Division of  
30 Adult Correction and Juvenile Justice detention facility or to a detention facility approved by the  
31 Division of Adult Correction and Juvenile Justice for operation as a juvenile detention facility.  
32 The person may be temporarily confined in a holdover facility pursuant to G.S. 7B-2204 until  
33 such time as the person is transferred to a juvenile detention facility. Personnel of the Juvenile  
34 Justice Section of the Division, or personnel approved by the Juvenile Justice Section, shall  
35 transport the defendant to the juvenile detention facility."

36 **SECTION 4.(c)** G.S. 15A-1352 reads as rewritten:

37 **"§ 15A-1352. Commitment to Division of Adult Correction and Juvenile Justice of the**  
38 **Department of Public Safety or local confinement facility.**

39 (a) Except as provided in subsection (f) of this section, a person sentenced to  
40 imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction  
41 of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated by  
42 the court to the Statewide Misdemeanant Confinement Program as provided in G.S. 148-32.1 or,  
43 if the period is for 90 days or less, to a local confinement facility, except as provided for in  
44 G.S. 148-32.1(b).

45 If a person is sentenced to imprisonment for a misdemeanor under this Article or for  
46 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge may make a finding  
47 of fact as to whether the person would be suitable for placement in a county satellite jail/work  
48 release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of  
49 fact that the person would be suitable for placement in a county satellite jail/work release unit  
50 and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the

1 local confinement facility may transfer the misdemeanant to a county satellite jail/work release  
2 unit.

3 If the person sentenced to imprisonment is under the age of 18, the person must be committed  
4 to a Division of Adult Correction and Juvenile Justice detention facility or to a detention facility  
5 approved by the Division of Adult Correction and Juvenile Justice for operation as a juvenile  
6 detention facility. Personnel of the Juvenile Justice Section of the Division, or personnel  
7 approved by the Juvenile Justice Section, shall transport the person to the detention facility.

8 (b) A person sentenced to imprisonment for a felony under this Article or for nonpayment  
9 of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the  
10 term designated by the court to the custody of the Division of Adult Correction and Juvenile  
11 Justice of the Department of Public Safety.

12 (c) Repealed by Session Laws 2014-100, s. 16C.1(b), effective October 1, 2014. See  
13 Editor's note for applicability.

14 (d) Notwithstanding any other provision of law, when the sentencing court, with the  
15 consent of the person sentenced, orders that a person convicted of a misdemeanor be granted  
16 work release, the court may commit the person to a specific prison facility or local confinement  
17 facility or satellite jail/work release unit within the county of the sentencing court in order to  
18 facilitate the work release arrangement. When appropriate to facilitate the work release  
19 arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners,  
20 commit the person to a specific local confinement facility or satellite jail/work release unit in  
21 another county.

22 (e) Repealed by Session Laws 2014-100, s. 16C.1(b), effective October 1, 2014. See  
23 Editor's note for applicability.

24 (f) A person sentenced to imprisonment of any duration for impaired driving under  
25 G.S. 20-138.1, other than imprisonment required as a condition of special probation under  
26 G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant  
27 Confinement Program established under G.S. 148-32.1.

28 If the person sentenced to imprisonment is under the age of 18, the person must be committed  
29 to a Division of Adult Correction and Juvenile Justice detention facility or to a detention facility  
30 approved by the Division of Adult Correction and Juvenile Justice for operation as a juvenile  
31 detention facility. Personnel of the Juvenile Justice Section of the Division, or personnel  
32 approved by the Juvenile Justice Section, shall transport the person to the detention facility."

