

Courts, Justice, and Corrections

See full summary documents for additional detail

H26 - Workers' Comp/Approval of Disputed Legal Fees. (SL 2017-124)

S.L. 2017-124 provides that if an employer has begun paying workers compensation benefits pursuant to a Commission-approved agreement with its injured employee, the employee is not entitled to compensation for additional medical treatment for a condition or injury not identified in the agreement, unless the employee provides that the injury or condition is causally related to the compensable injury. The act also requires the Commission to give notice of the amount of the approved attorneys' fees in a workers' compensation case to all attorneys who represented the injured worker. This act became effective July 20, 2017, and applies to claims accrued or pending on or after that date.

H100 - Restore Partisan Elections/Sup. & Dist. Court. (SL 2017-3)

S.L. 2017-3 provides that elections of superior court and district court judges are to be conducted in a partisan manner.

This act is effective with respect to primaries and elections held on or after January 1, 2018.

H229 - GSC Technical Corrections 2017.

Sec. 38: Conditional Discharge for Paraphernalia. (SL 2017-102)

Section 38 of S.L. 2017-102 corrects a citation and reinstates the misdemeanor of possession of marijuana paraphernalia as eligible for conditional discharge. In 2014, the General Assembly enacted G.S. 90-113.22A separating the possession of marijuana paraphernalia from the possession of all other drug paraphernalia but failed to add the new separate offense to the statute authorizing conditional discharge.

This section became effective July 12, 2017.

H236 - NCAOC Omnibus Bill. (SL 2017-158)

S.L. 2017-158 makes numerous changes to law governing the administration of the General Courts of Justice.

In addition to other technical and clarifying changes, the act: validates documents that are filed with a missing date stamp; provides for removal of disbarred or suspended attorneys serving as estate administrators or guardians; simplifies the process of appointing interim guardians in incompetency proceedings; clarifies the rules for filing inventory, accounting, and tax returns; permits clerks of court to hear certain civil contempt cases; permits the appointment of an assistant to a district attorney who has a conflict of interest in a criminal case; streamlines the process of issuing service of process on behalf of indigent inmates; clarifies the procedure for termination of sex offender registration resulting from a conviction in federal court; authorizes establishment of a records retention schedule for audio recordings

in cases involving juveniles; permits various State officials to perform pro bono legal work; authorizes the Administrative Office of the Courts (AOC) to redact identifiable or financial information from images or copies of publicly accessible official records; directs the AOC to report its recommendations to the General Assembly on the establishment of an arbitration and mediation program for the North Carolina Business Court; adds a district attorney member to the Dispute Resolution Commission (DRC), clarifies the uses to which fees collected by the DRC may be used; modifies DRC disciplinary procedures for mediators and mediator training programs; and makes other technical and clarifying changes.

The act became effective July 21, 2017; the act's provisions relating to petitions to terminate sex offender registration apply to petitions filed on or after that date.

H239 - Reduce Court of Appeals to 12 Judges. (SL 2017-7)

S.L. 2017-7:

- Reduces the Court of Appeals from 15 to 12 judges by abolishing the first three seats that become vacant on or after January 1, 2017, prior to expiration of the incumbent's term.
- Provides an appeal of right directly to the North Carolina Supreme Court from orders regarding class action certification and orders terminating parental rights or denying a motion or petition to terminate parental rights.
- Permits review by the North Carolina Supreme Court before determination by the Court of Appeals when the subject matter is important in overseeing the jurisdiction and integrity of the court system.

The provisions of the act allowing appeals of right directly to the Supreme Court from orders relating to the termination of parental rights becomes effective January 1, 2019, and applies to appeals filed on or after that date. The remainder of the act became effective April 26, 2017.

H343 - Enforcement of Domestic Violence Protective Order on Appeal. (SL 2017-92)

S.L. 2017-92 clarifies that a valid protective order which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. This act becomes effective October 1, 2017.

H362 - Changes to the Juvenile Code. (SL 2017-161)

S.L. 2017-161 makes various changes to the juvenile code related to abuse, neglect, and dependency. The act becomes effective October 1, 2017.

H464 - Revise Schedule of Controlled Substances. (SL 2017-115)

S.L. 2017-115 amends the classification of controlled substances and creates a Task Force on Sentencing Reforms for Opioid Drug Convictions. The classification changes become effective December 1, 2017,

and apply to offenses committed on or after that date and the task force provision became effective July 18, 2017.

