



The Daily Bulletin: 2021-04-12

PUBLIC/HOUSE BILLS

H 53 (2021-2022) [EDUC. CHANGES FOR MILITARY-CONNECTED STUDENTS](#). Filed Feb 3 2021, *AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO THE MILITARY ORDERS OF THE PARENT AND TO CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION.*

AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO THE MILITARY ORDERS OF THE PARENT AND TO CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION. SL 2021-9. Enacted April 9, 2021. Effective April 9, 2021, except as otherwise provided.

Intro. by Cleveland, Bell, Martin.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Military and Veteran's Affairs](#)

H 82 (2021-2022) [SUMMER LEARNING CHOICE FOR NC FAMILIES](#). Filed Feb 15 2021, *AN ACT TO ESTABLISH SCHOOL EXTENSION LEARNING RECOVERY AND ENRICHMENT PROGRAMS IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT TO MITIGATE THE IMPACTS OF COVID-19 ON AT-RISK STUDENTS.*

AN ACT TO ESTABLISH SCHOOL EXTENSION LEARNING RECOVERY AND ENRICHMENT PROGRAMS IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT TO MITIGATE THE IMPACTS OF COVID-19 ON AT-RISK STUDENTS. SL 2021-7. Enacted April 9, 2021. Effective April 9, 2021.

Intro. by Moore, Elmore, Torbett, Zenger.

[UNCODIFIED](#)

[View summary](#)

[Development, Land Use and Housing, Education, Elementary and Secondary Education, Employment and Retirement, Government, State Agencies, Department of Public Instruction, State Government, State Personnel](#)

H 526 (2021-2022) [AUTHORIZE INTERNATIONAL TRADE MARKET PERMIT](#). Filed Apr 12 2021, *AN ACT TO AUTHORIZE AN INTERNATIONAL TRADE MARKET SPECIAL EVENT ABC PERMIT.*

Enacts GS 18B-1002.2, establishing an international trade market event permit. Provides for permit issuance to a *managed food services company*, defined as a company that contracts to provide food services in an international trade market and that possesses a mixed beverages permit for a location within the premises described in the application, to sell or serve malt beverages, unfortified wine, fortified wine, or mixed beverages on specifically defined premises in an international trade market at which the managed food services company is providing services for consumption on premises. Defines *international trade market* as an annual or biannual credentialed event lasting not less than five consecutive days and open only to members of a particular trade or industry. Provides for the permit to be used at two international trade market events of no more than 21 days per event during the duration of the permit. Specifies premises description requirements for the permit application, which

can include multiple buildings and public or private outdoor areas, including streets and sidewalks, subject to local acts. Grants permittees discretion over prohibited area locations and times. Requires clear signage for the defined premises at each event. Establishes a 30-day notification requirement for each international trade market event and duration. Requires notification of the ABC Commission of any change in premises bounds prior to permit expiration. Subjects authority under the permit to local restrictions and authorizations regarding the sale of the type of alcoholic beverage offered for sale or service. Sets the permit fee at \$250.

Allows any international trade market event permit issued in 2021 to be used for three international trade market events of no more than 21 days per event. Sets expiration of 2021 permits on April 30, 2022.

Intro. by Hardister, Moffitt, Faircloth, Brockman.

[GS 18B](#)

[View summary](#)

[Alcoholic Beverage Control](#)

H 527 (2021-2022) [RECOMMIT SCRAP TIRE DISPOSAL FUNDS](#). Filed Apr 12 2021, *AN ACT TO INCREASE LOCAL AND STATE FUNDS FOR MANAGEMENT AND DISPOSAL OF SCRAP TIRES AND THE REMEDIATION OF NUISANCE SCRAP TIRE SITES*.

Amends GS 105-187.19 to require the Secretary of Revenue to quarterly credit 20% of the net proceeds from the scrap tire disposal tax to the General Fund, and distribute the remaining 80% among the counties on a per capita basis (was, 30% credited to the General Fund and 70% distributed to the counties).

Appropriates \$420,000 in recurring funds from the General Fund to the Department of Environmental Quality for 2021-22 to be allocated to the Scrap Tire Disposal Account and used by the Department to clean up scrap tire collection sites that the Department has determined are a nuisance, as authorized in GS 130A-309.64(d).

Effective July 1, 2021.

Intro. by Belk, K. Hall, Iler, Cooper-Suggs.

[APPROP, GS 105](#)

[View summary](#)

[Environment, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality \(formerly DENR\), Tax](#)

H 528 (2021-2022) [DISCLOSURE OF COSMETICS INGREDIENTS](#). Filed Apr 12 2021, *AN ACT TO REQUIRE THAT COSMETICS MANUFACTURERS DISCLOSE ON MANUFACTURER WEBSITES THE FULL LIST OF INGREDIENTS, INCLUDING THE COMPONENT INGREDIENTS OF FRAGRANCES, FLAVORS, AND COLOR ADDITIVES*.

Enacts new GS 106-137.1. Requires cosmetic manufacturers to disclose on their website the name and Chemical Abstract Service Registry Number, in descending order of predominance (ingredients composing less than 1% of a cosmetic may be listed without respect to predominance), of each ingredient in cosmetics manufactured, distributed, or offered for retail sale in this state. Does not require disclosure of the concentration of an ingredient. Violation subjects the manufacturer to civil penalties under GS 160-124.1, but does not constitute misbranding. Violation is not a misdemeanor, notwithstanding GS 106-124. Makes a conforming change to GS 106-124.

Directs the Commissioner of Agriculture, notwithstanding 02 NCAC 09B .0116(o)(148) (Rule) to require cosmetics manufacturers to disclose ingredients as directed by GS 106-137.1. Directs the Board of Agriculture (Board) to amend the Rule consistent with this requirement of the Director, and directs the Board to implement the Rule subject to the requirement of the Director until the effective date of the amendment to the rule. Effective when it becomes law.

Sections 1 and 3 are effective July 1, 2022.

Intro. by Belk, Fisher, Ball, Harrison.

[GS 106](#)

[View summary](#)[Business and Commerce, Health and Human Services, Health](#)

H 529 (2021-2022) [REPEAL RENEWABLE ENERGY PORTFOLIO STANDARD](#). Filed Apr 12 2021, *AN ACT TO REDUCE THE BURDEN OF HIGH ENERGY COSTS ON THE CITIZENS OF NORTH CAROLINA BY ELIMINATING RENEWABLE ENERGY PORTFOLIO STANDARDS AND TO PROVIDE FOR COST RECOVERY BY PUBLIC UTILITIES FOR CERTAIN COSTS OF COMPLIANCE WITH RENEWABLE ENERGY PORTFOLIO STANDARDS.*

Amends GS 62-2 which declares State policy concerning public utility rates, services and operations. Adds the State policy to promote the development of the lowest cost electric power that will promote economic growth by providing public utilities the choice to use any type of energy resource free of State interference or control. Concerning the policy to assure resources necessary to meet future growth through the provision of adequate reliable utility service, removes the qualification that this includes use of the entire spectrum of demand side options, and adds that the availability of resources is at reasonable cost. Eliminates the State policy to seek to adjust the rate of growth of regulated energy supply facilities serving the State to the policy requirements of statewide development. Eliminates the State policy to promote the development of renewable energy and energy efficiency through the implementation of a Renewable Energy and Energy Efficiency Portfolio Standard (REPS).

Makes conforming changes throughout GS 62-133.8 to eliminate reference to REPS. Further modifies the statute as follows. Eliminates the terms *combined heat and power system* and *renewable energy certificate*. Amends the term *demand-side management* to qualify that the included actions by an electric power supplier in the term must be taken with customer approval. Expands the term *new renewable energy facility* to include a hydroelectric power facility that delivers electric power to an electric power supplier (was, limited to those with a generation capacity of 10 megawatts (MW) or less). Similarly, expands the term *renewable energy facility* to include a hydroelectric power facility with a generation capacity of more than 10 MW. Eliminates the exception in *renewable energy source* to now include peat, nuclear energy and fossil fuel in the term.

Amends the provisions concerning control of emissions to require rather than permit the Environmental Management Commission (EMC) to adopt rules to implement the control of emissions provisions of the statute. Eliminates the exemption from the control of emissions provisions for certain new renewable energy facilities. Deems carbon dioxide to not be an air pollutant for the purposes of the provisions governing control of emissions.

Concerning the provisions for cost recovery and customer charges, directs the Commission to allow recovery under the annual rider only for the reasonable and prudent costs incurred prior to July 1, 2021, including costs under renewable energy purchase contracts entered into prior to July 1, 2021, and the costs of construction of renewable energy facilities for which a certificate of public convenience and necessity has been issued by the Commission prior to July 1, 2021. Makes conforming changes throughout subsection (h) to limit all other recovery to charges prior to July 1, 2021. Additionally, no longer includes in *incremental costs* costs incurred to fund research that encourages the development of renewable energy, energy efficiency, or improved air quality not exceeding \$1 million. Eliminates the provisions which provide for an electric power supplier to be conclusively deemed to be in compliance with the requirements of subsections (b) through (f) of the statute (the former REPS).

Makes conforming changes to the charge to the Commission concerning rulemaking for the statute's implementation. Eliminates the Commission's reporting requirements on implementation and compliance with the statute. Amends the Commission's annual reporting requirements to now require submission of a report regarding the cost impact on the production and transmission of electricity for electric power suppliers and their retail customers resulting from the use of renewable resources. No longer requires the inclusion of public comments or consultation with the Department of Environmental Quality.

Makes further conforming and technical changes to the statute.

Prohibits an electric public utility that purchases power from a small power producer pursuant to the identified order of the NC Utilities Commission dated October 11, 2017, from charging its retail customers a rate higher than the rate the electric public utility would have charged based on the lowest cost electric generation available to the electric public utility.

Effective July 1, 2021.

Intro. by Pittman, Cleveland, Kidwell, Brody.

UNCODIFIED, GS 62

[View summary](#)[Environment, Energy, Public Enterprises and Utilities](#)

H 530 (2021-2022) [ESTABLISH NC TEXTILE MUSEUM](#). Filed Apr 12 2021, *AN ACT TO CREATE THE NORTH CAROLINA TEXTILE MUSEUM AND TO APPROPRIATE FUNDS FOR THE SAME*.

Identical to [S 492](#), filed 4/1/21.

Includes whereas clauses. Establishes the NC Textile Museum to fulfill three purposes: to preserve the State's textile industrial heritage and mill village culture; to demonstrate the science, engineering, and technology involved in the industry; and to present it to a wide public audience in an interesting and entertaining way. Adopts the recommendations of the Textile Museum Feasibility Study and directs the Department of Natural and Cultural Resources to work with Randolph Heritage Conservancy, Inc. (Conservancy) to develop and implement a comprehensive plan for the museum and a plan to transfer assets and responsibilities to the State. Appropriates \$500,000 from the General Fund to the Conservancy for each year of the 2021-23 biennium to implement the comprehensive plan for the museum under DNCR supervision. Effective July 1, 2021.

Intro. by McNeill, Hurley.

[APPROP, Randolph](#)

[View summary](#)

[Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\)](#)

H 531 (2021-2022) [TIMESHARE ACT CHANGES](#). Filed Apr 12 2021, *AN ACT TO MAKE CHANGES TO THE NORTH CAROLINA TIMESHARE ACT*.

Amends GS 93A-34 to no longer require applications for private real estate education providers using methods other than only distance education to contain a copy of the bond required by GS 93A-36.

Makes the following changes to Article 4 of GS Chapter 93A, now cited as the North Carolina Timeshare Act." Makes conforming changes throughout to refer to "timeshare" rather than "time share."

Replaces the content of GS 93A-40 to now provide the following. Makes it unlawful to engage or assume to engage in the business of a timeshare salesperson without first obtaining a real estate broker license pursuant to Article 1, unless exempt under GS 93A-2(c)(1) or the timeshares salesperson is the employee of the registered timeshare developer whose income is reported on IRS Form W-2 of the registered timeshare's developer. Makes it unlawful for a timeshare developer to sell or offer to sell a timeshare required to be registered under the Article without first obtaining a certification of registration under Article 4. Makes it a Class 1 felony for a person responsible as a general partner, corporate officer, joint venture, or sole proprietor who intentionally acts as a timeshare developer, allowing the offering of or the sale of timeshares to a purchaser, without first obtaining registration of the timeshare project under the Article. Enumerates nine exemptions from Article 4, including any arrangement, plan, scheme, or method wherein the contractually specified maximum total financial obligations on the owner's part is \$3,000 or less during the entire term of the plan. Amends the definition to *timeshare* set forth in GS 93A-41 to now define the term to mean a *timeshare estate*, defined to mean an arrangement under which the owner acquired a right to occupy a timeshare unit together with ownership of a real property interest, or a *timeshare use*, defined as an arrangement under which the owner received a right to occupy the timeshare unit but did not receive ownership of a real property interest.

Revises and adds to the defined terms of the Article as follows. Adds the following: assessment; Board; closing or close; common expense; conspicuous type; consumer resale timeshares; consumer timeshare reseller; electronic; foreclosing party; interestholder; lead dealer; managing entity; multistate timeshare program; one-to-one use right to use right ratio; owner; personal contact information; regulated party; resale advertiser; resale advertising service; resale broker; resale brokerage services; resale service provider; reservation system; reservation system operator; time share declaration; timeshare estate; timeshare owners' association; timeshare period; timeshare property; timeshare transfer services; timeshare transfer services agreement; transfer service provider; and timeshare use. Modifies or replaces the definitions for the following terms: developer; enrolled; exchange program; independent escrow agent; purchaser; timeshare; timeshare program; and timeshare

project. No longer defines managing agent. Makes changes throughout to refer to "purchaser" and/or "owner" as appropriate in the context given (previously referred to "purchaser" throughout.)