33 **SECTION 4.(d)** G.S. 153A-218 reads as rewritten:

34 "**§ 153A-218. County confinement facilities.**

35 A county may establish, acquire, erect, repair, maintain, and operate local confinement  
36 facilities and may for these purposes appropriate funds not otherwise limited as to use by law.  
37 Subject to the holdover provisions in G.S. 7B-2204, no person under the age of 18 may be held  
38 in a county confinement facility unless an agreement exists between the county confinement  
39 facility and the Division of Adult Correction and Juvenile Justice that allows for the housing of  
40 persons under the age of 18 at the facility or a portion of the facility has been approved by the  
41 Division of Adult Correction and Juvenile Justice as a juvenile detention facility. A juvenile  
42 detention facility may be located in the same facility as a county jail provided that the juvenile  
43 detention facility meets the requirements of this Article and G.S. 147-33.40."

44 **SECTION 4.(e)** This section becomes effective July 1, 2020, and applies to offenses  
45 committed on or after that date.

46 **SECTION 6.(a)** G.S. 113-273, as amended by S.L. 2019-204, reads as rewritten:

47 "**§ 113-273. Other licenses.**

48 ...

49 (l) Wildlife Control Agent License. – ~~Any~~ An individual who engages in wildlife damage  
50 control or wildlife removal activities, including bat eviction, for compensation, including  
51 reimbursement for the cost of materials, shall first procure a wildlife control agent license. This

1 is an annual license issued by the Wildlife Resources Commission for fifty dollars (\$50.00). This  
2 license shall not be required for licensed trappers taking wild animals during the established  
3 trapping season for that species. The Wildlife Resources Commission is authorized by rule to set  
4 standards for and to license wildlife control agents.

5 (l) Wildlife Control Technician Certification. – An employee of a wildlife control agent  
6 who engages in wildlife damage control or wildlife removal activities, including bat eviction, for  
7 compensation, including reimbursement for the cost of materials, shall first procure a wildlife  
8 control technician certification. This is an annual certification issued by the Wildlife Resources  
9 Commission. The Wildlife Resources Commission shall not charge a fee for this certification.  
10 This certification shall not authorize the individual to issue depredation permits. This certification  
11 shall not be required for licensed trappers taking wild animals during the established trapping  
12 season for that species. The Wildlife Resources Commission may adopt rules to certify and set  
13 standards for wildlife control technicians.

14 (m) Alligator Control Agent Certification. – ~~In addition to the wildlife control agent~~  
15 ~~license, any~~ Any individual who engages in alligator damage control or removal activities for  
16 compensation, including reimbursement for the cost of materials, shall first procure an alligator  
17 control agent ~~certification.~~ certification in addition to a wildlife control agent license or wildlife  
18 control technician certification. This is an annual certification issued by the Wildlife Resources  
19 Commission for twenty-five dollars (\$25.00). The Wildlife Resources Commission is authorized  
20 by rule to set standards for and to certify alligator control agents. This certification does not  
21 include privileges conveyed with an endangered species permit. The endangered species permit  
22 shall be obtained prior to conducting activities under the authorization of this certification."

23 **SECTION 6.(b)** This section becomes effective November 1, 2019.

24 **SECTION 7.** G.S. 113-276(o), as enacted by Section 12 of S.L. 2019-204, reads as  
25 rewritten:

26 "(o) An eligible member of a volunteer fire department for five consecutive fiscal years,  
27 including the prior fiscal year, may be issued any adult resident lifetime license issued and  
28 administered by the Wildlife Resources Commission for fifty percent (50%) of the applicable  
29 license fee amount. For purposes of this subsection, the term "eligible member" means an  
30 individual appearing as a volunteer on the certified roster of eligible firefighters submitted to the  
31 North Carolina State Firefighters' Association under G.S. 58-86-25."

32 **SECTION 8.** Article 14A of Chapter 115C of the General Statutes is amended by  
33 adding a new section to read:

34 **"§ 115C-218.37. Public approval for private activity bonds.**

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

36 (1) Charter school facility. – Real property, personal property, or both that is used  
37 or intended for use in connection with the operation of a charter school.

38 (2) Applicable elected representative. – An elected official of a governmental unit  
39 having jurisdiction over the area in which a charter school facility is located,  
40 as defined in Section 147(f)(2) of the Internal Revenue Code (26 U.S.C. §  
41 147(f)(2)).

