2025 Legislation Affecting Criminal Law and Procedure

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Below are summaries of 2025 legislation affecting criminal law and procedure, juvenile law and procedure, and motor vehicle law. To obtain the text of the legislation, click on the link provided below or go to the General Assembly's website, www.ncleg.gov. Be careful to note the effective date of each piece of legislation.

1) **S.L. 2025-4 (H 74): Safe surrender of infants.** Effective May 14, 2025, section 5.4 of the act amends G.S. 14-318.2(c) (misdemeanor child abuse) and G.S. 318.4(c) (felony child abuse). The act raises the age that a parent may abandon their child pursuant to G.S. 14-322.3 from less than seven (7) days old to less than thirty (30) days old.

2) **S.L. 2025-15 (H 183): Wake surfing on Lake Glenville.** Effective for offenses committed on or after October 1, 2025, section 1 of this act prohibits wake surfing within 200 feet of the shoreline or any structure, moored vessel, kayak, canoe, paddleboard, or swimmer on Lake Glenville in Jackson County. The act defines wake surfing as operating a motorboat with weight added in the stern via water-filled tanks or other ballasts for the purpose of creating an artificially enlarged wake that is or is intended to be surfed by another person towed behind the boat. A violation of this local restriction is a Class 1 misdemeanor and carries a minimum fine of one hundred dollars ($100.00), in addition to any other applicable penalties. The restriction is enforceable by officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction.

3) **S.L. 2025-16 (H 612): Permanent no contact orders against violent offenders.** Effective for offenses committed on or after December 1, 2025, section 3.1 of the act amends G.S. 15A-1340.50 (permanent no contact orders) to apply to convicted violent offenders rather than convicted sex offenders. The act expands the definition of "permanent no contact order" to prohibit contact with the victim's immediate family and makes the same clarifying change throughout the statute. The act also defines "violent offense" to include any of the following:
    (1) A criminal offense that requires registration under Article 27A of Chapter 14 of the General Statutes.
    (2) A Class A through G felony that is not otherwise covered under the previous subsection.
    (3) Assault by strangulation under G.S. 14-32.4(b).

[1] Special thanks to Faith Gray and Amelia Walker, second-year law students at The University of North Carolina School of Law, for their significant contributions to the preparation of these summaries.

The act amends G.S. 15A-1340.50(e) to clarify that if any member of the victim's immediate family is included in the permanent no contact order, they must be specifically identified in the order. Subsection (h) is amended to allow the order to be modified.

Felony child abuse. Effective for offenses committed on or after December 1, 2025, section 3.2 of the act amends G.S.14-318.4, broadening the scope of people who can be prosecuted for the offense to include, in addition to the parent, "any other person providing care to or supervision" of a child less than 16 years older. The act removes subsection (a6) defining "grossly negligent omission" and redefines the term under subsection (d)(1). The act also adds subsection (a7) which makes it a Class B2 felony for any parent or other person providing care to or supervision of a child less than 16 years of age to, for the purposes of causing fear, emotional injury, or deriving sexual gratification from, intentionally and routinely inflict physical injury on the child and deprive them of necessary food, clothing, shelter, or proper physical care.

4) **S.L. 2025-18 (H 251): Nondiscrimination in state disaster recovery assistance.** Effective for offenses committed on or after December 1, 2025, section 2 of this act enacts new G.S. 166A-19.4, which provides that no United States citizen, national, or qualified alien as defined in 8 U.S.C. § 1641 shall be denied or discriminated against by the State or its agencies and employees for disaster recovery assistance on the basis of political affiliation or political speech. A knowing violation of this provision is a Class I felony.

Temporary housing during an emergency. Effective for offenses committed on or after December 1, 2025, section 4 of this act expands G.S. 14-288.1 to include definitions for "emergency area" and "temporary housing." "Emergency area" is defined as the geographical area covered by a declared state of emergency. "Temporary housing" includes any of the following:

(1) A tent, trailer, mobile home, or any other structure being used for human shelter which is designed to be transportable and is not permanently attached to the ground, to another structure, or to any utility system on the same premises.
(2) A vehicle being used as temporary living quarter.
(3) Any equipment used to transport or deliver a structure or vehicle described in sub-subdivision a. or b. of this subdivision.
(4) Any item attached, affixed, or connected to, or intended to be attached, connected, or affixed to, a structure or vehicle described in sub-subdivision a. or b. of this subdivision to provide air conditioning, heating, or a source of power for the structure or vehicle.