Amends GS 93A-42 to deem a timeshare estate to be an interest in real estate governed by state laws pertaining to real estate (previously deemed a timeshare in which in whole or in part burdens or pertains to real property a real estate interest). Establishes that a timeshare estate includes a right to use a timeshare unit coupled with a freehold estate or an estate for years with a future interest in property, an ownership interest in a condo unit, or a direct or indirect beneficial interest in a trust if the timeshare instrument contains a provision declaring that such interests are real property interests and provided that the trust does not contain any timeshares created in personal property. Allows the owner to register the timeshare instrument, which entitles the owner to GS Chapter 47 protections such as for the recordation of other real property instruments. Makes changes to refer to a "timeshare use," rather than a time share which burdens or pertains to no real property; make conforming changes throughout. Requires the developer to close on the sale of the timeshare estate and record or cause to be recorded a timeshare instrument for timeshare estates located in the State within 180 days following execution of the contract of sale by the purchase so long as all payments made by the purchaser are placed by the developer with an independent escrow agent upon the expiration of the escrow period pursuant to GS 93A-45. Deems a timeshare use not an interest in real property and governed by state laws pertaining to real estate. Requires the developer to deliver an instrument evidencing transfer of the legal title to a timeshare use at closing to the purchaser. Requires closing on the sale of a timeshare use within 180 days following the execution of the contract of sale by the purchaser, so long as all payments made by the purchaser are placed by the developer with an independent escrow agent upon the expiration of the escrow period pursuant to GS 93A-45. Specifies that the developer is not required to close and record the timeshare instrument, or close on the sale of a timeshare use, if the purchaser is in default of the purchaser's obligations under the contract of sale. Subjects recordation requirements to the provisions of the timeshare instrument. Bars developers from selling or closing a sale of any timeshare that would cause the total number of timeshares available for use or sold in the timeshare program to exceed the *one-to-one use night to use right ratio*, defined as the ration of the number of owners eligible to use the timeshare units on a given night to the number of timeshare units available for use within the timeshare program on that night, such that the total number of owners eligible to use the timeshare never exceeds the total number of timeshare units available for use in the timeshare program during that year. Eliminates previous provisions regarding recordation by the developer and duties of the independent escrow agent.

Amends GS 93A-43 to prohibit timeshare owners from maintaining a proceeding for partition of the timeshare unit, timeshare project, or timeshare program in which the timeshare is held.

Replaces the content of GS 93A-44. Enumerates 12 required components of the contract of sale between a developer and a purchaser for the sale and purchase of a timeshare. Requires each developer, prior to executing a contract of sale, to provide the purchaser with a public offering statement and obtain a written acknowledgement of receipt of the public offering statement and any other documents required to be delivered to the purchaser. Lists 21 components the public offering statement must contain, in addition to any other information that the developer discloses. Requires the following documents to be provided to the purchaser, prior to execution of a contract of sale, either attached as an exhibit to the public offering statement or provided as a supplement with the public offering statement: the timeshare declaration; the timeshare owners' association articles of incorporation and bylaws, if applicable; any timeshare unit or timeshare project rules and regulations; and an estimate of the current year's operating budget for the timeshare program. Provides further requirements for multisite timeshare programs. Requires contemporaneously with the execution of a contract of sale by a purchaser, a copy of the contract of sale signed by the purchaser, receipt for the public statement signed by the purchaser, financing documented signed by the purchaser, and any other document signed by the purchaser at the time of execution of the contract of sale. Allows for the purchaser to elect to use electronic means for the execution of the contract and other required documents, as well as electronic delivery of required documents, including the public offering statement. Requires a developer to provide a separate paper or email copy of a purchaser's cancellation rights if the purchaser elects to receive documents electronically at the time of execution of a contract of sale.

Replaces the content of GS 93A-45 as follows. Grants the purchaser the right to cancel the contract of sale until midnight of the later of the fifth day after execution or the receipt of the public offering statements and all other required documents. Bars waiver of the right of cancellation and deems any purported waiver void. Requires the cancellation period to expire prior to closing. Details cancellation procedures for the purchaser and provides for a full refund within 20 days of demand by with purchaser or within five days after receipt of cleared funds from the purchaser, whichever is later. Requires a developer to establish an escrow account with an independent escrow agent prior to a purchaser's execution of the contract of sale. Provides for protection of funds of the purchaser received by the developer or timeshare salesperson prior to closing, either through a trust or escrow account, or, in lieu of escrow requirements, other alternative financial assurances such as a surety bond, subject

to Real Estate Commission (Commission) approval. Describes affidavits the developer must present to the independent escrow agent prior to the release of any escrowed funds. Describes the duties of the independent escrow agent, including retention of any affidavits received for a period of five years. Provides for resolution of conflicting demands of escrowed funds not resolved within 30 days by the independent escrow agent, either by the Commission, an arbitrator, or a court. If a developer fails to provide an owner to whom a timeshare is transferred the cancellation notice required, provides the owner the right to void the transfer and receive all funds paid for the timeshare together with an amount equal to 10% of the sales price of the timeshare, not to exceed \$3,000. Deems a receipt signed by the owner stating that the owner has received the required notice prima facie evidence of delivery of the statement. Specifies that a timeshare declaration or other instrument establishing or governing a timeshare program or an underlying timeshare property regime is not an encumbrance, and does not create a requirement for subordination and notice to creditors instrument.

Amends GS 93A-47, limiting proxies, powers of attorney or similar devices given by the owner of a timeshare regarding voting in a timeshare owners' association to one year in duration (was, regarding the management of the time share program).

Makes technical and clarifying changes to GS 93A-48, regarding exchange programs.

Revises GS 93A-52 as follows. Requires registration of timeshare programs by the developer with the Commission prior to offering any timeshare located in the State in the State. Makes changes throughout the statute and Article to refer to timeshare "program" rather than "project," as appropriate. Requires the application to include copies of proposed timeshare declaration, timeshare program governing documents, public offering statement, form timeshare instrument, form contracts for sale if different, and other documents referred to in the public offering statement (was, copies of proposed time share documents including public offering statements, sale contracts, deeds, and other documents referred therein). Now gives the Commission 30 days rather than 15 days within which to notify the developer that an application is incomplete. Now requires the Commission to, within 60 days (was, 45 days) of receipt of a properly completed application, either issue a certificate of registration or notify the developer by mail or electronic means (was, mail only) of any specified objections to the registration. Requires certificates to be available for inspection upon request by the Commission, and a copy available for inspection by written request from any purchaser or owner (previously required prominent display in the office of the developer on the site of the project only). Requires prompt reporting of any material changes to the information required for registration (previously did not qualify that the changes be material). Excludes transfers of timeshares to purchasers in the ordinary course of business from the duty of the developer to notify the Commission regarding any change in its interest in a registered timeshare program. Adds to the required actions regarding a developer that disposes of or terminates its interest in the timeshare program to require the developer to cease all marketing and sales of timeshares. Allows for renewal of a certificate within 45 days prior to the expiration date by filing an application with and paying the Commission the timeshare program registration renewal fee (previously provided for renewal in June preceding the date of expiration). No longer requires a copy of the exchange program report required under GS 93A-48. Increases the fee for duplicate certificate from \$1 to \$5.

Revises GS 93A-54, which authorizes disciplinary action by the Commission, as follows. More specifically authorizes the Commission to take disciplinary action for violation of the Article's provisions in the offering or sale of a timeshare program to a purchaser. Authorizes the Commission to investigate, on its own motion or on the complaint of any person, the actions of any regulated party or other person or entity who assumes to act in such capacity of a regulated party. Defines *regulated party* as any developer, exchange company, managing entity, timeshare owners' association, timeshare owners' association director or officer, third party management firm, independent escrow agent, lead dealer, resale broker, resale service provider, resale advertiser, timeshare transfer provider, timeshare registrar, any other person having duties or obligations pursuant to the Article, and any of their respective assignees or agents. Following a hearing, authorizes the Commission to suspend or revoke a real estate license issued to a timeshare salesperson or a program broker, or a certificate of registration of a timeshare program issued to a developer, or reprimand or censure a regulated party; fine a regulated party \$500 per violation; or impose other specified penalties permitted by the Article; if the Commission adjudges a regulated party to be guilty of any of the 16 specified violations. Makes conforming changes to reflect the expansion of the Commission's disciplinary authority to regulated parties. Makes conforming changes to reflect the revisions regarding developers' duties with respect to funds received prior to closing. Updates statutory cross-references. Requires each escrow agent to maintain or cause to be maintained complete records pertaining to the deposit, maintenance, and withdrawal of money required to be held in an escrow account (was the duty of the developer); makes these records available for inspection by the Commission periodically without prior notice as well as inspection relating to an investigation of a specific complaint against the independent escrow agent.

Revises GS 93A-57, requiring a developer to record a release of all liens or encumbrances affecting the purchaser's timeshare or the timeshare property prior to any closing. Otherwise, requires either (1) execution and recordation of a subordination and

notice to creditors instrument, as specified, by any interestholders in the timeshare or timeshare property, or (2) make alternative arrangements adequate to protect the rights of the owners of the timeshares and timeshare property, subject to Commission approval. Makes language gender neutral.

Adds the following to GS 93A-58, regarding the designation of a registrar and broker for registered timeshare programs. Makes it a Class E felony for any developer or independent escrow agent to intentionally fail to comply with the Article regarding the establishment of an escrow account, deposits of funds into escrow, and withdrawal therefrom. Deems failure to establish an escrow account to place funds therein as required in the statute prima facie evidence of an intentional and purposeful violation of the new subsection.

Makes clarifying and technical changes to GS 93A-59, which provide for the preservation of an owner's claims and defenses.

Enacts GS 93A-60, providing that if a developer or managing entity has, in good faith, attempted to comply with the Article and the developer has in fact substantially complied, nonmaterial errors or omissions are deemed not actionable and do not give rise to any purchaser cancellation rights provided that the developer or managing entity has the burden of proof under this provision.

Enacts new GS 93A-61 requiring the developer to provide each timeshare program with a managing entity, which must be either the developer, a separate management firm, or timeshare owners' association. Prohibits the managing entity from giving the name, address, e-mail address, or contact information of any owner to any person, unless the person gives written permission to disclose their information. Requires the managing entity to keep, and provide to the Commission upon request a complete list of the names and addresses of all owners in the timeshare program, with the list updated quarterly. Prohibits providing the list to anyone else. Sets out when the list can be used for mailings as well as additional requirements for such mailings. Requires the predecessor in interest, or a transfer service provider for the predecessor in interest, to give the managing entity a copy of the recorded timeshare instrument if the timeshare is a timeshare estate or a copy of the instrument of transfer if the timeshare is a timeshare use, with the name and mailing address of the successor in interest within 15 days after transfer. Requires after the date of transfer that the successor in interest be listed by the managing entity as the owner of the timeshare on the books and records. Requires the managing entity to make the books and records reasonably available for inspection by any owner or an owner's authorized agent. Sets out additional requirements governing the maintenance of books and financial records as well as their disclosure. Requires an owner's consent to provide notices and other information via e-mail. Requires an officer, director, or agent of a timeshare owners' association to discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner they reasonably believe to be in the interests of the timeshare owners' association; creates an exemption from liability for monetary damages unless there is a breach or failure to perform duties, which constitutes a violation of criminal law; a transaction from which the actor derived an improper personal benefit; or recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Sets out additional provisions that apply when a state of emergency has been declared under the North Carolina Emergency Management Act or by any governmental agency with authority where the timeshare property is located.

Enacts GS 93A-62 setting out allowable charges on delinquent assessments. Allows the managing entity to deny the use of the timeshare units or facilities to an owner who is delinquent in the payment of any assessments made by the managing entity against the owner for common expenses; sets out procedures to be followed in these instances. Also allows the managing entity to give further notice to the delinquent owner that the managing entity may rent the delinquent owner's timeshare; sets out procedures to be followed in these instances. Specifies that for timeshare estates located in this state, the managing entity has a lien on a timeshare for any assessment levied against that timeshare from the date such assessment becomes due, as well as on the timeshare estate of any owner for the cost of any maintenance, repairs, or replacement resulting from an act of the owner or the owner's guest or lessee that results in damage to the timeshare property. Sets out provisions governing these liens. Makes a successor in interest jointly and severally liable with their predecessor in interest for all unpaid assessments against the predecessor up to the time of transfer of the timeshare to a successor, without prejudice to any right a successor in interest may have to recover from their predecessor in interest any amounts assessed against the predecessor and paid by the successor. Exempts, however, a first mortgagee or its successor or assignee who acquires due to the foreclosure of the mortgage or by deed in lieu of foreclosure of the mortgage from liability for all unpaid assessments attributable to the timeshare or chargeable to the previous owner which came due prior to acquisition of title by the first mortgagee.

Enacts new GS 93A-63 to require the developer to describe in the timeshare declaration any creation of a reservation system and establish rules and regulations for its operation, taking into account specified issues. Requires the rules to allow for

changes to the system to respond to uses and demand for the units. Sets out actions that may be taken by the reservation system operator when managing and adjusting the system. Sets out procedures governing terminating an agreement with the reservation system operator when the operator is not the timeshare owners' association.

Enacts new GS 93A-64 by setting out multiple items that must be included in the timeshare declaration with respect to (1) addition of timeshare units, amenities, or timeshare projects to the multisite timeshare program or (2) substitution of timeshare units, amenities, or timeshare projects for existing timeshare units, amenities, or timeshare projects in a multisite timeshare program, including the basis for the change and any fiscal impacts, and the extent to which the owners have a right to consent. Sets out items that must be included in a timeshare declaration with respect to deletion of timeshare units, amenities, or timeshare projects, with the requirements dependent upon where the deletion is a result of a casualty or eminent domain.