42 (b) The Superintendent of Public Instruction is hereby designated as an applicable elected  
43 representative who may approve the issuance of one or more private activity bonds to finance or  
44 refinance a charter school facility, after a public hearing following reasonable public notice, in  
45 accordance with Section 147(f) of the Internal Revenue Code (26 U.S.C. § 147(f)) and applicable  
46 State and federal laws and regulations. Procedures for the public hearing shall be determined by  
47 the Superintendent of Public Instruction, and the public hearing shall be conducted by the  
48 Superintendent, or his or her designee, in the county where the charter school facility is or will  
49 be located."

50 **SECTION 9.(a)** G.S. 148-19.3 reads as rewritten:

51 **"§ 148-19.3. Health care services to county prisoners.**

1 (a) All charges that are the responsibility of the transferring county for health care  
2 services provided to prisoners held under a safekeeping order pursuant to ~~G.S. 162-39~~  
3 G.S. 162-39, or the Statewide Misdemeanor Confinement Program pursuant to G.S. 148-32.1,  
4 shall not be paid by the Department and shall be submitted by the health care provider to the  
5 Inmate Medical Costs Management Plan through the North Carolina Sheriffs' Association for the  
6 Plan to review and negotiate all charges for health care services to avoid overpayment and reduce  
7 overall health care service costs. The Department shall notify the health care provider when  
8 services are being provided to the prisoner that the invoice for health care services shall be  
9 submitted by the provider directly to the Plan. In the event an invoice is sent to the Department  
10 by a health care provider for health care services provided to a safekeeper under this ~~section,~~  
11 section or G.S. 148-32.1, the Department shall forward the invoice to the Plan within three days  
12 of receipt. All unreimbursed charges for health care services provided shall be documented and  
13 presented to the county for payment in accordance with ~~G.S. 162-39, G.S. 162-39 or the~~  
14 Statewide Misdemeanor Confinement Program in accordance with G.S. 148-32.1. Upon  
15 expiration of the terms of the order and a determination that the prisoner may be safely returned  
16 to the custody of the county, the Department shall notify the sheriff, or the sheriff's designee, by  
17 telephone and electronic mail and request the transfer of the prisoner to the custody of the county.

18 (b) The Department shall update the medical services schedule of charges assessed to  
19 counties for the provision of health care services to county prisoners housed in the State prison  
20 system pursuant to safekeeping orders under ~~G.S. 162-39, G.S. 162-39 or the Statewide~~  
21 Misdemeanor Confinement Program under G.S. 148-32.1. In updating the schedule of charges,  
22 at a minimum, the Department shall consider the actual rate for services provided and current  
23 established Medicaid rates for respective services. The schedule of charges shall be updated  
24 annually and shall be included in the Department's policies and procedures. The Department shall  
25 assess charges to counties for health care services provided to county prisoners at all State prison  
26 facilities."

27 **SECTION 9.(b)** G.S. 148-32.1(b3) reads as rewritten:

28 "(b3) The custodian of a local confinement facility may request a judicial order to transfer  
29 a misdemeanant housed pursuant to the Statewide Misdemeanant Confinement Program to a  
30 facility operated by the Division of Adult Correction and Juvenile Justice by certifying in writing  
31 to the clerk of the superior court in the county in which the local confinement facility is located  
32 ~~that~~that one of the following conditions is met:

- 33 (1) The misdemeanant poses a security risk because the misdemeanant:  
34 a. Poses a serious escape risk;  
35 b. Exhibits violently aggressive behavior that cannot be contained and  
36 warrants a higher level of supervision;  
37 c. Needs to be protected from other inmates, and the county jail facility  
38 cannot provide such protection;  
39 d. Is a female or a person 18 years of age or younger, and the county jail  
40 facility does not have adequate housing for such prisoners;  
41 e. Is in custody at a time when a fire or other catastrophic event has  
42 caused the county jail facility to cease or curtail operations; or  
43 f. Otherwise poses an imminent danger to the staff of the county jail  
44 facility or to other prisoners in the facility.
- 45 (2) The misdemeanant requires medical or mental health treatment that the county  
46 decides can best be provided by the Division of Adult Correction and Juvenile  
47 Justice.
- 48 (3) The local confinement facility that would be required to house the prisoner (i)  
49 cannot reasonably accommodate any more prisoners due to segregation  
50 requirements for particular prisoners, or the local facility does not meet the

1 minimum standards published pursuant to G.S. 153A-221, and (ii) no other  
2 local confinement facility is available.