The act also amends G.S. 14-288.6(a) (trespass during emergency) to clarify that the offense occurs when a person enters on the property of another without legal justification in an emergency area during a declared state of emergency when the usual security of property is not effective due to the emergency that prompted the declared state of emergency. The act amends G.S. 14-288.6(b) to clarify the punishment for looting while trespassing during an emergency. A violation of the looting offense is punishable as follows:

(1) Class F felony if the looted property is temporary housing or is taken from temporary housing.
(2) Class H felony if the looted property is anything other than property described in subdivision (1).

5) S.L. 2025-20 (H 91)**: Commercialization of American Legion emblem.** Effective June 26, 2025, section 2.2 of this act repeals G.S. 14-395 which made it a Class 3 misdemeanor for any individual not a member of the American Legion to wear the recognized emblem of the American Legion or to use the emblem for advertising or commercialization purposes, or display it upon their property, place of business, or any other place.

6) S.L. 2025-25 (H 40)**: Miscellaneous**. Effective June 26, 2025, section 4 of the act amends G.S. 14-113.7A (excluding certain types of transactions from crimes of credit card fraud), changing references from "credit card" to "financial transaction card".

Abandonment and nonsupport of children. Effective June 26, 2025, section 5 of the act repeals Article 15A of G.S. Chapter 15, pertaining to investigation of offenses involving abandonment and nonsupport of children.

Expunctions. Effective June 26, 2025, section 31 of the act amends the following expunction-related statutes: G.S. 15A-145.5, -145, -145.1, 145.2, -145.3, -145.4, -145.6, and -145.7 to clarify that the effect of an expunction under these statutes is governed by G.S. 15A-153 (effect of expunction), except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense. The act similarly amends G.S. 15A-145.8, -145.8A, -145.9, -146, -147, and -149 to clarify that the effect of an expunction under these statutes is governed by G.S. 15A-153.

7) S.L. 2025-27 (H 576)**: Unlicensed adult care homes.** Effective for offenses committed on or after December 1, 2025, section 3.2 of the act amends G.S. 131D-2.5(b) and G.S. 131D-2.6 to increase the penalties for operating as an adult care facility without a license. Any individual or corporation that establishes, conducts, manages, or operates a multiunit housing with services program, subject to registration, that fails to register is guilty of a Class H felony, including a fine of one thousand dollars ($1,000) per day for each day the facility is in operation in violation of the statutory requirements.

8) S.L. 2025-37 (H 67)**: International physician licensure**. Effective January 1, 2026, section 2.(a) of this act enacts new G.S. 90-12.03, regulating the issuance of internationally-trained physician employee licenses. Under subsection (b) of the new statute, the holder of the internationally-trained physician employee license is prohibited from practicing medicine or surgery outside the confines of the North Carolina hospital or rural medical practice, or its affiliate, by whose employment the holder was qualified to be issued the license. Violation of

this provision is a Class 3 misdemeanor and will result in a fine of no more than five hundred dollars ($500.00) for each offense.

9) S.L. 2025-45 (H 737): **Inexperienced operator continuous coverage**. Effective July 1, 2026, section 8 of this act amends G.S. 20-309 (financial responsibility prerequisite to registration) to add new subsection (a3), which provides that a person subject to the inexperienced operator premium surcharge under G.S. 58-36-65(k) may not drive a vehicle unless their liability insurance policy includes the required surcharge. This requirement does not apply if the person shows financial responsibility through an alternative authorized method. The act also amends G.S. 20-16 (authority of Division to suspend license) to include a violation of G.S. 20-309(a3) as grounds for license suspension. The act amends G.S. 20-309.2 to require an insurer to notify the DMV when a person subject to the inexperienced operator premium surcharge under G.S. 58-36-65(k) is added to or removed from a liability insurance policy, or when a policy covering such a person is canceled. G.S. 20-309.2(a1) is amended to require the DMV to maintain accurate insurance records for persons subject to the inexperienced operator premium surcharge.

10) S.L. 2025-47 (S 391): **Motor vehicle laws.** Effective for offenses committed on or after December 1, 2025, section 17 of the act adds new subsection (f) to G.S. 20-146 (drive on right side of highway), which states that except when entering or exiting the highway, avoiding a hazard, or to pass, a motor vehicle having a gross vehicle weight rating of 26,001 pounds or more shall not operate in the left most lane of a controlled-access highway with six or more lanes.