Enacts new GS 93A-65 requiring a consumer timeshare reseller, or any agent of a reseller, to use a resale purchase contract that contains all of the six specified items including a statement about the assessment amount, a statement about any delinquent assessments or outstanding real estate taxes, and a statement on contract cancellation. Voids the transaction at the purchaser's option for one year if the resale purchase contract does not comply with the statute's requirements.

Enacts new GS 93A-66 setting out the kinds of records that resale service providers, lead dealers, and transfer service providers must keep for three years. Provides that in any civil or criminal action relating to the wrongful possession or wrongful use of personal contact information by a resale service provider or lead dealer, any failure by a resale service provider, transfer service provider, or lead dealer to produce the required records leads to a presumption that the personal contact information was wrongfully obtained. Sets out penalties for the use of wrongfully obtained personal contact information.

Enacts new GS 93A-67 to require a resale service provider to give a consumer timeshare reseller a written description of the following before engaging in resale advertising services: (1) any fees or costs related to the services that the consumer timeshare reseller, or any other person, is required to pay to the resale service provider or to any third party and (2) a description of when the fees or costs are due. Requires a resale service provider to have a license to engage in real estate broker activities. Sets out eight prohibited activities when a resale advertiser offers services, including: stating or implying that the resale advertiser will provide or assist in providing any type of direct sales or resale brokerage services other than the advertising of the consumer resale timeshare for sale or rent by the consumer timeshare reseller; stating or implying to a consumer timeshare reseller that the timeshare has a specific resale value; and engaging in any resale advertising services for compensation or valuable consideration without first obtaining a written brokerage agreement signed by the consumer timeshare reseller. Voids a contract, at the option of the reseller for one year, when a resale service provider uses a contract for resale advertising services that fails to comply with the requirements of this statute. Makes it the duty of the resale service provider to supervise, manage, and control all aspects of the offering of resale advertising services by any agent or employee of the resale service provider; deems any violation of the statute occurring during that offering to be a violation by the resale service provider as well as by the person actually committing the violation.

Enacts new GS 93A-68, setting out six actions that are prohibited in the course of advertising, marketing, promoting, offering, sale, or performance of any timeshare transfer services, including: engaging in any timeshare transfer services for consideration, or the expectation of receiving consideration, without first obtaining a written timeshare transfer services agreement signed by the consumer timeshare reseller; failing to provide a copy of that agreement to the consumer timeshare reseller and the independent escrow agent; and charging or accepting a fee for obtaining, negotiating, arranging, or assisting with obtaining, negotiating, or arranging the voluntary relinquishment of a consumer resale timeshare to a managing entity in lieu of payment of assessments or ad valorem real estate taxes. Sets out requirements governing the reseller's cancellation of the timeshare transfer service agreement. Sets out items that must be included in a timeshare transfer services agreement. Sets out actions that are prohibited when the timeshare transfer services to be provided include relief to be obtained from the consumer timeshare reseller's managing entity, mortgagee, or lienor, by the timeshare transfer service provider. Requires a person providing timeshare transfer services establish an escrow account with an independent escrow agent before entering into any timeshare transfer services agreement, to protect the funds or other property of consumer timeshare resellers required to be escrowed. Requires all funds that are received from or on behalf of a consumer timeshare reseller under a timeshare transfer services agreement to be deposited into the escrow account. Sets out additional requirements related to the escrow account. Makes failure to comply with the provisions concerning the establishment of an escrow account, deposits of funds into escrow, withdrawal therefrom, and maintenance of records a Class E felony. Excludes specified resale brokers, attorneys, and mortgagee or servicer or lienor, or their agents, from the provisions that apply to transfer service providers. Excludes from the statute the transfer of ownership of a consumer resale timeshare from a consumer timeshare reseller to the developer or

managing entity of that timeshare program unless and only to the extent the transfer includes the assistance of a transfer service provider. Provides that only an attorney licensed in this state or any person authorized to perform nonjudicial foreclosures may offer services to a consumer timeshare reseller in connection with an involuntary transfer, or proposed involuntary transfer, of a consumer resale timeshare. Specifies that it is the transfer service provider's duty to supervise, manage, and control all aspects of the offering of timeshare transfer services by any agent or employee of the transfer service provider; deems a violation of this statute that occurs during such offering a violation by the transfer service provider as well as by the person actually committing the violation. Allows an owner, managing entity, or developer to bring an action for injunctive relief and recover their reasonable attorneys' fees and costs against a timeshare service provider for a violation of this statute.

Enacts new GS 93A-69 by setting out requirements to be met in order to extend the term of a timeshare program, including the required percentage of votes, the establishment of a quorum, voting eligibility, the use of a voting proxy, and the effect on projects of a multisite timeshare program.

Enacts new GS 93A-69.1 by setting out requirements to be met in order to terminate the term of a timeshare program, including the required percentage of votes; the impact on the timeshare owners' association; establishing a termination trustee; paying of related fees; procedures for the partition or sale of the property; handling of instances when an underlying property regime is not also terminated; and effect on projects of a multistate timeshare program. Limits this statute's application to a timeshare program that has been in existence for at least 25 years as of the effective date of the termination vote or consent.

Makes conforming and clarifying changes to GS 47C-1-103, GS 53-244.030, and GS 66-232.

Intro. by Howard, Hastings, Moffitt, K. Hall.

GS 47C, GS 53, GS 66, GS 93A

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing

H 532 (2021-2022) [CRIMINAL JUSTICE EQUITY ACT OF 2021](#). Filed Apr 12 2021, *AN ACT TO MAKE CRIMINAL JUSTICE, POLICING, AND JUVENILE JUSTICE REFORM, AND TO APPROPRIATE FUNDS.*

Part I.

Amends GS 17C-20 to open up eligibility for the Criminal Justice Fellows Program (Program) to all counties (was, tier one counties with a population of less than 125,000).

Appropriates \$663,579 in recurring funds for 2021-22 from the General Fund to the Department of Justice to be allocated to the Program for continued recruitment of qualified in-state high school seniors or unemployed/underemployed graduates and to provide them with a forgivable community college loan. Effective July 1, 2021.

Part II.

Amends GS 150B-1 to exempt from rule-making: (1) the Criminal Justice Education and Training Standards Commission with respect to establishing minimum standards for in-service training for criminal justice officers and (2) the Sheriffs' Education and Training Standards Commission with respect to establishing minimum standards for in-service training for justice officers.

Part III.

Amends GS 15A-401(d)(2), which sets out when a law-enforcement officer is justified in using deadly physical force, by making the following changes. Adds that the use of deadly force includes strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck. Adds that a law-enforcement officer who witnesses another law-enforcement officer using excessive force that is not justified or is otherwise abusing a suspect or arrestee has a duty to intervene and to report the use of excessive force or the abuse. Prohibits retaliating against a law enforcement officer that submits such a report. Requires in all circumstances in which a law-enforcement officer uses force of any kind, that a law-enforcement officer use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and attempt to use de-escalation tactics.

Enacts new GS 20-196.6 requiring every State Trooper to have a first aid kit and perform the following when a person in a State Trooper's custody is injured or complains of an injury: (1) render immediate, reasonable medical assistance when it is

safe to do so and (2) contact emergency medical services when appropriate.

Enacts new GS 20-196.7 to require the State Highway Patrol to develop and implement a use of force intervention system to document and track State Trooper actions, behaviors, and citizen complaints on use of force that will help the State Highway Patrol manage personnel by intervening to correct performance. Requires the system to, at a minimum, identify State Troopers who receive two or more citizen complaints of any kind in a single month as well as those who report two or more use of force incidents, or who receive two or more citizen complaints regarding the use of force, in a single quarter. Defines use of force to include include actions taken by law enforcement officers of which the Department of Justice requires data reporting pursuant to GS 114-2.7A (enacted in this act and described below); until it is determined what is to be reported under that statute, use of force encompasses the actions in GS 143B-919(b1)(enacted in this act and described below).

Enacts new GS 20-196.8 requiring the State Highway Patrol to report to the State Bureau of Investigation (SBI) State Trooper use of force information requested by the Department of Justice (DOJ) under new GS 114-2.7A (enacted in this act and described below).

Enacts new GS 20-196.9 requiring the State Highway Patrol to report to the SBI information requested under new GS 143B-929A (enacted in this act and described below) to be included in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service. Failure to report makes the State Highway Patrol ineligible for funding from either the Governor's Crime Commission or the Governor's Highway Safety Program.

Enacts new GS 20-196.10 requiring the State Highway Patrol to use and submit all available data to the National Incident-Based Reporting System, which must be made available to the public on the State Highway Patrol's website.

Enacts new GS 20-196.11 requiring State Troopers to use body-worn and dashboard cameras in all interactions with members of the public, including, but not limited to: traffic stops, pursuits, arrests, searches, interrogations not covered under GS 15A-211, interviews with victims and witnesses, and interactions with inmates of a State correctional facility or local confinement facility. Specifies that this does not apply during undercover operations.

Enacts new GS 74E-10.1 through GS 74E-10.6 enacting the same provisions, applicable to a company police agency. Amends the specified instances in which body-worn and dashboard cameras are to be used to include arrests, searches, interrogations not covered under GS 15A-211, and interviews with victims and witnesses.

Enacts new GS 74G-10.1 through GS 74G-10.6 enacting the same provisions, applicable to a campus police agency. Amends the specified instances in which body-worn and dashboard cameras are to be used by including all interactions listed for State Troopers except interactions with inmates of a State correctional facility or local confinement facility.

Enacts new GS 143B-927.1 through GS 143B-927.5 enacting the same provisions, applicable to the SBI, with the following changes. Requires the SBI to make publicly available law enforcement officer use of force information requested by the Department of Justice pursuant to GS 114-2.7A (other entities in the Part have been required to report such information to the SBI). Enacts new GS 143B-929A requiring the SBI, in consultation with the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission (collectively, Commissions), to participate in the Rap Back Service by submitting requested or necessary information regarding all sworn law enforcement officers with the power to arrest in the state. Requires the Commissions to create a publicly accessible database of law enforcement officers with adverse actions required to be reported to the federal Rap Back Service. Requires all of the law enforcement agencies in the state to provide the SBI information requested under this statute.

Enacts new GS 153A-213 through GS 153A-213.5 enacting the same provisions, applicable to county law enforcement officers, with the following changes. Requires a county, before hiring a county law enforcement officer, to request and review Rap Back Service information from the SBI regarding the applicant.

Enacts new GS 160A-290 through GS 160A-290.5, applicable to city law enforcement officers, with the following changes. Requires a city, before hiring a city law enforcement officer, to request and review Rap Back Service information from the SBI regarding the applicant.

Effective October 1, 2021.

Part IV.

Amends GS 143B-919 by adding the follow. Requires the SBI to investigate and prepare evidence in the event the following officer-involved use of force incidents related to the actions of a sworn law enforcement officer of the State or any local subdivision of the State: (1) an officer discharges the officer's firearm in the performance of the officer's duties; (2) an officer uses force in the performance of the officer's duties that results in the death of a person; (3) an officer is alleged to have sexually assaulted a person in the performance of the officer's duties; (4) an officer is alleged to have committed an act of domestic violence; or (5) a person dies while in the officer's custody. Requires an independent entity to conduct the investigation involving employee of the SBI. Requires reporting an incident that is required to be investigated within 24 hours; makes a law enforcement agency that fails to report ineligible for funds from the Governor's Crime Commission and the Governor's Highway Safety Program until the required report is delivered to the SBI. Repeated failure to report will result in ineligibility for those funds for two years. Requires prosecutions under these provisions to be performed by a Special Prosecutor. Effective October 1, 2021.

Part V.

Enacts new GS 114-2.7A requiring DOJ, in consultation with the Department of Public Safety, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, to develop a uniform definition of law enforcement officer use of force and determine a standard set of data on use of force to be regularly reported to the SBI. Requires all law enforcement agencies in the State to provide the SBI with the information DOJ requires. Requires the SBI to make the information collected on use of force publicly available.

Enacts new GS 114-2.7B. requires all law enforcement agencies in the State to use and submit all available data to the National Incident-Based Reporting System. Requires this data to be publicly available on the law enforcement agency's website.

Enacts new GS 114-2.7C requires all sworn law enforcement officers with the power of arrest to use body-worn and dashboard cameras in all interactions with members of the public, including, but not limited to: traffic stops; pursuits; arrests; searches; interrogations not covered under GS 15A-211; interviews with victims and witnesses; and interactions with inmates of a State correctional facility or local confinement facility. Specifies this does not apply during undercover operations. Gives the law enforcement entities until October 1, 2022, to comply with this section.

Effective October 1, 2021.

Part VI.

Amends GS 15A-242 by making clarifying changes.

Amends GS 15A-244 by adding in new (b) that for an officer to be able to break and enter any premises or vehicle in the execution of a search warrant pursuant to GS 15A-251(b) (when the officer has probable cause to believe that the giving of notice would endanger the life or safety of any person) the application for a search warrant must contain, in addition to the already required elements:(1) a statement that there is probable cause to believe that the giving notice of the execution of the search warrant would endanger the life or safety of any person; (2) allegations of fact particularly setting forth the facts and circumstances establishing probable cause to believe that the giving of notice of the would cause such endangerment. Makes additional clarifying changes.

Amends GS 15A-251 by amending the one of the two circumstances under which an officer may break and enter any premises or vehicle when necessary to execute a warrant, to include when the warrant includes the statement and allegations of fact required by GS 15A-244(b) (was, when the officer has probable cause to believe that the giving of notice would endanger the life or safety of any person).