3 Upon receiving such request and certification in writing, any superior or district court judge  
4 for the district in which the local confinement facility is located may, after ascertaining that the  
5 request meets the criteria set forth in subdivision (1), (2), or (3) of this subsection, order the  
6 misdemeanor transferred to a unit of the State prison system designated by the Secretary of  
7 Public Safety or the Secretary's authorized representative. Individuals meeting the condition set  
8 forth in subdivision (2) of this subsection may be ordered to be transferred for an initial period  
9 not to exceed 30 days. The sheriff of the county from which the prisoner is removed shall be  
10 responsible for conveying the prisoner to the prison unit where the prisoner is to be held, and for  
11 returning the prisoner to the jail of the county from which the prisoner was transferred. The  
12 officer in charge of the prison unit designated by the Secretary of Public Safety shall receive  
13 custody of the prisoner in accordance with the terms of the order. Prior to the conclusion of the  
14 30-day period, the Division of Adult Correction and Juvenile Justice shall conduct an assessment  
15 of treatment and venue needs. The assessment shall be conducted by the attending medical or  
16 mental health professional and shall assess the medical and mental health needs of the prisoner  
17 and make a recommendation on whether the prisoner should remain in the custody of the Division  
18 of Adult Correction and Juvenile Justice of the Department of Public Safety or if the prisoner  
19 should be returned to the custody of the county. To extend the order beyond the initial 30-day  
20 period, the sheriff shall provide the Division of Adult Correction and Juvenile Justice assessment  
21 and any other relevant information to the resident judge or the superior court or any judge holding  
22 superior court in the district or any district court judge who shall determine whether to extend  
23 the transfer of the prisoner to a unit of the State prison system beyond the initial 30-day period.  
24 If the judge determines that the prisoner should remain in the custody of the Division of Adult  
25 Correction and Juvenile Justice, the judge shall renew the order and include a date certain for  
26 review by the court. Prior to the date of review, the Division shall conduct a reassessment of  
27 treatment and venue needs and the sheriff shall provide the reassessment and any other relevant  
28 information to the court, as described in this subsection. If the judge determines that the prisoner  
29 should not remain in the custody of the Division of Adult Correction and Juvenile Justice, the  
30 officer in charge of the prison unit designated by the Secretary of Public Safety shall release  
31 custody of the prisoner in accordance with the court order and the instructions of the attending  
32 medical or mental health professional. The Division of Adult Correction and Juvenile Justice  
33 shall be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of  
34 housing the misdemeanor, including the care, supervision, and transportation of the  
35 misdemeanant."

36 **SECTION 9.(c)** This section becomes effective December 1, 2019, and applies to  
37 all prisoners transferred on or after that date.

38 **SECTION 10.(a)** Section 4.1 of S.L. 2018-80 reads as rewritten:

39 **"SECTION 4.1.** Sections 1.2 and 1.3 of this act become effective October 1, 2018, and apply  
40 to instruments presented for registration on or after that date. Section 2.1 of this act becomes  
41 effective December 1, 2019, and applies to deeds and deeds of trust presented for registration on  
42 or after that date. Section 2.2 of this act becomes effective December 1, 2019, and applies to all  
43 instruments entered into on or after that date. Section 3.1 of this act becomes effective October  
44 1, 2018. The remainder of this act is effective when this act becomes law and applies to mortgages  
45 and deeds of trust entered into before, on, or after that date."