Requirement for tinted windows upon approach of law enforcement. Effective for offenses committed on or after December 1, 2025, section 22.(d) of the act adds new subsection (g) to G.S. 20-127 (windows and windshield wipers), requiring the driver of a vehicle with tinted windows to roll down the windows when a law enforcement officer is approaching. If the officer approaches from the passenger side, the driver is required to roll down the passenger window.

For more on other motor vehicle law changes in this bill, see Belal Elrahal, *Summer 2025 Motor Vehicle Law Changes*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Aug. 6, 2025).

11) S.L. 2025-51 (S 710): **NC Private Protective Services Board.** Effective October 1, 2025, section 3 of the act amends G.S. 14-415.12 (criteria to qualify for issuance of a permit) to include courses certified or sponsored by the North Carolina Private Protective Services Board and Secretary of Public Safety to those courses that may be taken by an applicant for a concealed handgun permit. The act also amends G.S. 15A-151 (confidential agency files) to allow the file for expungements to be disclosed upon request of the North Carolina Private Protective Services Board or the North Carolina Security Systems Licensing Board if the criminal record was expunged for licensure or registration purposes only.

12) S.L. 2025-54 (H 620)**: Juvenile custody.** Effective for proceedings occurring on or after December 1, 2025, section 10 of this act modifies several provisions related to juvenile custody.

Section 10.(a) of the act expands the proceedings where an order for nonsecure custody may be issued in G.S. 7B-1903 to include criminal proceedings (currently the order may be issued only in delinquency proceedings). The statute is also amended to allow the court to examine criminal indictments and information in addition to the juvenile petition.

Section 10.(b) of the act expands G.S. 7B-1904 to allow an initial order for secure custody to be issued when the superior court has ordered the removal of a case to juvenile court. The official executing the order is required to give a copy of the order to the juvenile and the juvenile's parent, guardian, or custodian. If the order is for nonsecure custody, the official executing the order must also give a copy of the order to remove the case from superior court and nonsecure custody order to the person or agency with whom the juvenile is being placed. If the order is for secure custody, copies of the order to remove the case from superior court and the custody order must accompany the juvenile to the detention facility or holdover facility of the jail. The statute also requires that a message of the Department of Public Safety stating that an order to remove the case from superior court and secure custody order relating to a specified juvenile are on file in a particular county be construed as authority to detain the juvenile in secure custody until copies of both orders can be forwarded to the juvenile detention facility. The copies of the order to remove the case from superior court and the secure custody order must be transmitted to the detention facility no later than 72 hours after the initial detention of the juvenile.

Section 10.(c) of the act expands G.S. 15A-960 (removal of juveniles) to specify that if the superior court removes the case to juvenile court for adjudication and the juvenile has been granted pretrial release as provided in G.S. 15A-533 and G.S. 15A-534, the obligor must be released from the juvenile's bond upon the superior court's review of whether the juvenile will be placed in secure custody as provided in G.S. 7B-1903.

Bail bonds. Effective for proceedings occurring on or after December 1, 2025, section 10.(d) of the act expands the list occurrences that terminate an obligor's bail bond obligations under G.S. 15A-534(h) to include the court's review of a juvenile's secure or nonsecure custody status pursuant to remand under G.S. 7B-2603 (right to appeal transfer decisions) or the removal under G.S. 15A-960 for disposition as a juvenile case.

13) S.L. 2025-57 (S 655)**: First degree trespass.** Effective for offenses committed on or after December 1, 2025, section 4 of the act expands G.S. 14-159.12, providing that a person commits the offense of first degree trespass if, without authorization, they enter or remain on the lands of the Catawba Indian Nation after the person has been excluded by resolution passed by the Catawba Indian Nation Executive Committee.

14) S.L. 2025-58 (H 357)**: Continuing Care Retirement Communities Act.** Section 2 of this act enacts new Article 64A of G.S. Chapter 58, regulating continuing care retirement communities. Effective for offenses committed on or after, December 1, 2025, new G.S. 58-64A-305 makes a

willful and knowing violation of any provision of the Article a Class 1 misdemeanor. The Commissioner may refer any available evidence concerning a violation of the Article, or of any rule adopted or order issued pursuant to the Article, to the Attorney General or a district attorney. The Attorney General or a district attorney may institute the appropriate criminal proceedings under the Article, with or without evidentiary referral from the Commissioner. The statute also specifies that nothing in the Article limits the power of the State to punish any person for any conduct that constitutes a crime under any other statute.