S88 - Landlord/Tenant-Alias & Pluries Summary Eject. (SL 2017-143)

S.L. 2017-143 allows a plaintiff to request that a claim for summary ejectment be severed from a claim for monetary damages where there is no personal service of process. It also codifies that a party in a small claim action or in an action appealed for a trial de novo in district court is not required to be represented by an attorney. This act became effective October 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.17: Industrial Commission Service of Process. (SL 2017-57)

Sec. 15.17 of S.L. 2017-57 provides that the Industrial Commission may send notice of an award by any class of prepaid U.S. mail, or electronic mail, and makes other technical changes.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.18: Industrial Commission Expense Carryforward. (SL 2017-57)

Sec. 15.18 of S.L. 2017-57 does the following:

- Enables the North Carolina Industrial Commission (Commission) to carry forward up to \$250,000 of State funds appropriated in the 2015-2016 fiscal year for legal services. This includes the employment and supervision of private counsel. This provision became effective June 30, 2017.
- Allows the Commission to utilize \$300,000 of funds appropriated to it in the 2017-2018 fiscal year for private legal services, litigation-related expenses, and the defense of members in his or her official capacity arising from S.L. 2016-125. S.L. 2016-125 consolidated the functions of elections, campaign finance, lobbying, and ethics under one state agency by creating the North Carolina Bipartisan State Board of Elections and Ethics Enforcement. This provision became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.19: Industrial Commission Case Management Systems. (SL 2017-57)

Sec. 15.19 of S.L. 2017-57 does the following:

- Provides that the North Carolina Industrial Commission (Commission) must coordinate with the Department of Information Technology and other State agencies to replace the Commission's

case management systems, by assessing system requirements and finding the most cost-effective means for doing so.

- Allows the Commission to retain additional revenue of up to \$1,200,000 from the fee charged to parties for filing compromise settlement agreements. This revenue is to be used for the purpose of replacing and maintaining the Commission's case management systems and related expenditures. This fee retention authorization will expire on June 30, 2021.
- Provides that out of funds appropriated to the Commission in the 201y budget, \$750,000 in nonrecurring funds for each year of the 2017-2019 fiscal biennium must be allocated for the purpose of maintaining the Commission's case management systems and related expenditures. For the 2019-2021 fiscal biennium only, the Director of State budget must also include \$750,000 in nonrecurring funds for each year of the 2019-2021 fiscal biennium for case management systems and related expenses.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.19A: Transfer Industrial Commission to Department of Insurance. (SL 2017-57)

Sec. 15.19A of S.L. 2017-57 transfers the Industrial Commission (Commission) to the Department of Insurance (DOI) under a Type II transfer. A Type II transfer means the Commission is now administered under the direction and supervision of DOI, but will exercise all of its prescribed statutory powers independently of the head of DOI. The Commission will continue to maintain its statutory duties and independent operation. Management functions of the Commission will now be performed under the direction and supervision of the head of DOI.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16.3A: Pilot Project to Treat Opiate Overdose. (SL 2017-57)

Section 16.3A of S.L. 2017-57 directs the Department of Public Safety (DPS) and the City of Wilmington to implement a two-year pilot project to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment and to report to the 2019 Session of the General Assembly on the project results.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 16.5: Grant Reporting and Matching Funds. (SL 2017-57)

Section 16.5 of S.L. 2017-57 requires the Department of Public Safety, the Department of Justice, and the Judicial Department to report information regarding grant funds received to the chairs of specific Appropriation Committees of the General Assembly by May 1 of each year. This section also authorizes

the Department of Public Safety to use up to a named sum from available funds to match amounts needed for the State to receive grant funds. This act became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16.6: Expand Crime Victim's Services. (SL 2017-57)

Section 16.6 of S.L. 2017-57 provides up to three thousand dollars (\$3,000) for counseling services to the immediate family of certain victims of violent crime. This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 16.7: Grants for Law Enforcement Cameras. (SL 2017-57)

Section 16.7 of S.L. 2017-57 provides that funds appropriated to the Department of Public Safety for body-worn camera grants in the 2015 Appropriations Act shall not revert, but be used to provide matching grants to local and county law enforcement agencies for body-worn or dashboard cameras and for training and related expenses. The funds shall be administered by the Governor's Crime Commission which shall develop guidelines and procedures that shall include the following requirements and limitations:

- A maximum grant amount of \$100,000.
- Receiving law enforcement agencies must provide one for one matching local funds.
- Grantees must have policies and procedures in place for the operation of body-worn or dashboard cameras, including the proper storage of images obtained by the cameras.