46 **SECTION 10.(b)** G.S. 47-17.1 reads as rewritten:

47 **"§ 47-17.1. Documents registered or ordered to be registered in certain counties to**  
48 **designate draftsman; exceptions.**

49 The register of deeds of any county in North Carolina shall not accept for registration, nor  
50 shall any judge order registration pursuant to G.S. 47-14, of any deeds or deeds of trust, executed  
51 after January 1, 1980, unless the first page of the deeds or deeds of trust bears an entry showing

1 the name of either the person or law firm who drafted the instrument. This section shall not apply  
2 to other instruments presented for registration. For the purposes of this section, the register of  
3 deeds shall accept the written representation of the individual presenting the deed or deed of trust  
4 for registration, or any individual reasonably related to the transaction, including, but not limited  
5 to, any employee of a title insurance company or agency purporting to be involved with the  
6 transaction, that the individual or law firm listed on the first page is a validly licensed attorney  
7 or validly existing law firm in this State or another jurisdiction within the United States. the drafter  
8 of the deed or deed of trust. The register of deeds shall not be required to verify or make inquiry  
9 concerning the capacity or authority of the person or entity shown as the drafter on the  
10 instrument."

11 **SECTION 11.(a)** Section 1 of S.L. 2019-98 reads as rewritten:

12 **"SECTION 1.** During the waterfowl seasons established by the Wildlife Resources  
13 Commission, it shall be unlawful to ~~leave unattended or unoccupied~~ do any of the following:

14 (1) Leave or place any equipment or vessels that may be used for the purpose of  
15 taking migratory waterfowl, including, but not limited to, mobile or temporary  
16 blinds, layout boats, and decoys, ~~prior to 4:00 A.M. each day. All such~~  
17 ~~unattended equipment and unoccupied vessels must be removed by~~ between  
18 two hours after sunset and 4:00 A.M. each day unless remaining on a portion  
19 of the shoreline or attached to a dock as authorized by the owner of the  
20 shoreline or dock.

21 (2) Leave unattended or unoccupied any equipment or vessels that may be used  
22 for the purpose of taking migratory waterfowl, including, but not limited to,  
23 mobile or temporary blinds, layout boats, and decoys between 4:00 A.M. and  
24 two hours after sunset each day unless remaining on a portion of the shoreline  
25 or attached to a dock as authorized by the owner of the shoreline or dock."

26 **SECTION 11.(b)** This section is effective when it becomes law and applies to  
27 offenses committed on or after that date.

28 **SECTION 12.(a)** Section 4(c) of S.L. 2019-158 is repealed.

29 **SECTION 12.(b)** G.S. 15A-151.5(a) reads as rewritten:

30 "(a) Notwithstanding any other provision of this Article, the Administrative Office of the  
31 Courts shall make all confidential files maintained under G.S. 15A-151 electronically available  
32 to all prosecutors of this State if the criminal record was expunged on or after July 1, 2018, under  
33 any of the following:

34 ...  
35 (7a) G.S. 15A-145.9 Expunction of records of certain offenses committed by  
36 human trafficking victims.

37 ...."

38 **SECTION 12.(c)** If House Bill 966, 2019 Regular Session, becomes law, then  
39 Section 15.8 is repealed.

40 **SECTION 12.(d)** This section is effective July 1, 2019.

41 **SECTION 13.** The lead-in language for Section 3(e) of S.L. 2019-176 reads as  
42 rewritten:

43 **"SECTION 3.(e)** G.S. 147-69.2(15) ~~is amended by adding a new subdivision to read:~~ reads  
44 as rewritten:"

45 **SECTION 14.** Section 20(d) of S.L. 2019-182 reads as rewritten:

46 **"SECTION 20.(d)** ~~Subsections (a) and Subsection (a)~~ of this section becomes effective  
47 February 1, 2020. Subsection (b) of this section ~~become~~ becomes effective December 1, 2019.  
48 The remainder of this section is effective when it becomes law."

