

The Daily Bulletin: 2024-06-04

PUBLIC/HOUSE BILLS

H 250 (2023-2024) [ME/IDS/DRIVING PRIVILEGES/XYLAZINE CHANGES. \(NEW\)](#) Filed Mar 1 2023, *AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, TO MODIFY THE INDIGENT DEFENSE SERVICES COMMISSION, TO MODIFY THE CRITERIA FOR OBTAINING A LIMITED DRIVING PRIVILEGE, TO PROVIDE THAT A PERSON SUBJECT TO AN IGNITION INTERLOCK SYSTEM REQUIREMENT SHALL HAVE THE PERSON'S PERIOD OF COMPLIANCE WITH THE REQUIREMENT EXTENDED IF THE PERSON COMMITS AN IGNITION INTERLOCK SYSTEM VIOLATION DURING THE NINETY-DAY PERIOD IMMEDIATELY PRECEDING THE DATE THE PERSON'S INITIAL PERIOD OF COMPLIANCE IS TO END, AND TO CREATE THE OFFENSE OF DEATH BY DISTRIBUTION OF XYLAZINE.*

Senate committee substitute to the 2nd edition replaces the bill in its entirety with the following.

Amends GS 130A-385 (duties of medical examiners [ME's] upon receipt of notice) as follows. Removes the general ME investigative provisions from GS 130A-385(a), including the statute's authorization to an ME to seek an administrative search warrant in certain instances. Instead sets forth the ME's investigative authority in three instances:

- In all cases, the Chief ME or the county ME may (i) inspect the decedent's body, (ii) inspect and copy the medical records of the decedent whose death is under investigation, (iii) collect and inspect the decedent's body and personal possessions associated with the death, including clothing on the decedent's body, and (iv) collect tissue and blood samples, cultures, medical images, X rays, and other medical information obtained through the use of medical equipment.
- In the case of a decedent whose death is not under criminal investigation, the Chief ME or the county ME conducting an investigation pursuant to Article 16, Postmortem Investigation and Disposition, is authorized to inspect all other physical evidence and documents that may be relevant to determining the cause and manner of death of the person whose death is under investigation, and the Chief ME or county ME may seek an administrative search warrant pursuant to GS 15-27.2 for the purpose of carrying out these duties.
- In the case of a decedent whose death is under criminal investigation, prevents an administrative search warrant from being issued, and prevents the Chief ME or the county ME from inspecting other physical evidence or documents at the scene except as permitted by the investigating law enforcement agency. The district attorney (DA) or investigating law enforcement agency must inform the Chief ME, the county ME, or the autopsy center, as applicable, that the death is under criminal investigation. Specifies that nothing here prohibits the Chief ME or the county ME from being present during the execution of a search warrant by the investigating law enforcement agency.

Requires that the facilities of autopsy centers and their staff services also be available to ME's and dedicated pathologists in their investigations (currently, just central and district offices). Expands the entities who must provide a copy of its ME investigation file (defined) to a DA upon request to now include the Office of the Chief ME (OME), the local ME, and an autopsy center, as applicable. Specifies that the obligation is a continuing disclosure obligation. Requires the DA or investigating law enforcement agency to inform the disclosing entities if the death is no longer under investigation and the obligation terminates.

Makes technical, clarifying, and organizational changes.

Expands the continuing education requirements for county ME's under GS 130A-382(b) to include requirements for compliance with their duties prescribed by GS 130A-385 and GS 130A-389.

Allows a DA at least 72 weekday hours after pronouncement of death to request an autopsy under GS 130A-389(a)(3)(autopsy at request of DA upon probable cause that the decedent died because of certain controlled substances), so long as the DA or the investigating law enforcement agency provides notification within the first 24 hours after the pronouncement of death that such

an assertion might be made. Specifies that the DA is not required to provide the facts supporting probable cause to the Chief ME.

Effective October 1, 2024.