The Governor's Crime Commission is required to report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the grant funds distributed pursuant to this section no later than August 1, 2018.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.1: State Capitol Police/Creation of Receipt-supported Positions. (SL 2017-57)

Section 16B.1 of S.L. 2017-57 authorizes the State Capitol Police to contract with State agencies to create receipt-supported positions to provide security services for buildings occupied by the agencies. The State Capitol Police is required to report annually to the Joint Legislative Oversight Committee on Justice and Public Safety a list of all positions in the State Capitol Police and, for each receipt-supported position, the contract terms. In addition, for all receipt-supported positions, the State Capitol Police must report the creation of the position to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research Division within 30 days of creating the position.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.2: Use of Seized and Forfeited Property. (SL 2017-57)

Section 16B.2 of S.L. 2017-57 provides the following with regard to seized and forfeited assets:

- Assets transferred under federal law to the Department of Justice or the Department of Public Safety shall be credited to the budget and increase the law enforcement resources of the recipient department. Those Departments are required to report to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety any assets received; intended use of assets prior to their use; and an annual report on receipts, expenditures, encumbrances, and availability of assets for the previous fiscal year.
- The Department of Justice and Department of Public Safety are prohibited from using assets transferred under federal law for certain purposes without prior approval of the General Assembly because they may result in additional future expenses for the State.
- State law enforcement agencies are not prohibited from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.
- The Joint Legislative Oversight Committee on Justice and Public Safety is required to study the impact of receipt of assets on law enforcement efforts and report its findings to the 2018 Regular Session of the 2017 General Assembly.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.4: Lieutenant Governor Executive Protection Detail. (SL 2017-57)

Sec. 16B.4 of S.L. 2017-57 creates within the North Carolina Highway Patrol a three-officer Lieutenant Governor Executive Protection Detail which must protect the Lieutenant Governor and his immediate family and perform duties as assigned by the Lieutenant Governor relating to his protection.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.5: Studies to Enhance Public Safety. (SL 2017-57)

Section 16B.5 provides that the Program Evaluation Division will study the Voice Interoperability Plan (VIPER) and FirstNet technology; evaluate the current downtown Raleigh State Government complex's security measures; and report to General Assembly leadership no later than March 1, 2018. The public security information collected is not a public record. This section became effective July, 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.6: 9/11 As First Responders Day. (SL 2017-57)

Section 16B.6 of S.L. 2017-57 declares that September 11 is a legal public holiday, First Responders Day. This section of the act became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.7: SHP Eligible for PSAP Grant/911 Projects. (SL 2017-57)

Section 16B.7 of S.L. 2017-57 provides that the State Highway Patrol is an eligible public safety answering point (PSAP) for purposes of applying to the 911 Board for a grant from the PSAP Grant and Statewide 911 Projects Account.

This section became effective July 1, 2017 and applies to funds collected on or after that date.

S257 - Appropriations Act of 2017.

Sec. 16B.8: Use of State Highway Patrol Logo Permitted. (SL 2017-57)

Section 16B.8 of S.L. 2017-57 authorizes the North Carolina Troopers Association to use all trademarks identifying the North Carolina State Highway Patrol held by the North Carolina Department of Public Safety or its Divisions. The authorized use is limited to purposes that support the State Highway Patrol, employees of the State Highway Patrol, and the family members of the State Highway Patrol.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.9: State Highway Patrol Security Detail for Speaker/President Pro Tempore for State Business. (SL 2017-57)

Section 16B.9 of S.L. 2017-57 authorize the Speaker of the House of Representative and the President Pro Tempore of the Senate to request a security detail from the State Highway Patrol while traveling within the State on State business.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16B.10: Expand SBI Jurisdiction and Establish State Capitol Police. (SL 2017-57)

Section 16B.10 of S.L. 2017-57 adds human trafficking and crimes pertaining to the manufacture, use, false reporting, and hoaxes involving nuclear, biological, or chemical weapons of mass destruction to the list of crimes the State Bureau of Investigation (SBI) is authorized to investigate. This section also relocates the State Capitol Police Section of the State Highway Patrol and establishes it as The State Capitol Police Division within the Department of Public Safety. This section of the act became effective on July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16C.1: Use of Closed Facilities. (SL 2017-57)

Section 16C.1 of S.L. 2017-57 requires the Department of Public Safety, in conjunction with the closing of prisons and youth detention and development centers, to consult with the county or municipality in which the facility is located, elected State and local officials, and State and federal agencies about the possibility of converting the facility to other use, with priority given to converting the facility to other criminal justice use. The Department is also authorized to consult with private for-profit or nonprofit firms.