Makes clarifying changes to the following statutes and makes language gender neutral: GS 15A-245, GS 15A-246, GS 15A-247, GS 15A-249, GS 15A-253, GS 15A-254, and GS 15A-255.

Effective October 1, 2021.

Part VII.

Amends GS 132-1.4A to require, upon request, that a custodial law enforcement agency disclose a recording to a citizens' review board in a closed session with each review board member having signed a confidentiality agreement. Knowing violations o f the confidentiality agreement are a Class 1 misdemeanor. Requires a a custodial law enforcement agency to release a recording involving a critical incident, upon request, after 45 days have passed from the date of the recording, unless

a court finds that release would compromise the integrity of a criminal investigation. Defines a critical incident as an incident involving either (1) the discharge of a law enforcement officer's firearm in the performance of duty when interacting with the public or (2) the use of force by a law enforcement officer that results in death or serious bodily injury. Allows the agency to seek a court order restricting release of the recording; requires the court to restrict the release of only those portions of the recording that are relevant to protecting the integrity of a criminal investigation. Gives the following persons an opportunity to be heard at any proceeding: (1) the head of the custodial law enforcement agency, (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (3) the District Attorney. Effective October 1, 2021.

Part VIII.

Appropriates \$134,540 in recurring funds for each year of the 2021-23 fiscal biennium from the General Fund to the Criminal Justice Education and Training Standards Commission to hire one full-time program manager to continue the development and implementation of the North Carolina Law Enforcement Accreditation Program (Program). Makes the same appropriation to the Sheriffs' Education and Training Standards Commission to continue the development and implementation of the same Program. Makes law enforcement agencies in the State that fail to become accredited under the Program ineligible for funds from the Governor's Crime Commission or the Governor's Highway Safety Program. Requires the Program to require accredited agencies to have written policies on each of the following: use of force, chokeholds, duty to intervene and report, vehicle pursuits, early warning systems, field training programs, and professional standards and conduct. Effective July 1, 2021.

Part IX.

Appropriates \$500,000 from the General Fund to the Department of Justice in recurring funds for each year of the 2021-2023 fiscal biennium for grants to organizations that provide and promote: (1) peaceful strategies to help communities promote public safety; (2) violence prevention programs that treat violence as a public health program; and (3) services such as mediation, mentoring, job training, and counseling to vulnerable populations. Effective July 1, 2021.

Part X.

Directs UNC-Chapel Hill School of Government (SOG) to study (1) which Class 3 misdemeanor offenses have a low impact on public safety, (2) whether the offenses should be reclassified as infractions, and (3) whether low-level traffic offenses should be moved to the Administrative Code and enforced as civil violations by the Division of Motor Vehicles or the Department of Public Safety. Requires consultation with the NC Sentencing and Policy Advisory Commission. Requires SOG to report to the specified NCGA committee by March 7, 2022.

Part XI.

Appropriates \$4.2 million in recurring funds from the General Fund for each fiscal year of 2021-23 to AOC to be used to support the NC Drug Treatment Court Program in creating and sustaining local drug treatment court programs.

Appropriates \$4.2 million in recurring funds from the General Fund for each fiscal year of 2021-23 to AOC to be used to facilitate the creation and funding of new and existing mental health court programs to recommend mental health treatment plans for individuals served by the programs and monitor the progress of the individuals receiving treatment while remaining in the program.

Effective July 1, 2021.

Part XII.

Enacts GS 115C-105.70, defining school resource officer (SRO) as any law enforcement officer assigned to one or more public schools within a public school unit for at least 20 hours per week for more than 12 weeks per calendar year. Provides that SROs are to assist with school safety, school security, emergency preparedness, emergency response, and any other related and assigned responsibilities, consistent with any written memorandum of understanding between the public school unity and the law enforcement agency governing the SRO. Directs the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs' Education and Training Standards Commission (Commissions) to establish initial training and continuing education standards for SROs, in collaboration with the Center for Safer Schools. Requires training on mental health, students with disabilities, racial equity, and crises intervention and de-escalation. Directs SROs to comply with the established training

standards within one year of assignment, and requires all SROs to comply with the established continuing education requirements. Applies to SROs assigned on or after January 1, 2022.

Makes conforming changes to each Commission's duties set forth in GS 17C-6 and 17E-4 to include the duty to establish training and continuing education standards for SROs. Requires the Commissions to establish initial training standards by January 15, 2022.

Requires all SROs assigned before January 1, 2022, to complete initial training by December 31, 2022.

Enacts GS 7B-1802A, requiring an SRO to obtain the signature of a school administrator or school social worker for school-based complaints alleging delinquency initiated prior to referring the complaint to a juvenile court counselor or filing the complaint. Defines school-based complaint as a complaint in which delinquency is alleged to have occurred on school grounds, school property, at a school bus stop, or at an off-campus school-sanctioned event, or whose victim is identified as a school. Requires all school administrators, SROs and school social workers to be trained regarding these provisions. Applies to school-based complaints initiated on or after January 1, 2022, by a SRO.

Part XIII.

Enacts GS 20-24.1(g) to require the Division of Motor Vehicles (Division) to restore a license 12 months after the effective date of revocation pursuant to subsection (a) for either failing to appear at trial or a hearing or to pay court-ordered fines, penalties or other court costs for motor vehicle offenses; excludes revocation orders entered resulting from a charge of impaired driving. Repeals existing subsection (f), which permits application to a court for a limited driving privilege valid for up to one year for licenses revoked due to failure to pay court-ordered fines, penalties, or other court costs for motor vehicle offenses. Makes conforming and clarifying changes. Makes language gender neutral.

Adds to GS 20-7 to authorize the Division to waive license restoration fees and other service fees if the Commissioner of Motor Vehicles finds that the license holder has shown good cause for not being able to pay the fine.

Directs the Division to automatically restore any drivers licensed suspended for failure to pay after 12 months, except for offenses involving impaired driving.

Effective October 1, 2021.

Part XIV.

Directs the Administrative Office of the Courts (AOC) to automatically enroll all criminal defendants into its court date reminder system. Requires criminal defendants to be allowed to opt out of the automatic enrollment by using a process developed by AOC, which must be developed and implemented by December 1, 2021. Effective December 1, 2021, and applies to criminal defendants arrested on or after that court date.

Enacts GS 15A-306 to require persons who fail to appear as required by a citation or other criminal process served pursuant to the Article to have 20 calendar days from the missed court date to contact the clerk of superior court to request a new court date. Mandates that such action requires the clerk to strike the person's failure to appear and any order for arrest or fines related to the failure to appear, and the clerk to provide a new court date in the case. Limits new court dates in criminal cases pursuant to these provisions to one. Effective October 1, 2021, and applies to failures to appear in court on or after that date.

Part XV.

Revises and expands the qualifications for indigent defense under GS 7A-451. Now provides for indigent defense in any case in which (1) a felony or misdemeanor is charged (was, limited to cases in which imprisonment, or a fine of \$500 or more, is likely to be adjudged) or (2) for motions for appropriate relief if appointment of counsel is authorized by law and the defendant has been convicted of a felony, has been fined \$200 (was, \$500) or more, or has been sentenced to a term of imprisonment, among other existing eligibility criteria. Effective October 1, 2021.

Appropriates \$1.18 million in recurring funds from the General Fund to the Office of Indigent Defense Services, Private Assigned Counsel Fund, for each fiscal year of 2021-23 to fund the increased need of appointed counsel due to the expansion of eligibility. Effective July 1, 2021.

Part XVI.

Revises Article 1 of GS Chapter 9 regarding preparation of jury lists and drawing of panels as follows.

Amends GS 9-2 to require the jury commission to annually prepare a master list of qualified prospective jurors to serve on January 1 of the next year (previously provided for biennium lists, or upon request of the senior resident superior court judge, annually). Makes conforming changes.

Makes a clarifying change to GS 9-4 to refer to the clerk of superior court's duty to maintain the master jury list.

Makes conforming changes to GS 20-43.4 regarding the list of currently licensed drivers that must be provided by the Commissioner of Motor Vehicles (Commissioner) to each county jury commission, now annually. Now requires the list to include the driver's race. Enacts subsection (b1) to require the raw data of date of birth, sex, and race to be used to develop the list provided by the Commissioner to be made available for analysis by clerks of court, jury commissions, and the public. Makes conforming changes.

Further amends GS 9-2, enacting subsection (l) to require the data of date of birth, sex, and race to be compiled by each county as public records for master jury lists, lists of jurors summoned, lists of jurors that have served, lists of jurors that have been excused, lists of jurors that have been disqualified, and lists of jurors whose service has been deferred. Applies to lists prepared on or after October 1, 2021.

Part XVII.

Contains a severability clause.

Intro. by Morey, Gailliard, Quick.

[APPROP, STUDY, GS 7A, GS 7B, GS 9, GS 15A, GS 17C, GS 17E, GS 20, GS 74E, GS 74G, GS 114, GS 115C, GS 132, GS 143B, GS 150B, GS 153A, GS 160A](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Court System, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, APA/Rule Making, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Justice, Local Government](#)

H 533 (2021-2022) [COUNTY WASTE MANAGEMENT ASSISTANCE](#). Filed Apr 12 2021, *AN ACT TO RESTORE ASSISTANCE TO COUNTIES WITH THE CLEANUP OF SCRAP TIRES*.

Identical to [S 529](#), filed 4/5/21.

Amends GS 105-187.19 to require that 17% of the net proceeds of the scrap tire disposal tax be credited to the Scrap Tire Disposal Account, with 13% credited to the General Fund (was, the entire 30% was credited to the General Fund).

Reenacts GS 130A-309.36, Scrap Tire Disposal Account, as it existed immediately prior to repeal and makes the following changes. Removes the deadline for the report to the Environmental Review Commission (ERC) on the the implementation of the NC Scrap Tire Disposal Act.

Repeals GS 130A-309.64 concerning grants for the disposal of scrap tires and activities related to scrap tires.

Amends GS 130A-309.06 to require the Department of Environmental Quality (DEQ) to include in its annual report to the ERC and specified NCGA division on solid waste management, the beginning and ending balances in the Scrap Tire Disposal Account for the reporting period, and the amount credited to the Scrap Tire Disposal Account during the reporting period. Makes conforming changes.

Amends GS 130A-309.09C to provide that local governments that do not comply with the requirements of GS 130A-309.09A(b) (requiring making a good-faith effort to achieve the State's 40% municipal solid waste reduction goal and to comply with the State's comprehensive solid waste management plan), GS 130A-309.09A(d) (requiring annual reporting on the solid waste management programs and waste reduction activities within the unit of local government), and GS 130A-

309.09B(a) (including specific requirements for a local government's solid waste reduction program) are not eligible for grants from the Scrap Tire Disposal Account.

Effective July 1, 2021.

Intro. by Sauls, Penny.

GS 105, GS 130A

[View summary](#)

Environment, Government, Tax, Local Government

H 534 (2021-2022) **FUNDS/EST. BLACK WOMEN & GIRLS TASK FORCE**. Filed Apr 12 2021, *AN ACT TO ESTABLISH THE NORTH CAROLINA BLACK WOMEN AND GIRLS TASK FORCE AND TO APPROPRIATE FUNDS FOR THE TASK FORCE*.

Identical to [S 577](#), filed 4/6/21.

Adds new Part 31, North Carolina Black Women and Girls Task Force, in Article 9 of GS Chapter 143B, which provides as follows. Establishes the 13 member North Carolina Black Women and Girls Task Force (Task Force) within the Department of Administration (for budgetary purposes only). Sets out Task Force membership requirements and sets terms at 2 years, allowing successive terms. Provides for the selection of cochairs, filling of vacancies, removal of members, meetings, and staffing. Makes the Task Force an advisory committee to study disaggregated findings concerning the well-being of cisgender and transgender black women and girls in the State. Requires the Task Force to examine five specified issues, including topics related to health and wealth disparities, educational justice principals, violence, impacts of the criminal and juvenile justice system, and the effects of political advocacy and engagement, employment, and healthcare. Requires the Task Force to report to the specified NCGA committees prior to the convening of the 2023 General Assembly and biennially thereafter. Specifies the required content of the report. Sunsets the new Part on September 30, 2030.

Requires appointments to the Task Force to be made by October 1, 2021, and for members terms to commence at that point.

Appropriates \$500,000 in recurring funds in each of the 2021-22 and 2022-23 fiscal years from the General Fund to the Department of Administration to be allocated for operation of the Task Force.

Effective July 1, 2021.

Intro. by A. Baker, K. Smith.

APPROP, STUDY, GS 143B

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Public Health

H 535 (2021-2022) **FIREFIGHTERS FIGHTING CANCER ACT OF 2021**. Filed Apr 12 2021, *AN ACT TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY FOR FIREFIGHTERS DIAGNOSED WITH CANCER*.

Section 1 titles the act as "The Firefighters Fighting Cancer Act of 2021."

Section 2

Enacts new Article 87A, Firefighter Cancer Health Care Benefit Plan, to GS Chapter 58. Sets forth defined terms. Establishes the NC Firefighter Cancer Health Care Benefit Plan (Plan) to be administered by the Department of Insurance (Department) as a supplemental insurance policy for eligible firefighters with a new diagnosis of cancer, as defined, on or after January 1, 2022. Deems all firefighters that have served in a NC fire department for a minimum of five continuous years eligible for benefits under the Plan. Disqualifies firefighters receiving benefits related to cancer under the Workers' Compensation Act.