Section 2

Amends GS 7A-498.4 (the Indigent Defense Services Commission [IDSC]) as follows. Requires all thirteen members to reside in different judicial districts from one another. No longer allows the NC Association of Black Lawyers, the NC Association of Women Lawyers, the NC Bar Association, and the Governor to have any appointment authority to the IDSC. Now requires the Chief Justice of the NC Supreme Court to appoint an attorney (currently, appoints an active or former member of the judiciary). Increases the number of appointees by the President Pro Tempore of the NC Senate from one attorney to four attorney members, two of whom must regularly serve as appointed counsel. Increases the number of appointees by the Speaker of the NC House from one attorney to four attorney members, two of whom must regularly serve as appointed counsel. Requires the NC Public Defenders Association to appoint a public defender (currently, just has to appoint an attorney). Reduces the IDSC's appointees from three (one non- attorney, one who may be a member of the judiciary, and one Native American member) to one attorney member. Allows IDSC members to include active public defenders and active employees of public defenders. Makes technical and conforming changes.

Effective October 1, 2024, and applies to appointments made on or after that date. Notwithstanding any provision of law to the contrary, sets forth schedule for when the terms of members of the IDSC appointed prior to October 1, 2024, will conclude.

Section 3

Creates a third type of eligibility for a limited driving privilege under GS 20-179.3 for a person convicted of the offense of impaired driving under GS 20-138.1 who has been convicted of not more than one offense involving impaired driving within the preceding seven years if all of five listed requirements are met, including that the person has obtained and filed with the court a substance abuse assessment required for the restoration of a driver's license. Specifies that a person whose NC driver's license is revoked because of a conviction in another jurisdiction that is substantially similar to impaired driving under GS 20-138.1 is eligible for a limited driving privilege if they would be eligible if the conviction had occurred in the State.

Amends GS 20-17.8 (applicable to a person with a driver's license) and GS 20-179.3 (applicable to a person with a limited driving privilege) by adding that a person who commits an ignition interlock system violation during the 90 days immediately preceding the date on which the person's initial compliance with the ignition interlock is to end must have the period of compliance extended for an additional period of 90 days or until the person has been violation-free for such extended period.

Effective July 1, 2024. Provides that prosecutions for offenses committed before the act's effective date are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Section 3.5

Adds new GS 14-18.5 (death by distribution of xylazine; aggravated death by distribution of xylazine; penalties), as follows. States the General Assembly's findings and intent. Establishes the offense of death by distribution through delivery of xylazine as a Class C felony when a person delivers xylazine, the ingestion of the xylazine causes the user's death, and the delivery was the proximate cause. Establishes the offense of death by distribution through delivery with malice of xylazine as a Class B2 felony, which consists of the elements above, and that the person acted with malice. Establishes the offense of death by distribution through sale of xylazine as a Class B2 felony when a person sells xylazine, the ingestion of the xylazine causes the user's death, and the delivery was the proximate cause. Creates an aggravated offense (raising it to a Class B1 felony) if the person has certain prior convictions within ten years of the date of the offense, excluding times when the person was incarcerated in a local, state, or federal detention center, jail, or prison. Specifies that death by distribution through sale of xylazine is a lesser included offense of the aggravated death by distribution through sale of xylazine offense. Provides that the new offense does not restrict or interfere with Good Samaritan rights and immunities related to drug overdoses as set forth in GS 90-96.2. Exempts (1) issuing a valid prescription for a controlled substance for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice and (2) dispensing, delivering, or administering a controlled substance pursuant to a prescription, by a pharmacy permitted under GS 90-85.21, a pharmacist, or an individual practitioner from criminal prosecution.

Effective December 1, 2024 and applies to offenses committed on or after that date.

Makes conforming changes to the act's titles.

Intro. by [Arp](#), [K. Baker](#), [Wray](#), [Carson Smith](#).

[GS 7A](#), [GS 14](#), [GS 90](#), [GS 130A](#)

[View summary](#)

[Courts/Judiciary](#), [Court System](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Health and Human Services](#), [Health](#), [Public Health](#)

H 495 (2023-2024) [REVISE MONEY LAUNDERING/RETAIL CRIME. \(NEW\)](#) Filed Mar 28 2023, *AN ACT TO CRIMINALIZE MONEY LAUNDERING AND TO REVISE CERTAIN LARCENY LAWS.*

Senate committee substitute to the 1st edition replaces the bill in its entirety with the following.