In addition, this section authorizes the Department to convert closed facilities for purposes of training needs, behavior modification facilities, and transitional housing. The Department is required to report to the Joint Legislative Oversight Committee on Justice and Public Safety 60 days prior to such a conversion on the justification for it, operational requirements, and available resources for staffing and operation, including a five-year projection of any additional funding needs.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16C.2: Reimburse Counties for Housing and Extraordinary Medical Expenses. (SL 2017-57)

Sec. 16C.2 of S.L. 2017-57 authorizes the Department of Public Safety (DPI) to use funds available to it for the 2017-2019 fiscal biennium to reimburse counties up to \$40 per day per prisoner for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system.

DPI must report annually by February 1 of each year to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 17.1: No Hiring of Sworn Staff Positions for NC State Crime Lab. (SL 2017-57)

Section 17.1 of S.L. 2017-57 prohibits the Department of Justice from hiring sworn personnel to fill vacant positions in the North Carolina State Crime Laboratory. This provision does not affect sworn personnel already employed by the Laboratory on the effective date of this section.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 17.2: Company Police Authority. (SL 2017-57)

Section 17.2 of S.L. 2017-57 allows company police to enter into mutual aid agreements and provide temporary assistance to local law enforcement agencies. This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 17.3: PED to Study Allocation of Attorneys Between the Attorney General's Office and Departments.. (SL 2017-57)

Sec. 17.3 of S.L. 2017-57 requires the Program Evaluation Division (PED) to evaluate the allocation and use of attorneys in State government and submit its findings to the Joint Legislative Program Evaluation Oversight Committee (JLPEOC) and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2018.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 17.5: Attorney General's Office Management Flexibility Reduction.. (SL 2017-57)

Sec. 17.5 of S.L. 2017-57 mandates that in allocating the management flexibility reduction required by S.L. 2017-57 for both fiscal years of the 2017-2019 fiscal biennium, the following requirements must be met:

- All reductions from the Department of Justice must only be from fund codes 1991 [Indirect Reserve], 1100 [General Administration], and 1200 [Legal Services].
- Notwithstanding any other provision of law and during the 2017-2019 fiscal biennium, no reductions or transfers can be taken from fund codes 1400 [State Crime Laboratory] and 1500 [Criminal Justice Training and Standards].

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 17.7: Sexual Assault Evidence Collection Kits. (SL 2017-57)

Section 17.7 of S.L. 2017-57 requires each local law enforcement agency to inventory all Sexual Assault Evidence Collection Kits (SAECKS) in its custody; compile specific data; and report findings to the Department of Justice, and State Crime Laboratory no later than January 1, 2018. The State Crime Laboratory must then compile the information provided, and report to the General Assembly no later than March 1, 2018. This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 18A.1: Indigent Defense Services Match for Grants.. (SL 2017-57)

Section 18A.1 of S.L. 2017-57 authorizes Indigent Defense Services (IDS) to use up to \$50,000 from funds available to provide the State matching funds needed to receive grant funds during the 2017-2019 fiscal biennium.

Prior to using funds for this purpose, IDS must report to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18A.2: Public Defender Workload Formula. (SL 2017-57)

Section 18A.2 of S.L. 2017-57 requires Indigent Defense Services, in conjunction with the Administrative Office of the Courts and the National Center for State Courts, to use funds available to it to develop a workload formula for the public defender offices. The report must include the number of public defenders that Indigent Defense Services recommends to be allocated to each public defender office and shall be submitted to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety, and the Senate Appropriations Committee on Justice and Public Safety by May 1, 2018.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 18A.3: Standards for Indigency. (SL 2017-57)

Sec. 18A.3 of S.L. 2017-57 directs the Administrative Office of the Courts, in conjunction with Indigent Defense Services, to study and develop specific statewide standards for determining indigency for defendants, to include a review of the practices of other states regarding determination of indigency, analysis of the cost-effectiveness of alternatives to the status quo, and implementation plans for the

standards agreed upon. A report must be issued to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2018.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.1: Collection of Worthless Checks. (SL 2017-57)