Provides for reimbursement of up to \$12,000 annually for any out-of-pocket expenses incurred. Provides for a lump sum payment of up to \$25,000 for each diagnosis of cancer upon sufficient proof to the insurance carrier, the Department, or other applicable payor of the diagnosis by a board-certified, licensed physician in the medical specialty appropriate for the type of

cancer diagnosed. Caps lifetime benefit at \$50,000. Provides for the following monthly benefit amounts upon sufficient proof to the insurance carrier, the Department, or other applicable payor of total disability resulting from the diagnosis of cancer or that the cancer precludes the firefighter from serving as a firefighter, with payments beginning six months after total disability or inability to perform duties: the lesser of 75% of the firefighter's monthly salary or \$5,000 for nonvolunteer firefighters; or \$1,500 for volunteer firefighters. Establishes five restrictions applicable to disability benefits, including limiting duration to 36 consecutive months and requiring reevaluation as necessary. Ceases disability payments on the date specified upon the treating physician's determination that the firefighter is again able to perform the duties of a firefighter. Provides that if the firefighter returns to work as a firefighter before exhaustion of the 36-months and subsequently is unable to perform the duties of a firefighter due to disability caused by cancer, the firefighter is entitled to the remaining monthly disability benefits not to exceed 36 months in total. Makes the monthly disability benefit subordinate to other benefits for disability related to the cancer diagnosis, excluding private insurance purchased solely by the firefighter. Limits disability benefits under the new Article to the difference between the benefit amount paid by the other source and the monthly benefit amounts specified under the new Article.

Directs the Department to annually report to the NCGA and the Governor, beginning January 1, 2023. Specifies required content of the reports.

Effective January 1, 2022.

Section 3

Directs the Department to show proof of insurance coverage that meets the requirements of the act for all firefighters included on the Certified Roster to the NC State Firefighters' Association by January 1, 2022.

Section 4

Amends GS 105-228.5(d)(3) as follows. Sets the additional tax on gross premiums of insurance contracts for property coverage, as defined by existing law, at 1.125% (was 0.74%), imposed on 10% of the gross premiums from insurance contracts for automobile physical damage coverage and on 100% of the gross premiums from all other contracts for property coverage. Requires 10% (was, 20%) of the net proceeds of the additional tax to be credited to the Volunteer Fire Department Fund; 14% (was, 20%) to the Department of Insurance for disbursement pursuant to GS 58-84-25; up to 14% to be credited to the Firefighters' and Rescue Squad Workers' Pension Fund; 5.5% to be credited to individual fire departments' relief funds to be used in accordance with GS 58-84-35(a)(8) for early cancer detection programs; and 11.75% to be credited to the Department of Insurance to fund the Firefighter Cancer Benefit Plan. No longer provides for up to 20% to be credited to the Workers' Compensation Fund. Maintains that the remaining net proceeds must be credited to the General Fund.

Adds a new deduction to GS 105-153.5(b), allowing a taxpayer to deduct the amount received by or paid to an eligible firefighter during the taxable year for benefits under the Cancer Benefit Plan established under Article 87A of GS Chapter 58.

Effective July 1, 2021.

Intro. by D. Hall, Bell, Saine, Hardister.

GS 58, GS 105

[View summary](#)

**Employment and Retirement, Government, Public Safety and
Emergency Management, State Agencies, Department of
Insurance, Tax, Health and Human Services, Health, Health
Insurance**

PUBLIC/SENATE BILLS

S 387 (2021-2022) [EXCELLENT PUBLIC SCHOOLS ACT OF 2021](#). Filed Mar 29 2021, *AN ACT TO MODIFY THE IMPLEMENTATION OF THE NORTH CAROLINA READ TO ACHIEVE PROGRAM IN ORDER TO ATTAIN STATEWIDE READING PROFICIENCY BY THE THIRD GRADE.*

AN ACT TO MODIFY THE IMPLEMENTATION OF THE NORTH CAROLINA READ TO ACHIEVE PROGRAM IN ORDER TO ATTAIN STATEWIDE READING PROFICIENCY BY THE THIRD GRADE. SL 2021-8. Enacted April 9, 2021. Effective April 9, 2021, except as otherwise provided.

Intro. by Berger, Ballard, Lee.

GS 115C

[View summary](#)

**Education, Elementary and Secondary Education,
Employment and Retirement, Government, State
Government, State Personnel**

S 656 (2021-2022) [EQUITY IN JUSTICE ACT OF 2021](#). Filed Apr 6 2021, *AN ACT TO MAKE CRIMINAL JUSTICE, POLICING, AND JUVENILE JUSTICE REFORM, AND TO APPROPRIATE FUNDS*.

Part I.

Amends GS 17C-20 to open up eligibility for the Criminal Justice Fellows Program (Program) to all counties (was, tier one counties with a population of less than 125,000).

Appropriates \$663,579 in recurring funds for 2021-22 from the General Fund to the Department of Justice to be allocated to the Program for continued recruitment of qualified in-state high school seniors or unemployed/underemployed graduates and to provide them with a forgivable community college loan. Effective July 1, 2021.

Part II.

Amends GS 150B-1 to exempt from rule-making: (1) the Criminal Justice Education and Training Standards Commission with respect to establishing minimum standards for in-service training for criminal justice officers and (2) the Sheriffs' Education and Training Standards Commission with respect to establishing minimum standards for in-service training for justice officers.

Part III.

Amends GS 15A-401(d)(2), which sets out when a law-enforcement officer is justified in using deadly physical force, by making the following changes. Adds that the use of deadly force includes strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck. Adds that a law-enforcement officer who witnesses another law-enforcement officer using excessive force that is not justified or is otherwise abusing a suspect or arrestee has a duty to intervene and to report the use of excessive force or the abuse. Prohibits retaliating against a law enforcement officer that submits such a report. Requires in all circumstances in which a law-enforcement officer uses force of any kind, that a law-enforcement officer use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and attempt to use de-escalation tactics.

Enacts new GS 20-196.6 requiring every State Trooper to have a first aid kit and perform the following when a person in a State Trooper's custody is injured or complains of an injury: (1) render immediate, reasonable medical assistance when it is safe to do so and (2) contact emergency medical services when appropriate.

Enacts new GS 20-196.7 to require the State Highway Patrol to develop and implement a use of force intervention system to document and track State Trooper actions, behaviors, and citizen complaints on use of force that will help the State Highway Patrol manage personnel by intervening to correct performance. Requires the system to, at a minimum, identify State Troopers who receive two or more citizen complaints of any kind in a single month as well as those who report two or more use of force incidents, or who receive two or more citizen complaints regarding the use of force, in a single quarter. Defines *use of force* to include include actions taken by law enforcement officers of which the Department of Justice requires data reporting pursuant to GS 114-2.7A (enacted in this act and described below); until it is determined what is to be reported under that statute, use of force encompasses the actions in GS 143B-919(b1)(enacted in this act and described below).

Enacts new GS 20-196.8 requiring the State Highway Patrol to report to the State Bureau of Investigation (SBI) State Trooper use of force information requested by the Department of Justice (DOJ) under new GS 114-2.7A (enacted in this act and described below).

Enacts new GS 20-196.9 requiring the State Highway Patrol to report to the SBI information requested under new GS 143B-929A (enacted in this act and described below) to be included in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service. Failure to report makes the State Highway Patrol ineligible for funding from either the Governor's Crime Commission or the Governor's Highway Safety Program.

Enacts new GS 20-196.10 requiring the State Highway Patrol to use and submit all available data to the National Incident-Based Reporting System, which must be made available to the public on the State Highway Patrol's website.

Enacts new GS 20-196.11 requiring State Troopers to use body-worn and dashboard cameras in all interactions with members of the public, including, but not limited to: traffic stops, pursuits, arrests, searches, interrogations not covered under GS 15A-211, interviews with victims and witnesses, and interactions with inmates of a State correctional facility or local confinement facility. Specifies that this does not apply during undercover operations.

Enacts new GS 74E-10.1 through GS 74E-10.6 enacting the same provisions, applicable to a company police agency. Amends the specified instances in which body-worn and dashboard cameras are to be used to include arrests, searches, interrogations not covered under GS 15A-211, and interviews with victims and witnesses.

Enacts new GS 74G-10.1 through GS 74G-10.6 enacting the same provisions, applicable to a campus police agency. Amends the specified instances in which body-worn and dashboard cameras are to be used by including all interactions listed for State Troopers except interactions with inmates of a State correctional facility or local confinement facility.

Enacts new GS 143B-927.1 through GS 143B-927.5 enacting the same provisions, applicable to the SBI, with the following changes. Requires the SBI to make publicly available law enforcement officer use of force information requested by the Department of Justice pursuant to GS 114-2.7A (other entities in the Part have been required to report such information to the SBI). Enacts new GS 143B-929A requiring the SBI, in consultation with the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission (collectively, Commissions), to participate in the Rap Back Service by submitting requested or necessary information regarding all sworn law enforcement officers with the power to arrest in the state. Requires the Commissions to create a publicly accessible database of law enforcement officers with adverse actions required to be reported to the federal Rap Back Service. Requires all of the law enforcement agencies in the state to provide the SBI information requested under this statute.

Enacts new GS 153A-213 through GS 153A-213.5 enacting the same provisions, applicable to county law enforcement officers, with the following changes. Requires a county, before hiring a county law enforcement officer, to request and review Rap Back Service information from the SBI regarding the applicant.

Enacts new GS 160A-290 through GS 160A-290.5, applicable to city law enforcement officers, with the following changes. Requires a city, before hiring a city law enforcement officer, to request and review Rap Back Service information from the SBI regarding the applicant.

Effective October 1, 2021.

Part IV.

Amends GS 143B-919 by adding the following. Requires the SBI to investigate and prepare evidence in the event the following officer-involved use of force incidents related to the actions of a sworn law enforcement officer of the State or any local subdivision of the State: (1) an officer discharges the officer's firearm in the performance of the officer's duties, (2) an officer uses force in the performance of the officer's duties that results in the death of a person, (3) an officer is alleged to have sexually assaulted a person in the performance of the officer's duties, (4) an officer is alleged to have committed an act of domestic violence, or (5) a person dies while in the officer's custody. Requires an independent entity to conduct the investigation involving employee of the SBI. Requires reporting an incident that is required to be investigated within 24 hours; makes a law enforcement agency that fails to report ineligible for funds from the Governor's Crime Commission and the Governor's Highway Safety Program until the required report is delivered to the SBI. Repeated failure to report will result in ineligibility for those funds for two years. Requires prosecutions under these provisions to be performed by a Special Prosecutor. Effective October 1, 2021.

Part V.

Enacts new GS 114-2.7A requiring DOJ, in consultation with the Department of Public Safety, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, to develop a uniform definition of law enforcement

officer use of force and determine a standard set of data on use of force to be regularly reported to the SBI. Requires all law enforcement agencies in the state to provide the SBI with the information DOJ requires. Requires the SBI to make the information collected on use of force publicly available.

Enacts new GS 114-2.7B. requiring all law enforcement agencies in the state to use and submit all available data to the National Incident-Based Reporting System. Requires this data to be publicly available on the law enforcement agency's website.

Enacts new GS 114-2.7C to require all sworn law enforcement officers with the power of arrest to use body-worn and dashboard cameras in all interactions with members of the public, including, but not limited to: traffic stops, pursuits, arrests, searches, interrogations not covered under GS 15A-211, interviews with victims and witnesses, and interactions with inmates of a State correctional facility or local confinement facility. Specifies this does not apply during undercover operations. Gives the law enforcement entities until October 1, 2022, to comply with this section.

Effective October 1, 2021.

Part VI.

Amends GS 15A-242 by making clarifying changes.

Amends GS 15A-244 by adding in new (b) that for an officer to be able to break and enter any premises or vehicle in the execution of a search warrant pursuant to GS 15A-251(b) (when the officer has probable cause to believe that the giving of notice would endanger the life or safety of any person) the application for a search warrant must contain, in addition to the already required elements:(1) a statement that there is probable cause to believe that the giving notice of the execution of the search warrant would endanger the life or safety of any person; (2) allegations of fact particularly setting forth the facts and circumstances establishing probable cause to believe that the giving of notice of the execution of the search warrant would cause such endangerment. Makes additional clarifying changes.

Amends GS 15A-251 by amending one of the two circumstances under which an officer may break and enter any premises or vehicle when necessary to execute a warrant, to include when the warrant includes the statement and allegations of fact required by GS 15A-244(b) (was, when the officer has probable cause to believe that the giving of notice would endanger the life or safety of any person).

Makes clarifying changes to the following statutes and makes language gender neutral: GS 15A-245, GS 15A-246, GS 15A-247, GS 15A-249, GS 15A-253, GS 15A-254, and GS 15A-255.

Effective October 1, 2021.

Part VII.

Amends GS 132-1.4A to require, upon request, that a custodial law enforcement agency disclose a recording to a citizens' review board in a closed session with each review board member having signed a confidentiality agreement. Knowing violations of the confidentiality agreement are a Class 1 misdemeanor. Requires a custodial law enforcement agency to release a recording involving a critical incident, upon request, after 45 days have passed from the date of the recording, unless a court finds that release would compromise the integrity of a criminal investigation. Defines a *critical incident* as an incident involving either (1) the discharge of a law enforcement officer's firearm in the performance of duty when interacting with the public or (2) the use of force by a law enforcement officer that results in death or serious bodily injury. Allows the agency to seek a court order restricting release of the recording; requires the court to restrict the release of only those portions of the recording that are relevant to protecting the integrity of a criminal investigation. Gives the following persons an opportunity to be heard at any proceeding: (1) the head of the custodial law enforcement agency, (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (3) the District Attorney. Effective October 1, 2021.

Part VIII.