Enacts new GS 14-118.8 setting forth the crime of money laundering as follows. Sets out defined terms *criminal activity*, *financial institution*, *funds*, *insurer*, *proceeds of criminal activity*, and *transaction*. Establishes the offense of money laundering if a person or organization knowingly and willfully does any of the following seven listed things that, alone or as aggregated under the rules provided by the statute, exceed \$10,000:

- Acquires or maintains an interest in, conceals, possesses, transfers, or transports the proceeds of criminal activity.
- Conducts, supervises, or facilitates a transaction involving the proceeds of criminal activity.
- Invests, expends, or receives, or offers to invest, expend, or receive, the proceeds of criminal activity or funds that the person believes are the proceeds of criminal activity.
- Finances or invests, or intends to finance or invest, funds that the person believes are intended to further the commission of criminal activity.
- Uses, transports, transmits, or transfers; conspires to use, transport, transmit, or transfer; or attempts to use, transport, transmit, or transfer the proceeds of criminal activity to conduct or attempt to conduct a transaction or make other disposition with the intent to conceal or disguise the nature, location, source, ownership, or control of the proceeds of criminal activity.
- Uses the proceeds of criminal activity with the intent to promote, in whole or in part, the commission of criminal activity.
- Conducts or attempts to conduct a transaction involving the proceeds of criminal activity, knowing the property involved in the transaction constitutes proceeds of criminal activity with the intent to avoid a transaction reporting requirement under federal law.

Specifies that knowledge of the specific nature of the criminal activity giving rise to the proceeds is required to establish a culpable mental state under GS 14-118.8. Provides for a defense if the person acted with intent to facilitate a lawful seizure or other legitimate law enforce purpose under the laws of the State or the United States. Provides for conspiracy liability, even if the alleged co-conspirator was an agent of law enforcement or a law enforcement officer. Provides for concurrent venue.

If the value of the laundered proceeds or funds is less than \$100,000 the offense is punishable as a Class H felony, in addition to any other civil or criminal penalties provided by law. If the value is more than \$100,000 the offense is punishable as a Class C felony, in addition to any other civil or criminal penalties provided by law. Specifies that all property of every kind used or intended for use in the course of, derived from, maintained by, or realized through money laundering as set forth in GS 14-118.8 will be subject to forfeiture under the process set forth in GS 75D-5 (pertaining to Racketeer Influenced and Corrupt Organizations (RICO) civil forfeiture) or in GS 14-2.3 (forfeiture of gain acquired through criminal activity). If the proceeds are related to one scheme or continuing course of conduct, regardless of the source of funds, allows for the conduct to be considered one offense and for aggregation of the value of the proceeds for purposes of determining the classification of the offense. Bars merger of violations of GS 14-118.8 with other offenses.

Provides a civil liability shield for financial institutions or its agents who have acted lawfully to facilitate the lawful seizure, forfeiture, or disposition of funds from persons who (1) claim an ownership interest in funds involved money laundering or (2) conduct with the financial institution or insurer a transaction concerning funds involved in money laundering.

Makes conforming change to GS 75D-3(c)(1) (RICO definitions) to include reference to GS 14-118.8.

Removes term *retail property fence* from GS 14-86.5 (definitions pertaining to organized retail theft). Amends GS 14-86.6 (offense of organized retail theft) as follows. Expands the conspiracy to steal from retail establishments prong of the offense to

include persons who conspire with others to sell, transfer, or possess (was, sell) retail property for monetary or other gain (currently, have to also take or cause that retail property to be placed in the control of a retail property fence or other person in exchange for consideration). Expands the conspiracy to steal from a merchant prong to include a scheme course of conduct with the intent to effectuate the transfer or sale of property stolen from a merchant (currently, the conspiracy must be a scheme or course of conduct to actually effectuate the transfer or sale of the property).

Expands illegal transfer of a price tag prong of the offense of concealment of merchandise in mercantile establishments as set forth in GS 14-72.1(d) to include illegal transfers of product codes or other pricing mechanisms (defined). Makes transferring such price mechanisms and price tags to products having a price over \$200 higher than the original price tag and then presenting the goods or merchandise for purchase a Class H felony. Specifies that the statute should not be construed to provide that the mere possession of goods or the production by shoppers of improperly priced merchandise for checkout constitutes evidence of guilt.