Section 18B.1 authorizes the Judicial Department to use any balance remaining in the Collection of Worthless Check Fund, notwithstanding another provision of law, for specific equipment purchases, reporting details of the purchases to the General Assembly prior to using any funds. This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.2: Grant Funds. (SL 2017-57)

Section 18B.2 authorizes the Administrative Office of the Courts to use up to a named sum from available funds to match amounts needed for the State to receive grant funds after reporting the expenditure to the General Assembly. This act became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.3: Third-Party Access to Court Records Annual Report. (SL 2017-57)

Section 18B.3 of S.L. 2017-57 requires the Director of the Administrative Office of the Courts to report to the House Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on any contracts entered into by the Director with third parties to provide the public with remote electronic access to court records by no later than February 1 of the year following any calendar year in which such contracts were in effect.

This section became effective on June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.4: Business Court Reports. (SL 2017-57)

Section 18B.4 of S.L. 2017-57 requires the Administrative Office of the Courts (AOC) to submit a semiannual report on the activities of each North Carolina business court site to the Chief Justice, to the chairs of the House and Senate Appropriations Committees and the Joint Legislative Oversight Committee, and to all other members of the General Assembly.

This section became effective on June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.5: Digital Forensics Included in Court Costs. (SL 2017-57)

Section 18B.5 of S.L. 2017-57 creates a \$600 court cost in criminal cases payable to the appropriate crime laboratory for the performance of digital forensics, including the seizure, forensic imaging, and acquisition and analysis of digital media.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.6: Fee Waiver. (SL 2017-57)

Section 18B.6 of S.L. 2017-57 provides that no court may waive or remit all or part of any court costs or fines without providing notice and an opportunity to be heard to all government entities directly affected.

This section becomes effective December 1, 2017, and applies to all cases arising on or after that date.

S257 - Appropriations Act of 2017.

Sec. 18B.8: Supreme Court Bicentennial Celebration. (SL 2017-57)

Sec. 18B.8 of S.L. 2017-57 allows the North Carolina Supreme Court to hold sessions in any location across the State in calendar years 2018 through 2020 in honor of the court's bicentennial celebration.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.9: Allocation of Assistant District Attorneys. (SL 2017-57)

Sec. 18B.9 of S.L. 2017-57, as amended by Sec. 5.5 of S.L. 2017-197:

- Eliminates District 9A of the judicial system, effective January 1, 2019;
- Amends allocations of the number of full time assistant district attorneys assigned to various district, effective June 28, 2017;
- Renumbers the prosecutorial districts, effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.10: Eliminate Access to Civil Justice Funds. (SL 2017-57)

Section 18B.10 of S.L. 2017-57 repealed the Access to Civil Justice Act, which provided funding for legal representation of indigent persons in certain kinds of civil matters.

This section became effective on April 26, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.11: Modify Emergency Recall Judges. (SL 2017-57)

Section 18B.11 of S.L. 2017-57 provides that:

- The Chief Justice of the Supreme Court shall designate all commissioned emergency judges as either active or inactive.
- Only active emergency judges shall be assigned to hold court.
- The active list of emergency superior and special superior court judges shall be limited to a combined total of 10, but an emergency judge who is assigned to hear and decide complex business cases shall not be counted in this combined total.
- The active list of emergency district court judges shall be limited to 25 emergency judges.
- Emergency judges may be assigned to hold court only in the event of a sitting judge's death, disability, retirement, removal, or recall to active military duty, or in the event of a court case-management emergency.

This section became effective on June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 18B.12: Magistrate/Clerk Staffing Pilot Project. (SL 2017-57)

Sec. 18B.12 of S.L. 2017-57 allows the clerk of superior court in a county, with the written or e-mailed consent of the chief district court judge, to hire one deputy or assistant clerk in lieu of one of the magistrate positions allotted to that county, even if doing so would take the number of magistrate positions in the county below the number of magistrates required for the county by statute. In order to provide accessibility for law enforcement and citizens, the clerk of superior court's office who does this will provide some of the services traditionally provided by the magistrates' office during some or all of the regular courthouse hours.