Appropriates \$134,540 in recurring funds for each year of the 2021-23 fiscal biennium from the General Fund to the Criminal Justice Education and Training Standards Commission to hire one full-time program manager to continue the development and implementation of the North Carolina Law Enforcement Accreditation Program (Program). Makes the same appropriation to the Sheriffs' Education and Training Standards Commission to continue the development and implementation of the same

Program. Makes law enforcement agencies in the state that fail to become accredited under the Program ineligible for funds from the Governor's Crime Commission or the Governor's Highway Safety Program. Requires the Program to require accredited agencies to have written policies on each of the following: use of force, chokeholds, duty to intervene and report, vehicle pursuits, early warning systems, field training programs, and professional standards and conduct. Effective July 1, 2021.

Part IX.

Appropriates \$500,000 from the General Fund to the Department of Justice in recurring funds for each year of the 2021-23 fiscal biennium for grants to organizations that provide and promote: (1) peaceful strategies to help communities promote public safety; (2) violence prevention programs that treat violence as a public health program; and (3) services such as mediation, mentoring, job training, and counseling to vulnerable populations. Effective July 1, 2021.

Part X.

Amends GS 90-95(d)(4) making possession of a controlled substance classified in Schedule VI (marijuana and tetrahydrocannabinols) an infraction, rather than a Class 3 or Class 1 misdemeanor based on quantity. Maintains that if the quantity possessed exceeds one and one-half ounces of marijuana or three-twentieths of an ounce of hashish, or any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the offense is punishable as a Class I felony.

Enacts GS 15A-145.8B to establish automatic expunction for misdemeanor possession of marijuana or hashish convictions by December 1, 2023. Directs the clerk of superior court to determine which cases meet the criteria for expunction, order expungement for each case finalized in his or her court, and forward the petition to the Administrative Office of the Courts (AOC). Provides for the effect of the expungement regarding liability for failure to acknowledge any expunged entries concerning apprehension, charge, or trial. Additionally requires the court to order the conviction order expunged to be expunged from the records of the court and direct law enforcement agencies bearing record of the same to expunge their records of the conviction. Requires the clerk to notify State and local agencies of the court's order pursuant to state law, excluding DNA records and samples stored as specified. Provides for expungement of related records from any other State or local government agency, and reversal of any administrative action taken against a person whose record is expunged as a result of the charges or convictions expunged.

Effective December 1, 2021.

Part XI.

Directs UNC-Chapel Hill School of Government (SOG) to study (1) which Class 3 misdemeanor offenses have a low impact on public safety, (2) whether the offenses should be reclassified as infractions, and (3) whether low-level traffic offenses should be moved to the Administrative Code and enforced as civil violations by the Division of Motor Vehicles or the Department of Public Safety. Requires consultation with the NC Sentencing and Policy Advisory Commission. Requires SOG to report to the specified NCGA committee by March 7, 2022.

Part XII.

Appropriates \$4.2 million in recurring funds from the General Fund for each fiscal year of 2021-23 to AOC to be used to support the NC Drug Treatment Court Program in creating and sustaining local drug treatment court programs.

Appropriates \$4.2 million in recurring funds from the General Fund for each fiscal year of 2021-23 to AOC to be used to facilitate the creation and funding of new and existing mental health court programs to recommend mental health treatment plans for individuals served by the programs and monitor the progress of the individuals receiving treatment while remaining in the program.

Effective July 1, 2021.

Part XIII.

Amends GS 7B-1501 and GS 143B-805 by amending the definitions of *delinquent juveniles* and *undisciplined juveniles* by increasing the minimum age of the juvenile from 6 to 12.

Repeals GS 7B-1903(f) effective four years from the date this act becomes law. Subsection f provides that if the court finds that there is a need for an evaluation of a juvenile for medical or psychiatric treatment under subsection (b) (which allows the court to order secure custody only where the court finds there is a reasonable factual basis to believe that the juvenile committed the offense as alleged in the petition, and that one of the specified circumstances exists) and that juvenile is under age 10 and does not have a pending delinquency charge, the law enforcement officer or other authorized person assuming custody of the juvenile must not use physical restraints during the transport of the juvenile to the place designated in the order, unless in the discretion of the officer or other authorized person, the restraints are reasonably necessary for the safety of the officer, authorized person, or the juvenile.

Amends GS 7B-2102 to require a law enforcement officer or agency to fingerprint and photograph a juvenile (was, a juvenile who was 10 years of age or older) at the time the juvenile allegedly committed a nondivertible offense, when a complaint has been prepared for filing as a petition and the juvenile is in physical custody of law enforcement or the Division. Makes additional conforming changes, including those conforming to the new definition of *delinquent juvenile*.

Makes conforming changes to GS 7B-2513.

Amends GS 7B-2509 to allow the court in any case in which a juvenile, who was at least 12 (was, at least 11) years old at the time of the offense, is adjudicated delinquent for committing a violation of GS 14-27.6 (attempted rape or sexual offense), GS 14-27.21 (first-degree forcible rape), GS 14-27.22 (second-degree forcible rape), GS 14-27.24 (first-degree statutory rape), GS 14-27.26 (first-degree forcible sexual offense), GS 14-27.27 (second-degree forcible sexual offense), or GS 14-27.29 (first-degree statutory sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may order that the juvenile register in accordance with Part 4 of Article 27A of GS Chapter 14.

Part XIV.

Enacts GS 115C-105.70, defining *school resource officer* (SRO) as any law enforcement officer assigned to one or more public schools within a public school unit for at least 20 hours per week for more than 12 weeks per calendar year. Provides that SROs are to assist with school safety, school security, emergency preparedness, emergency response, and any other related and assigned responsibilities, consistent with any written memorandum of understanding between the public school unit and the law enforcement agency governing the SRO. Directs the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs' Education and Training Standards Commission (Commissions) to establish initial training and continuing education standards for SROs, in collaboration with the Center for Safer Schools. Requires training on mental health, students with disabilities, racial equity, and crises intervention and de-escalation. Directs SROs to comply with the established training standards within one year of assignment, and requires all SROs to comply with the established continuing education requirements. Applies to SROs assigned on or after January 1, 2022.

Makes conforming changes to each Commission's duties set forth in GS 17C-6 and 17E-4 to include the duty to establish training and continuing education standards for SROs. Requires the Commissions to establish initial training standards by January 15, 2022.

Requires all SROs assigned before January 1, 2022, to complete initial training by December 31, 2022.

Enacts GS 7B-1802A, requiring an SRO to obtain the signature of a school administrator or school social worker for school-based complaints alleging delinquency initiated prior to referring the complaint to a juvenile court counselor or filing the complaint. Defines *school-based complaint* as a complaint in which delinquency is alleged to have occurred on school grounds, school property, at a school bus stop, or at an off-campus school-sanctioned event, or whose victim is identified as a school. Requires all school administrators, SROs, and school social workers to be trained regarding these provisions. Applies to school-based complaints initiated on or after January 1, 2022, by an SRO.

Part XV.

Amends GS 7B-2200.5 by allowing a prosecutor to decline to prosecute in superior court a matter that would be subject to mandatory transfer to superior court under the statute, which requires the transfer if a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if it was committed by an adult. Specifies that jurisdiction remains with the juvenile court following a finding of probable cause if a prosecutor declines to prosecute the matter in superior court. Allows a prosecutor, prior to adjudication, to choose to transfer the matter to superior court. Makes conforming changes. Applies to offenses committed on or after December 1, 2021.

Part XVI.

Revises Part 2A, Article 81B, of GS Chapter 15A, now titling the Part as Sentencing and Parole Eligibility for Certain Minors (was Sentencing for Minors Subject to Life Imprisonment Without Parole).

Replaces the provisions of GS 15A-1340.19B, which provide for penalty determination, to instead provide as follows.

Requires a defendant convicted of first degree murder who was under the age of 18 at the time of the offense to be sentenced to life imprisonment with parole and eligible for parole consideration after serving 25 years imprisonment (previously, the court was authorized to hold a hearing to order life imprisonment without parole). Adds that a defendant who was convicted of a crime other than first degree murder while the defendant was under 18 at the time of the offense and sentenced to more than 15 years imprisonment is eligible for parole consideration after serving 15 years imprisonment.

Amends GS 15A-1340.19D to provide that defendants eligible for parole consideration under Part 2A, as amended, are subject to the conditions and procedures for parole set forth in Article 85, including notifications required under GS 15A-1371(b)(3) (which includes notification of the victim's immediate family who have requested notification, and newspapers and media as reasonable). Sets the term of parole for a person released under Part 2A, as amended, at five years, which cannot be terminated earlier by the Post-Release Supervision and Parole Commission. Requires serving five years upon returning to confinement before a defendant paroled under the Part who violated parole and is returned to prison to serve the remainder of the sentence to be eligible for parole.

Makes conforming repeals of the remaining language in the Part in GS 15A-1340.19A and 15A-1340.19C.

Makes conforming changes to GS 15A-1340.13, which requires sentenced offenders to serve the minimum term imposed.

Amends GS 15A-1371, which provides for parole eligibility, consideration, and refusal, to deem a prisoner sentenced under the Fair Sentencing Act who was 18 at the time of the offense eligible for parole consideration after completion of 20 years imprisonment.

Applies to offenses committed on or after December 1, 2021.

Part XVII.

Amends GS 15A-534 to prohibit judicial officials from imposing a bond secured by a cash deposit as a condition of pretrial release pursuant to subdivision (a)(4) if no charge against the defendant is more severe than a Class 1, 2, or 3 misdemeanor, unless the judicial official makes written findings that the defendant will pose a danger of injury to any witness. Provides that when conditions of pretrial release are being imposed on a defendant who has failed to appear to answer one or more charges to which the conditions apply, and there are no conditions recommended in any order for arrest for the defendant's most recent failure to appear, that the judicial official must require the execution of secured appearance bond (no longer specifying that the bond amount must be at least double that of the most recent previous bond for the charges, or if not applicable, at least \$1,000). Makes clarifying and technical changes. Makes language gender-neutral. Applies to conditions of pretrial release imposed on or after October 1, 2021.

Part XVIII.

Enacts GS 20-24.1(g) to require the Division of Motor Vehicles (Division) to restore a license 12 months after the effective date of revocation pursuant to subsection (a) for either failing to appear at trial or a hearing or to pay court-ordered fines, penalties, or other court costs for motor vehicle offenses; excludes revocation orders entered resulting from a charge of impaired driving. Repeals existing subsection (f), which permits application to a court for a limited driving privilege valid for up to one year for licenses revoked due to failure to pay court-ordered fines, penalties, or other court costs for motor vehicle offenses. Makes conforming and clarifying changes. Makes language gender-neutral.

Adds to GS 20-7 to authorize the Division to waive license restoration fees and other service fees if the Commissioner of Motor Vehicles finds that the license holder has shown good cause for not being able to pay the fine.

Directs the Division to automatically restore any driver's licensed suspended for failure to pay after 12 months, except for offenses involving impaired driving.

Effective October 1, 2021.

Part XIX.

Amends GS 15A-601 to require any defendant charged with a misdemeanor under a magistrate's order or by criminal process who is held in custody to have a first appearance before a district court judge in the district in which the crime is charged to have been committed. Specifies that this first appearance is a critical stage of the proceedings and that the defendant has the right to counsel. Requires a defendant's first appearance before a district court judge to be held at the earlier of the first regular session of the district court in the county or within 48 hours after the defendant is taken into custody (previously, alternatively within 96 hours after taken into custody). Makes conforming changes regarding the clerk's authority to conduct the first appearance if the district court judge is unavailable within this period. Adds that the defendant has the right to counsel at his or her first appearance before a district court judge for crimes in the original jurisdiction of superior court (governed by subsection (a)). Makes technical changes and language gender-neutral.

Further amends GS 15A-534 to no longer mandate a judicial official to require a defendant who has failed to appear on one or more prior occasions to answer the charge(s) to which pretrial conditions apply to execute a secured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond, or \$1,000 if no bond has been required of the charges. Instead, requires the judicial official to require the execution of a secured appearance bond of at least \$1,000. Eliminates the provisions governing the judicial official's authority regarding the determination of the conditions of pretrial release for a defendant who is charged with an offense who is currently on pretrial release for a prior offense.

Enacts GS 15A-534.8 to require a defendant who remains in custody due to imposed conditions of pretrial release following an initial appearance to be brought before a district court judge for a preventative detention hearing within five days of the initial appearance. Requires that the hearing be separate from the defendant's first appearance. Provides for counsel at the hearing, with counsel provided at the expense of the State if the defendant is found to be indigent. Provides for the defendant to present evidence and testimony at the hearing to determine whether the pretrial conditions are necessary to ensure the safety of any person, with the State given the opportunity to respond, present evidence, and examine witnesses. Requires a judge to set new conditions if the judge finds by clear and convincing evidence that the imposed conditions are not necessary to reasonably prevent injury to any person, or to make written findings as to why the continued detention is necessary if the judge does not rule in favor of the defendant, with conditions continued unless lawfully modified.

Effective October 1, 2021, and applies to conditions of pretrial release imposed on or after that date.

Part XX.

Directs the Administrative Office of the Courts (AOC) to automatically enroll all criminal defendants into its court date reminder system. Requires criminal defendants to be allowed to opt out of the automatic enrollment by using a process developed by AOC, which must be developed and implemented by December 1, 2021. Effective December 1, 2021, and applies to criminal defendants arrested on or after that court date.

Enacts GS 15A-306 to require persons who fail to appear as required by a citation or other criminal process served pursuant to the Article to have 20 calendar days from the missed court date to contact the clerk of superior court to request a new court date. Mandates that such action requires the clerk to strike the person's failure to appear and any order for arrest or fines related to the failure to appear, and the clerk to provide a new court date in the case. Limits new court dates in criminal cases pursuant to these provisions to one. Effective October 1, 2021, and applies to failures to appear in court on or after that date.