49 **SECTION 15.** Section 1 of S.L. 2019-205 reads as rewritten:

1 "SECTION 1. There is created the Joint Legislative Study Committee on Small Business  
2 Retirement Options (the Committee). The Committee shall consist of ~~10~~12 members appointed  
3 as follows:

- 4 (1) ~~One Representative~~Two Representatives appointed by the Speaker of the  
5 House of ~~Representatives who~~Representatives, one of whom shall serve as a  
6 cochair to the Committee.
- 7 (2) ~~One Senator~~Two Senators appointed by the President Pro Tempore of the  
8 ~~Senate who~~Senate, one of whom shall serve as a cochair to the Committee.
- 9 (3) One Representative appointed by the Minority Leader of the House of  
10 Representatives.
- 11 (4) One Senator appointed by the Minority Leader of the Senate.
- 12 (5) The Treasurer or the Treasurer's designee.
- 13 (6) The Secretary of Revenue or the Secretary's designee.
- 14 (7) Two members of the public appointed by the Speaker of the House of  
15 Representatives, one of whom is an individual representing an organization  
16 for older adults and one of whom is a retiree with professional knowledge of  
17 and experience working in the private retirement services industry.
- 18 (8) Two members of the public appointed by the President Pro Tempore of the  
19 Senate, one of whom is a business owner and one of whom is a labor  
20 advocate."

21 **SECTION 16.** If Senate Bill 553, 2019 Regular Session, becomes law, then the  
22 header for Section 26 reads as rewritten:

23 "~~ALLOW CERTAIN USES~~ USE OF FLOOD HAZARD AREAS WITH NO RISE  
24 CERTIFICATIONS FOR AQUACULTURE IN CERTAIN CIRCUMSTANCES"

25 **SECTION 17.** Notwithstanding any provision of law to the contrary, and by July 1,  
26 2020, the Administrative Office of the Courts shall expand access to its automated electronic  
27 information management system for juvenile courts, JWise, to include legal assistants in district  
28 attorney offices. Access shall be limited to examining electronic records related to juvenile  
29 delinquency information. Other information contained in JWise, such as any records pertaining  
30 to abuse, neglect, and dependency or termination of parental rights, shall not be made available  
31 to a legal assistant through JWise.

32 **SECTION 18.(a)** The Department of Transportation shall defend, indemnify, and  
33 hold harmless both of the following:

- 34 (1) The City of Wilmington against any claims, civil actions, and proceedings  
35 related to or arising out of the City of Wilmington's adoption, filing, or  
36 amendment of a transportation corridor official map pursuant to Article 2E of  
37 Chapter 136 of the General Statutes.
- 38 (2) The Wilmington Urban Area Metropolitan Planning Organization and its  
39 members against any claims, civil actions, and proceedings related to or  
40 arising out of the Wilmington Urban Area Metropolitan Planning  
41 Organization's adoption, filing, or amendment of a transportation corridor  
42 official map pursuant to Article 2E of Chapter 136 of the General Statutes.

43 **SECTION 18.(b)** This section is effective June 21, 2019.

44 **SECTION 18A.(a)** The funds allocated to Big Brothers Big Sisters, Triangle  
45 Residential Options for Substances Abusers, Inc. (TROSA), and the Boys and Girls Clubs under  
46 Section 11A.14(e) of S.L. 2017-57, and the funds allocated to Cross Trail Outfitters under Section  
47 11A.14(e1) of S.L. 2017-57, as amended by Section 11A.4 of S.L. 2018-5, shall be allocated to  
48 the same recipients and in the same amounts for the 2019-2020 fiscal year.

49 **SECTION 18A.(b)** If House Bill 966, 2019 Regular Session becomes law, then this  
50 section is repealed.

1           **SECTION 19.** G.S. 143B-135.234(c)(1), as amended by S.L. 2019-32, reads as  
2 rewritten:  
3           "(1) To acquire land for riparian buffers for the purposes of providing  
4 environmental protection for surface waters and drinking water supplies and  
5 establishing a network of riparian greenways for environmental, educational,  
6 and recreational uses."  
7           **SECTION 20.** Except as otherwise provided, this act is effective when it becomes  
8 law.