Amends GS 14-72.11 (offense of larceny from a merchant) as follows. Defines *antishoplifting or inventory control device*. Adds three new actions that constitute the offense: (1) fraudulently creating a product code or any other price mechanism used by a merchant to determine the price of a good with the intent to fraudulently obtain goods or merchandise from a merchant at less than its actual sale price; (2) affixing a product code or any other price mechanism used by a merchant to determine the price of a good when the product code or other price mechanism was created by someone other than the merchant or manufacturer of the goods or merchandise for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sale price (was, an offense to affix a price code created for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sales price; and (3) presenting a good for purchase for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sales price knowing that a product code or any other price mechanism used by a merchant to determine the price of the good has been replaced by a product code or other price mechanism created by someone other than the merchant or manufacturer.

Makes conforming changes to the act's titles.

Applies to offenses committed on or after December 1, 2024.

Intro. by Crutchfield, Greene, K. Baker.

GS 14, GS 75D

[View summary](#)

Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 965 (2023-2024) [UNC INTRASTATE ATHLETIC COMPETITION](#). Filed May 1 2024, *AN ACT TO REQUIRE ELIGIBLE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO REGULARLY COMPETE AGAINST ONE ANOTHER IN FOOTBALL AND BASKETBALL*.

House committee substitute to the 1st edition makes the following changes. Adds newly defined term *home game* to GS 116-40.14 as a game held at a site selected by the hosting constituent institution, including a neutral site. Clarifies that any successor grouping to NCAA Division I in the term *high-level football team* must be engaged in the highest level of intercollegiate football (was, highest level of football). Makes technical and organizational changes.

Intro. by Willis, Pickett, Saine, Johnson.

APPROP, GS 116

[View summary](#)

Government, Budget/Appropriations, State Agencies, UNC System

H 1056 (2023-2024) [PA LICENSURE INTERSTATE COMPACT](#). Filed May 2 2024, *AN ACT TO ESTABLISH A PA LICENSURE COMPACT FOR THE LICENSURE OF PHYSICIAN ASSISTANTS*.

House committee substitute to the 1st edition adds the following content.

Amends GS 90-13.1 by adding a \$230 fee for the initial licensure or privilege of a physician assistant.

Amends GS 90-13.2 to also require privilege holders, in addition to licensees, to register with the North Carolina Medical Board annually, no later than 30 days after the person's birthday. Adds a \$140 annual registration fee for physician assistants and requires those who fail to register to pay an additional \$25 fee.

Intro. by Paré, Sasser, White.

GS 90

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers

H 1075 (2023-2024) [CONST. AMEND./RIGHT TO ACCESS PUBLIC RECORDS](#). Filed Jun 4 2024, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE RIGHT OF ACCESS TO PUBLIC RECORDS AND MEETINGS*.

Subject to approval by voters at the Statewide election on November 5, 2024, adds new Section 39 to Article I of the North Carolina Constitution to make records made, transmitted, or received by public officials and agencies, including the executive, legislative, and judicial branches of State government, and all bodies of local government, open to public inspection, examination and duplication. Makes meetings of all State and local public bodies open to the public. Prohibits limiting the right of access to the meetings of public bodies and records of public officials and agencies unless the public bodies, officials, or agencies can demonstrate that: (1) a compelling public interest is protected by the limitation; and (2) the limitation is narrowly tailored to protect the public interest. If approved, effective upon certification.

Intro. by Harrison, Staton-Williams, Prather, Longest.

CONST

[View summary](#)

Constitution, Government, Public Records and Open Meetings

PUBLIC/SENATE BILLS

S 542 (2023-2024) [DOL OMNIBUS/OTHER CHANGES. \(NEW\)](#) Filed Apr 4 2023, *AN ACT TO MAKE OMNIBUS CHANGES TO THE LABOR LAWS OF NORTH CAROLINA, TO MAKE OTHER TECHNICAL CHANGES, AND TO MODIFY ELEVATOR BIDDING SPECIFICATION REQUIREMENTS ON PUBLIC WORKS PROJECTS*.

AN ACT TO MAKE OMNIBUS CHANGES TO THE LABOR LAWS OF NORTH CAROLINA, TO MAKE OTHER TECHNICAL CHANGES, AND TO MODIFY ELEVATOR BIDDING SPECIFICATION REQUIREMENTS ON PUBLIC WORKS PROJECTS. SL 2024-3. Enacted June 3, 2024. Effective June 3, 2024, except as otherwise provided.

Intro. by Galey, Barnes, Corbin.