Part XXI.

Revises and expands the qualifications for indigent defense under GS 7A-451. Now provides for indigent defense in any case in which (1) a felony or misdemeanor is charged (was, limited to cases in which imprisonment, or a fine of \$500 or more, is likely to be adjudged) or (2) for motions for appropriate relief if appointment of counsel is authorized by law and the defendant has been convicted of a felony, has been fined \$200 (was, \$500) or more, or has been sentenced to a term of imprisonment, among other existing eligibility criteria. Effective October 1, 2021.

Appropriates \$1.18 million in recurring funds from the General Fund to the Office of Indigent Defense Services, Private Assigned Counsel Fund, for each fiscal year of 2021-23 to fund the increased need of appointed counsel due to the expansion of eligibility. Effective July 1, 2021.

Part XXII.

Revises Article 1 of GS Chapter 9 regarding preparation of jury lists and drawing of panels as follows.

Amends GS 9-2 to require the jury commission to annually prepare a master list of qualified prospective jurors to serve on January 1 of the next year (previously provided for biennium lists, or upon request of the senior resident superior court judge, annually). Makes conforming changes.

Makes a clarifying change to GS 9-4 to refer to the clerk of superior court's duty to maintain the master jury list.

Makes conforming changes to GS 20-43.4 regarding the list of currently licensed drivers that must be provided by the Commissioner of Motor Vehicles (Commissioner) to each county jury commission, now annually. Now requires the list to include the driver's race. Enacts subsection (b1) to require the raw data of date of birth, sex, and race to be used to develop the list provided by the Commissioner to be made available for analysis by clerks of court, jury commissions, and the public.

Makes conforming changes.

Further amends GS 9-2, enacting subsection (l) to require the data of date of birth, sex, and race to be compiled by each county as public records for master jury lists, lists of jurors summoned, lists of jurors that have served, lists of jurors that have been excused, lists of jurors that have been disqualified, and lists of jurors whose service has been deferred. Applies to lists prepared on or after October 1, 2021.

Part XXIII.

Enacts Article 83A, *Dignity for Women Who are Incarcerated Act*, in GS Chapter 15A. Sets forth 11 defined terms.

Prohibits Department of Public Safety (DPS) and correctional facility employees from using leg restraints, wrist restraints, restraints connected to other incarcerated persons, or waist shackles on pregnant incarcerated women during the second and third trimesters of pregnancy, during labor and delivery, and during the six-week postpartum recovery period. Defines *correctional facility employee* to include DPS employees and any persons employed by a *correctional facility*, defined to mean any unit of the State prison system, a local confinement facility, a juvenile detention facility, or other entity under the authority of any state or local law enforcement agency that has the power to detain or restrain a person under state law. Restricts use of wrist restraints during the postpartum recovery period to being held in front of her body, if the employee determines *extraordinary circumstances* exist, as defined, and the employee makes a written report to the warden or administrator within 72 hours containing justification for the use of the restraints. Clarifies that the provisions do not affect licensed health care professionals' use of medical restraints to ensure the medical safety of a pregnant incarcerated woman.

Prohibits correctional facility employees from conducting invasive body cavity searches of incarcerated women who are pregnant or in the postpartum recovery period unless the employee has compelling grounds to believe the person is concealing contraband that presents an immediate threat or harm to the person, fetus, or another person, and the employee submits a written report to the warden or the administrator within 72 hours containing the justification for the search.

Requires DPS and administrators of correctional facilities to ensure pregnant incarcerated women are provided sufficient food and dietary supplements, and access to food at appropriate times of day, as ordered by a physician, physician staff member, or a correctional facility nutritionist as specified.

Prohibits DPS and administrators of correctional facilities from placing pregnant incarcerated women or incarcerated persons in the postpartum recovery period in *restrictive housing*, as defined, unless the employee makes a determination that an *extraordinary circumstance* exists, as defined, and submits a written report to the warden or administrator within 72 hours containing the justification for the placement.

Prohibits DPS and correctional facility administrators from assigning incarcerated women who are pregnant or in the postpartum recovery period to any bed that is elevated more than 3 feet from the floor of the facility.

Requires prenatal, labor, and delivery care to be provided to pregnant incarcerated women at no cost to the incarcerated woman.

Directs the warden or administrator of the correctional facility to compile a monthly summary of all written reports received as required under the Article and submit the summary to the DPS Secretary.

Requires DPS and correctional facility administrators to permit a newborn to remain with the incarcerated woman for at least 72 hours unless the medical provider has a reasonable belief that remaining poses a health or safety risk to the newborn.

Requires DPS and administrators to make all necessary nutritional and hygiene products available during the postpartum recovery period, provided at no cost to the incarcerated woman.

Mandates DPS to place incarcerated persons in the custody of the State prison system who are parents of minor children within 250 miles of their permanent address to the extent practicable and after accounting for security and capacity. Requires DPS and administrators of correctional facilities to adopt visitation rules for persons with low- or minimum-security classifications who are parents to minor children to allow for visitation by the minors at least twice a week (except as specified) with no limitation on the number of dependent minors that may be permitted privileges and requires authorization of contact visits.

Requires DPS and administrators of correctional facilities to issue regulations that limit inspections by male employees when a female incarcerated person is in a state of undress to the greatest extent practicable and consistent with safety and order, and availability of female employees. Requires male correctional employees to make a written report within 72 hours containing the justification for inspection of a female incarcerated person while in a state of undress.

Requires DPS and administrators of correctional facilities to ensure availability of sufficient menstrual products for all incarcerated women as appropriate, at no cost to the incarcerated women.

Directs DPS and administrators of correctional facilities to develop and provide all correctional facility employees who have contact with pregnant incarcerated women training related to the physical and mental needs of pregnant incarcerated women and fetuses, as specified. Requires consultation with specified divisions of the Department of Health and Human Services. Also directs DPS and administrators of correctional facilities to develop and provide educational programming for pregnant incarcerated women, as specified.

Revises GS 143B-702 to make rules and regulations adopted by the Division of Adult Correction and Juvenile Justice subject to new Article 83A, GS Chapter 15A.

Enacts GS 153A-221.2 to subject local confinement facilities to the requirements of new Article 83A, GS Chapter 15A.

Effective October 1, 2021.

Part XXIV.

Includes a severability clause.

Part XXV.

Provides that the act is effective on the date the act becomes law, unless otherwise provided.

Intro. by Mohammed, Chaudhuri, Murdock.

[APPROP](#), [STUDY](#), [GS 7A](#), [GS 7B](#), [GS 9](#), [GS 15A](#), [GS 17C](#), [GS 17E](#), [GS 20](#), [GS 74E](#), [GS 74G](#), [GS 90](#), [GS 114](#), [GS 115C](#), [GS 132](#), [GS 143B](#), [GS 150B](#), [GS 153A](#), [GS 160A](#)

[Courts/Judiciary](#), [Juvenile Law](#), [Delinquency](#), [Motor Vehicle](#), [Court System](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Criminal Law and Procedure](#), [Education](#), [Elementary and Secondary Education](#), [Government](#), [APA/Rule Making](#), [Budget/Appropriations](#), [Public Safety and Emergency Management](#), [State Agencies](#), [UNC System](#), [Department of Justice](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Public Health](#)

[View summary](#)

S 671 (2021-2022) [CHANGES TO THE K-12 SCHOLARSHIP PROGRAMS](#). Filed Apr 7 2021, *AN ACT TO MAKE CHANGES TO THE KINDERGARTEN THROUGH TWELFTH GRADE SCHOLARSHIP PROGRAMS*.

Part I.

Amends the definition of *eligible students*, as it applies to opportunity scholarship grants, set out in GS 115C-562.1 to include a student residing in the state who is eligible to enter kindergarten or first grade under Article 25 of the Chapter (previously, this particular eligibility criteria was limited to students entering either prekindergarten or the first grade). Adds that a child who is four on or before April 16 is eligible to attend the following school year with the respective principal (or the equivalent)

submitting findings of the student satisfying the specified requirements with the child's application to the State Education Assistance Authority (Authority). Expands the statutory eligibility criteria for eligible students for scholarships to include a child residing in the state who was enrolled in a nonpublic school that meets specified state law the spring semester prior to the school year for which the student is applying, and was enrolled for the entire school year prior to the school year in which the student was enrolled in a nonpublic school, in a public school, or Department of Defense school in North Carolina. Revises the income threshold for eligibility to now require that the student reside in a household with an income level not in excess of 175% (was 150%) of the amount required for the student to qualify for the federal free or reduced-price lunch program.

Amends GS 115C-562.2, modifying the scholarship grant cap (per year, per eligible student) to an amount up to the average per pupil allotment amount the State Board of Education (State Board) allocated to a charter school pursuant to GS 115C-218.105(a)(1), plus the allocation for children with limited English proficiency and the allocation for children with disabilities, in the prior fiscal year (was, up to \$4,200). Reduces the total number of scholarships the Authority can award, beginning with the 2022-23 school year, from 2,000 to 1,500.

Amends GS 115C-562.3 to require the Department of Public Instruction (DPI) to provide the Authority with public school enrollment information needed for determining eligibility under the established criteria.

Makes the above provisions apply beginning with the 2022-23 school year.

Amends GS 115C-562.8, which governs the Opportunity Scholarship Grant Fund Reserve. Adds provisions to require the Authority to use up to \$500,000 of funds appropriated in a particular fiscal year to be used for the award of scholarships in the following fiscal year that are unexpended at the end of the fiscal year in which the funds were appropriated to contract with a nonprofit representing parents and families for outreach and scholarship education and application assistance for parents and students, with remaining funds required to be carried forward for one fiscal year and used to award scholarships pursuant to the statute before reverting any unexpended funds to the General Fund (current law only provides for carrying forward unexpended appropriations for one year to award scholarship grants). Effective June 30, 2021.

Enacts GS 115C-567.1 to authorize the Authority to contract with a nonprofit corporation representing parents and families for marketing, outreach, and scholarship application assistance for parents and students regarding the scholarship programs for eligible students. Details requirements of potential contractors, including complying with lobbying limitations. Provides for the contracting process and terms of the contract, including confidentiality requirements. Provides for the Authority sharing certain contact information of parents during the contract, with an opt-out option for parents.

Amends GS 115C-562.8, modifying the amount of funds the Authority is authorized to use of its State-appropriated funding for administrative costs of the scholarship grant program, now authorizing the Authority to retain the lesser of 4% of the funds appropriated or \$2 million each fiscal year, rather than the lesser of up to 4% of the funds appropriated or \$1.5 million each fiscal year.

Part II.

Amends Article 41 of GS Chapter 115C as follows. Renames the North Carolina Personal Education Savings Accounts Program as the North Carolina Personal Education Student Accounts for Children with Disabilities Program. Defines *eligible student* as a student residing in state who has not yet received a high school diploma and who: (1) is eligible to attend a North Carolina public school under Article 25 of GS Chapter 115C (was, under GS 115C-336) and specifies that a child who is four years old on or before April 16 is eligible to attend the following school year if the principal of the school where the child seeks to enroll finds that the student meets the requirements of GS 115C-364(d) (concerning enrollment of gifted and mature four-year-olds in kindergarten) and submits those findings with the child's application; (2) has not been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of credit; (3) is a child with a *disability*, as defined by statutory cross-reference; and (4) has not been placed in a nonpublic school or facility by a public agency at public expense. Amends the definition of *Personal Education Savings Account* (now, Personal Education Student Account) to provide that they are electronic accounts (was, bank account) holding scholarship funds. Adds and defines a *Part 1 or Part 2 nonpublic school* as a nonpublic school that meets the requirements of Part 1 (governing private church schools) or Part 2 (governing qualified nonpublic schools) of Article 39, as identified and deemed eligible by the Division of Nonpublic Education. Adds and defines *GS 115C-562.5 compliant school* to mean a Part 1 or Part 2 nonpublic school that consents to comply with the requirements of GS 115C-562.5, which sets forth obligations of nonpublic schools accepting eligible students receiving scholarship grants. Adds and defines *educational technology*.

Requires that the scholarships be awarded for applications received by March 1 of each year (removes the requirement that the recipients be selected beginning March 15). Changes the amount of the scholarship which was \$9,000 per eligible student to \$8,000 per eligible student for the school year or \$4,000 for eligible part-time students. Requires funds remaining on a debit card or in an electronic account at the end of a school year to be returned to the Authority. Adds a new provision awarding an eligible student with a scholarship of up to \$17,000 for each school year if the student has one or more of the following as a primary or secondary disability at the time of application: autism; hearing impairment; moderate or severe intellectual or developmental disability; multiple permanent orthopedic impairments; or visual impairment (makes a conforming repeal of the special education scholarship program for children with disabilities in Part IH of Article 9 of GS Chapter 115C). Allows students qualifying for these funds to carry forward no more than \$4,500 of funds remaining on a debit card or electronic account at the end of the school year upon renewal of the account.

Makes changes throughout that conform with the repeal of Part IH of Article 9 of GS Chapter 115C, which is effective July 1, 2022.

Limits the use of the scholarship funds to tuition and qualifying education expenses (as defined in GS 115C-595). Now distributes the funds each semester instead of quarterly; makes conforming changes. Requires that parents receive a debit card or electronic account at the beginning of the school year instead of fiscal year.

Amends GS 115C-594 by no longer requiring the verification of 6% of applications annually. Now requires applicants, rather than household members of applicants, to authorize the Authority to access information needed for verification efforts.

Amends GS 115C-595 as follows. Sets out the procedure under which the Authority disburses funds for tuition to the school and sets out conditions under which reimbursement of tuition is allowed.