The Administrative Office of the Courts must report on the results of the pilot project by October 1, 2018, to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety. The report must include the counties participating, a summary of the magisterial tasks assumed by clerks, the estimated cost savings, and recommendations for future expansion.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 24.4: Establish the Joint Select Committee on Judicial Funding. (SL 2017-57)

Sec. 24.4 of S.L. 2017-57 creates the Joint Select Study Committee on Judicial Funding, consisting of five members appointed by the President Pro Tempore of the Senate, at least one of whom must be a member of the Senate, and five members appointed by the Speaker of the House of Representatives, at least one of whom must be a member of the House. The Committee is to study the effects of enacting the first editions of Senate Bills 635 (appropriating funds to provide judicial assistants to all district and superior court judges) and 636 (increasing judicial salaries by twenty percent) of the 2017 Regular Session of the General Assembly, or substantially similar legislation, and other issues the Committee deems relevant regarding State funding provided to the judicial branch.

The Committee must submit a final report on the results of its study, including any proposed legislation, to the General Assembly on or before March 1, 2018. The Committee terminates on March 1, 2018, or upon the filing of the final report, whichever occurs first.

This section became effective June 28, 2017.

S384 - Criminal Law Changes. (SL 2017-176)

S.L. 2017-176 makes the following changes to laws related to criminal law and procedure:

- Makes various changes in the law relating to motions for appropriate relief under Chapter 15A of the General Statutes, as recommended by the North Carolina Courts Commission, and makes clarifying and technical changes to G.S. 7A-451 regarding the entitlement of an indigent person to services of counsel.
- Clarifies what prior criminal convictions may be used to establish habitual felon status and removes the sunset on driver's license eligibility for persons convicted of habitual impaired driving.
- Adds the offense of felony breaking or entering with intent to terrorize or injure to the list of offenses defined as "breaking and entering" for purposes of habitual breaking and entering.
- Creates a process to insure that defendants subject to the fingerprint requirement get fingerprinted.
- Amends the law regarding arrest and Citizen's Warrants.
- Amends the Sheriff's Supplemental Pension Fund.

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

S445 - Expungement Process Modifications. (SL 2017-195)

Effective December 1, 2017, S.L. 2017-195 makes modifications to the various expunction statutes as follows:

- Standardizes the filing procedures for expunction.

- Authorizes prosecutors to access certain records of expunction.
- Allows certain expunged criminal acts to be considered in calculating prior record levels during sentencing for subsequent offenses if the expunction is granted on or after July 1, 2018.
- Reduces the waiting period for certain types of expunctions.
- Makes other modifications to the expunction process.

S547 - Restitution Remission/Notice and Hearing Requirement. (SL 2017-16)

S.L. 2017-16 requires notice and the opportunity for the district attorney and victim to be heard before a judge may order restitution to be remitted. This act becomes effective December 1, 2017 and applies to orders for remission entered on or after that date.

S569 - Uniform Power of Attorney Act. (SL 2017-153)

S.L. 2017-153 adopts the North Carolina Uniform Power of Attorney Act (UPAA), largely replacing existing law governing the creation, interpretation, and application of powers of attorney. With limited exceptions, the UPAA applies to powers of attorney created before, on, or after the effective date of the act, unless its terms clearly express a contrary intent, or unless application of the act would substantially impair the rights of a party. S.L. 2017-153 also repeals superseded statutory provisions and makes conforming changes to related provisions of law.

This act becomes effective January 1, 2018.

S582 - Budget & Agency Technical Corrections.

Sec. 5.1: Prison Industry Enhancement Program Benefits. (SL 2017-212)

Section 5.1 of S.L. 2017-212 provides a workers' compensation coverage wage calculation for inmates in the Prison Industry Enhancement Certification (PIEC) Program, as required by federal law. This act becomes effective December 1, 2017.

S582 - Budget & Agency Technical Corrections.

Sec. 5.2: Duties of the District Attorney. (SL 2017-212)

Section 5.2(a) through (c) of S.L. 2017-212 specify that the district attorney only represents the State in district and superior courts, and restricts the authority of the Attorney General to delegate the duty to represent the State in the Appellate Division.

This act became effective July 1, 2017. Actions taken by the office of a District Attorney related to a criminal appeal delegated to that office on or after July 1, 2017, shall be deemed to have been taken with full legal authority to act on behalf of the State.

S582 - Budget & Agency Technical Corrections.

**Sec. 5.3: Driving While Impaired Misdemeanor Clarifications/Expert Testimony Revisions.
(SL 2017-212)**

Section 5.3 of S.L. 2017-212 amends S.L. 2017-57 by updating the statute of limitations for misdemeanor crimes, and amending the Rules of Evidence related to expert testimony in matters of impairment.

The changes to the statute of limitations in this act become effective December 1, 2017, and apply to offenses committed on or after that date. The amendment to the Rules of Evidence in this act became effective October 8, 2017.