GS 95, GS 133

[View summary](#)

Business and Commerce, Courts/Judiciary, Motor Vehicle, Employment and Retirement, Government, State Agencies, Department of Labor

S 911 (2023-2024) [CONST. AMEND./RIGHT TO ACCESS PUBLIC RECORDS](#). Filed Jun 4 2024, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE RIGHT OF ACCESS TO PUBLIC RECORDS AND MEETINGS*.

Identical to [H 1075](#), filed 6/4/24.

Subject to approval by voters at the Statewide election on November 5, 2024, adds new Section 39 to Article I of the North Carolina Constitution to make records made, transmitted, or received by public officials and agencies, including the executive,

legislative, and judicial branches of State government, and all bodies of local government, open to public inspection, examination and duplication. Makes meetings of all State and local public bodies open to the public. Prohibits limiting the right of access to the meetings of public bodies and records of public officials and agencies unless the public bodies, officials, or agencies can demonstrate that: (1) a compelling public interest is protected by the limitation; and (2) the limitation is narrowly tailored to protect the public interest. If approved, effective upon certification.

Intro. by Meyer, Blue.

[CONST](#)

[View summary](#)

[Constitution, Government, Public Records and Open Meetings](#)

LOCAL/HOUSE BILLS

H 931 (2023-2024) [TOWN OF NEWPORT/DEANNEXATION](#). Filed Apr 30 2024, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF NEWPORT.*

House committee substitute to the 1st edition makes changes to the description of the specified property removed from Newport's corporate limits.

Intro. by Cairns.

[Carteret](#)

[View summary](#)

H 1058 (2023-2024) [JACKSON CO BD OF ED ELECTIONS TO NOV](#). Filed May 6 2024, *AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE JACKSON COUNTY BOARD OF EDUCATION AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE METHOD OF ELECTION OF MEMBERS OF THE JACKSON COUNTY BOARD OF EDUCATION TO THE NONPARTISAN PLURALITY METHOD.*

House committee substitute to the 1st edition makes the following changes. Repeals SL 1961-314 (pertaining to the establishment of precincts and the election of the Jackson County Board of Education [Board] and filling of vacancies thereof), SL 1973-553 (containing (1) outdated language pertaining to an appointee of the Board and (2) updates on the filling of vacancies to the Board), and SL 1991-170 (discussed below).

Restates the act's changes relating to the manner and date of Board elections originally set forth as amendments to SL 1991-170 as a separate section in the act. Removes provisions allowing currently elected or appointed members to continue their terms until their replacement is elected and qualified. Specifies that members will be elected from five single-member residency districts to four-year staggered terms. Requires those districts to be the same as the districts used in 2022 and 2024 if the Board does not choose to modify those districts upon return of the 2030 federal decennial census.

Effective the first Monday in December 2026, and directs that elections be conducted accordingly (was, applicable to elections held in 2026 and thereafter).

Intro. by Clampitt.

[Jackson](#)

[View summary](#)

[Government, Elections](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 250: ME/IDS/DRIVING PRIVILEGES/XYLAZINE CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 495: REVISE MONEY LAUNDERING/RETAIL CRIME. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

Senate: Re-ref Com On Rules and Operations of the Senate

H 935: REORGANIZE & FUND RARE DISEASE ADV. COUNCIL.

House: Reptd Fav

House: Re-ref Com On Appropriations

H 965: UNC INTRASTATE ATHLETIC COMPETITION.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 1056: PA LICENSURE INTERSTATE COMPACT.

House: Reptd Fav Com Substitute

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1075: CONST. AMEND./RIGHT TO ACCESS PUBLIC RECORDS.

House: Filed

S 156: CLARIFY DV MISDEMEANOR. (NEW)

House: Withdrawn From Com

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

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 640: VARIOUS CRIMINAL PROCEDURE CHANGES.

House: Withdrawn From Com

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

S 911: CONST. AMEND./RIGHT TO ACCESS PUBLIC RECORDS.

Senate: Filed

Senate: Filed

LOCAL BILLS

H 931: TOWN OF NEWPORT/DEANNEXATION.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1058: JACKSON CO BD OF ED ELECTIONS TO NOV.

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 1060: ADD AT-LARGE MEMBERS/MACON CO. BOARD OF COMM.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 1067: EMPLOYEE HOUSING/DURHAM COUNTY.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

© 2024 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](#)