Amends GS 115C-597 to require the Authority to provide scholarship recipients with the annual list of defined educational technology for which scholarship funds can be used. Now authorizes the Authority to retain up to 4% of the funds appropriated for the program each fiscal year for administrative costs (was, up to \$250,000).

Enacts new GS 115C-599 requiring the State Board to ensure that local education agencies: (1) timely conduct evaluations requested by a child's parent or guardian of suspected children with disabilities and (2) provide assessments for continuing eligibility to identified children with disabilities receiving scholarship funds at the request of the parent or guardian. Requires the Authority, in conjunction with the Department of Public Instruction, to annually analyze past trends in scholarship data to ensure that the amount of funds transferred each fiscal year for reevaluations by local school administrative units of eligible students are sufficient and based on actual cost.

Gives priority in awarding a scholarship for the 2022-23 school year to a student who was awarded scholarship funds for a PESA under Article 41 of GS Chapter 115C for the 2021-22 school year or a student who received a scholarship under Part IH of Article 9 of GS Chapter 115C for the 2021-22 school year, if the student applies by March 1, 2022.

The above provisions become effective July 1, 2021, and apply to applications for scholarship funds beginning with the 2022-23 school year.

Provides that beginning with the 2022-23 fiscal year, of the funds appropriated from the General Fund to the BOG, the sum of (1) \$13,043,166 in recurring funds for the Special Education Scholarship Program for Children with Disabilities established pursuant to Part IH of Article 9 of GS Chapter 115C and (2) \$3 million in recurring funds for the Personal Education Savings Account program must instead be appropriated to the Personal Education Student Account Fund Reserve. Amends GS 115C-555(4), GS 115C-567.1(a), and Section 5(b) of SL 2013-364, as amended, to conform to the repeal of Part IH of Article 9 of GS Chapter 115C. Effective July 1, 2022.

Makes conforming changes to GS 105-153.5(b)(12), concerning deduction from income tax the amount deposited to a personal education student account. Applies to taxable years beginning on or after January 1, 2022.

Part III.

Provides that the act is effective on the date the act becomes law, unless otherwise provided.

Intro. by Lee, Ballard, Galey.

[GS 105, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education,](#)

**Government, State Agencies, UNC System, Department of
Public Instruction, Tax**

S 680 (2021-2022) **REMOTE NOTARIZATION ACT**. Filed Apr 7 2021, *AN ACT TO ALLOW REMOTE ONLINE NOTARIZATION*.

Enacts Article 4 to GS Chapter 10B, to be cited as the Remote Online Notarization Act. Sets forth defined terms. Provides that the Notary Public Act (Article 1) and the Electronic Notary Act (Article 2) apply to all acts authorized under the new Article, except in case of conflict, the provisions of the new Article control.

Establishes qualifications for remote online notary registration, including that the individual holds a valid commission as notary public in the state, complies with Articles 1 and 2, satisfies the instruction requirements of GS 10B-107, and submits an electronic registration form. Provides for denial based on grounds set forth for the denial of notarial commission under GS 10B-5(d). Requires prior notification of the Secretary of State (Secretary) of the notary's capability to perform electronic notarial acts and the technology the notary intends to use before performing remote online notarial acts. Provides for simultaneous registration or re-registration of the capability to perform online notarial acts with applications for recommissioning under Articles 1 and 2. Provides for required content of the electronic application. Establishes a duty to update registration information. Sets the application fee at \$10, in addition to the fee for notary commission and registration as an electronic notary under Articles 1 and 2.

Requires notaries to take at least two hours of instruction on notarial laws, procedures, and technology as they pertain to remote online notarization, and pass an exam of the course, subject to Secretary approval. Provides for additional courses and approvals as required for various notarial communication technologies. Requires the Secretary to maintain an electronic database of all registered remote online notaries.

Requires registration of any device employing an approved communication technology, which must remain valid for the notary to continue performing remote online notarizations. Provides for notice requirements regarding new technology registrations.

Authorizes acknowledgements, jurats, verifications or proofs, and oaths or affirmations to be performed by means of online communication technology with respect to both tangible records and electronic documents; excludes eight acts, such as a self-proved will, health care directives and health care powers of attorney, and a codicil to a will. Further authorizes the notary, upon registration under the new Article, to perform the authorized acts as an electronic notarization pursuant to Article 2. Requires that the remote online notary either personally know the principal or be identified to the remote online notary by satisfactory evidence, as specified. Makes the prohibitions of GS 10B-20 applicable to remote online notaries. Establishes requirements for the use of communication technology for remote online notarial acts, and requires ensuring security measures. Requires principals to use the communication technology the remote online notary has selected. Establishes the requirements and procedure for remote online notarial acts, as well as prohibited notarial acts if certain circumstances are presented. Provides that failure to comply with the requirements of the remote online notarization does not invalidate the notarial act or the electronic records that were notarized, but it does not prevent an aggrieved person from seeking to invalidate the record. Provides for confidentiality of the principal's documents. Details requirements and procedures for the remote online notary to verify the identity of the principal. Requires *identity proofing* through a third party and *credential analysis*, as those terms are defined, to comply with the statute's requirements, as specified.

Enumerates six components that must be attached to, or logically associated with, the electronic document by the remote online notary, which must be immediately perceptible and reproducible in the electronic record to which the remote online notary's electronic signature is attached, including the notary's commission information and electronic signature and the completed wording of the specified notarial certificates, as appropriate. Provides for requirements for using electronic notarization and conducting remote online notarization. Sets maximum fees at up to \$50 per signature for acknowledgements, jurats, verifications or proofs, and oaths or affirmations. Specifies that these fees are in addition to the maximum fees for electronic notarization.

Details electronic journaling requirements for remote online notaries performing remote online notarizations for each remote online notarization, deemed the exclusive property of the remote online notary. Requires a communication technology recording of the performance of each remote online notarial act. Provides for designation of a custodian for acts associated with electronic journaling. Provides for transmission of the electronic journal to the Secretary upon death or adjudication of incompetency of a current or former remote online notary. Details security requirements of remote online notaries. Requires

surrender of the electronic journal upon termination of employment, with the duty to maintain an accurate backup of the journal for at least 10 years. Provides required action following discovery of any permanent loss of data, unauthorized use, loss of use, or compromised security of the electronic journal. Provides for suspension of the notary's commission for failure to comply with a records request of the Department of State within 30 days until the Secretary reinstates the commission. Directs that all notarial records required by statute or rule be delivered to the Secretary upon resignation, revocation, or expiration, or death of a notary.

Details security measures required of the Secretary. Directs the Secretary to establish guidelines for the secure storage of the electronic journal and communication technology recordings associated with notarial acts that use standard encryption technologies; establish any necessary additional guidelines for identity proofing and credential analysis; establish standards and processes for the technology communication to allow secure real-time communication; establish standards for tamper-evident technologies; require use of a communication technology provided by a third-party vendor that has presented evidence of compliance with industry standards; adopt rules to ensure the integrity, security and authenticity of remote online notarizations, such as imposing additional educational requirements; and adopt rules regarding the performance of a notarial act as specified, with consideration given as described. Requires providers of communication technology, identity proofing, credential analysis, or storage to appoint the Secretary as the provider's agent for service of process in any civil action in the state related to the notarial act, with the Secretary authorized to substitute another agency or private party to act as the agent.

Deems a paper or tangible copy of an electronic document that a notary public has certified to satisfy any legal requirements that, as a condition of recording, the document must comply with as to three specified criteria, including that the document is an original or in writing. Authorizes a commissioned notary public to certify that a paper or tangible copy of an electronic document is a true and correct copy of the electronic document provided that the notary has confirmed that the electronic document is in a tamper-evident format and the notary satisfies three criteria as to the document [subsection (b)]. Requires State and local officials charged with recordation to record a paper or tangible copy of a document that is otherwise entitled to be recorded, provided certification by a notary public of an electronic document evidenced by a notarial certificate that complies with five specified requirements. Provides a standard form of certificate which meets the requirements for certification; deems such a certificate attached to or made a part of a paper or tangible document prima facie evidence that the requirements of subsection (b) have been satisfied with respect to the document. Provides for the statutes and acts taken under the statute's application to real property. Provides four defined terms.

Makes conforming changes to GS 10B-2. Increases the maximum fees set under GS 10B-32 for notarial acts from up to \$5 per principal signature to up to \$10 per principal signature for acknowledgements, jurats, verifications or proofs, and from up to \$5 per person to up to \$10 per person for oaths or affirmations without a signature.

Effective January 1, 2022.

Intro. by Britt, Daniel, McInnis.

GS 10B

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Government, State Agencies, Secretary of State](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 73: TEMPORARILY DEFER ABC PERMIT RENEWAL FEES. (NEW)

Senate: Reptd Fav

H 376: SCHOOL CALENDAR FLEXIBILITY.

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Withdrawn From Com

House: Re-ref to the Com on Education - K-12, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

H 494: DIGITAL INTERFERENCE CENSORSHIP ACT.

House: Passed 1st Reading

House: Ref to the Com on Commerce, if favorable, Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

H 495: REDISTRICTING CRITERIA FOR 2021.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 496: PROPERTY OWNERS' RIGHTS/TREE ORDINANCES.

House: Passed 1st Reading

House: Ref to the Com on Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

H 497: SUPPORT VETERAN TEACHERS.

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 498: AUTHORIZE ATV AND UTILITY VEHICLE TITLING.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House

H 499: RECOVERY REBATE FOR WORKING FAMILIES ACT.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 500: DISASTER RELIEF AND MITIGATION ACT OF 2021.

House: Passed 1st Reading

House: Ref to the Com on Finance, if favorable, Environment, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 501: PFAS MANUFACTURE/USE/SALE BAN.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 502: PFAS CONTAMINATION MITIGATION MEASURES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 503: PFAS STUDIES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 505: NC HEALTHY PREGNANCY ACT.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 506: POLLUTER PAYS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 507: NORTH CAROLINA MOMNIBUS ACT.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 508: EDUCATION FUNDING TRANSPARENCY.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

H 509: ADOPT OFFICIAL NC DOGWOOD FESTIVAL.

House: Passed 1st Reading

House: Ref to the Com on State Government, if favorable, Rules, Calendar, and Operations of the House

H 510: BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Judiciary 4, if favorable, Rules, Calendar, and Operations of the House

H 511: STI FUNDING/BICYCLE/PEDESTRIAN IMPROV.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 512: PHARMACISTS IMPROVE PUBLIC HEALTH NEEDS.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Insurance, if favorable, Rules, Calendar, and Operations of the House

H 513: PEOPLES' CHOICE FOR MARINE SOURCES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 514: NC HEALTHY PREGNANCY ACT.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 516: RAISE DROPOUT AGE TO 18.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 518: TEMPORARILY WAIVE COMMERCIAL FISHING FEES.

House: Passed 1st Reading

House: Ref to the Com on Marine Resources and Aqua Culture, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 519: AMEND AUTOCYCLE DEFINITION.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House

H 521: 2021 SAFE DRINKING WATER ACT.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 522: MODIFY SERVICE/RELEASE OF ALTERNATE JURORS.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 523: AMEND STREET RACING PENALTIES.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 526: AUTHORIZE INTERNATIONAL TRADE MARKET PERMIT.*House: Filed***H 527: RECOMMIT SCRAP TIRE DISPOSAL FUNDS.***House: Filed***H 528: DISCLOSURE OF COSMETICS INGREDIENTS.***House: Filed***H 529: REPEAL RENEWABLE ENERGY PORTFOLIO STANDARD.***House: Filed***H 530: ESTABLISH NC TEXTILE MUSEUM.***House: Filed***H 531: TIMESHARE ACT CHANGES.***House: Filed***H 532: CRIMINAL JUSTICE EQUITY ACT OF 2021.***House: Filed***H 533: COUNTY WASTE MANAGEMENT ASSISTANCE.***House: Filed***H 534: FUNDS/EST. BLACK WOMEN & GIRLS TASK FORCE.***House: Filed***H 535: FIREFIGHTERS FIGHTING CANCER ACT OF 2021.***House: Filed***S 212: BENNETT COLLEGE ACCREDIT./PRIVATE NEED-BASED.***Senate: Reptd Fav***S 315: ALLOW SELF-INSURANCE AS PROOF OF FIN. RESP.***Senate: Reptd Fav***S 323: JOINT MUNICIPAL POWER AGENCIES/INVESTMENTS.***Senate: Reptd Fav***S 339: DRIVING LOCAL BUSINESS.***Senate: Reptd Fav***LOCAL BILLS****H 396: ADDRESS PANDEMIC LEARNING LOSS/SELECT SYSTEMS.***House: Serial Referral To Rules, Calendar, and Operations of the House Stricken**House: Withdrawn From Com**House: Re-ref to the Com on Education - K-12, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House***H 504: WELDON CITY BD. OF ED./COMPENSATION.***House: Passed 1st Reading**House: Ref to the Com on Local Government, if favorable, Rules, Calendar, and Operations of the House***H 515: ALEXANDER CO. BD. OF ED./PARTISAN ELECTION.**

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

H 517: EMER. MGT./POWERS/CABARRUS COUNTY.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House

H 520: WS/FORSYTH BD. OF ED/VACANCY METHOD.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 51: EVEN-YEAR ELECT/TRENT WOODS & RIVER BEND. (NEW)

Senate: Reptd Fav

S 194: RE-STAGGER TERMS/ALDERMEN/N.TOPSAIL BEACH.

Senate: Reptd Fav

S 269: FLEXIBILITY IN FILLING VACANCIES/DURHAM.

Senate: Reptd Fav

© 2021 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)