15) S.L. 2025-59 (S 442): **Child abuse.** Effective for offenses committed before, on, or after July 1, 2025, section 2 of the act adds new subsection (d) to G.S. 14-318.2 and new subsection (c1) to G.S. 14-318.4, providing that any parent of a child less than 18 years of age, or any other person providing care to or supervision of the child, is not guilty of child abuse for raising a child consistent with the child's biological sex, including referring to a child consistent with the child's biological sex, and making related mental health or medical decisions based on the child's biological sex. Nothing in the new provisions will be construed to authorize or allow any other acts or omissions that would constitute child abuse, including the infliction of serious physical injury or the creation of a substantial risk of physical injury. The act also amends G.S. 14-318.4(d)(2) to clarify that for purposes of defining "serious physical injury," a parent raising a child consistent with the child's biological sex does not constitute serious mental injury.

16) S.L. 2025-65 (S 664)**: Open container.** Effective for offenses committed on or after October 1, 2025, section 4.(b) of the act amends G.S. 20-138.7(a), clarifying that no person shall drive a motor vehicle on the highway or the right-of-way of a highway while both of the following conditions are met: (1) there is an alcoholic beverage in the passenger area other than the unopened manufacturer's original container; and (2) the driver is consuming alcohol or while alcohol remains in the body.

17) S.L. 2025-67 (H 23)**: Lake Norman Marine Commission.** Effective July 7, 2025, section 5.1(c) of the act amends and expands the laws under Article 6B of G.S. Chapter 77, regulating the Lake Norman Marine Commission. Under amended G.S. 77-89.8(b), the punishment for violation of any regulation of the Commission commanding or prohibiting an act is increased to a Class 3 misdemeanor, including a fine of not less than two hundred dollars ($200.00) but not more than five hundred dollars ($500.00) per violation.

18) S.L. 2025-70 (S 429)**: Various criminal law changes.** This act makes changes to various laws related to criminal law and procedure.

Exposing a child to a controlled substance. Effective for offenses committed on or after December 1, 2025, section 1 of this act enacts new G.S. 14-318.7 (exposing a child to a controlled substance). The statute defines "child" as any person less than 16 years of age. It also provides definitions for "controlled substance" and ingest." A person who knowingly,

intentionally, or with reckless disregard for human life causes or permits a child to be exposed to a controlled substance will be charged as follows:

- A Class H felony
- A Class E felony if the violation results in the child ingesting the controlled substance
- A Class D felony if the violation results in the child ingesting the controlled substance and suffering serious physical injury
- A Class C felony if the violation results in the child ingesting the controlled substance and suffering serious bodily injury
- A Class B1 felony if the violation results in the child ingesting the controlled substance and the ingestion proximately causes the child's death

The penalties set forth in the statute apply unless the conduct is covered under another provision of law that provides greater punishment. The statute does not apply to a person that intentionally gives a child a controlled substance that has been prescribed for the child by a licensed medical professional when given to the child in the prescribed amount and manner. For further discussion, see Phil Dixon, *New Crime of Exposing a Child to Controlled Substances and Other 2025 Drug Law Changes*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (July 31, 2025).

Disclosure and release of autopsy information. Effective October 1, 2025, section 2.(a) of the act expands G.S. 130A-385 regarding the duties of a medical examiner upon receipt of notice from the investigating public law enforcement agency or prosecuting district attorney that a death is under criminal investigation or the subject of a criminal prosecution. New subsection (d5) provides that any person who willfully and knowingly discloses or releases records or materials in violation of subsection (d1) or (d3) of the statute, or who willfully and knowingly possesses or disseminates records or materials that were disclosed or released in violation of subsection (d1) or (d3) of the statute, is guilty of a Class 1 misdemeanor. More than one occurrence of disclosure, release, possession, or dissemination of the same item by the same person is not a separate offense. No person will be guilty of a Class 1 misdemeanor under this subsection for disclosing, releasing, possessing, or disseminating records or materials if, at the time of the disclosure, release, possession, or dissemination, notice that the record or material is record of a criminal investigation had not been provided as required by subsection (d1) of the statute. A person who discloses or releases information pursuant to subsection (d3) of the statute in reliance on the written consent of an individual who represents to be the child's parent or guardian and who acts in good faith without actual knowledge that the representation is false will not be subject to civil or criminal liability. This subsection defines the terms "disclose" and "release."

Solicitation of minors by computer. Effective for offenses committed on or after December 1, 2025, section 3 of the act modifies the punishment for solicitation of minors by computer under G.S. 14-202.3(c). Under the amended statute, the first violation is a Class G felony. A second or subsequent violation, or a first violation when the defendant had a prior conviction in any federal or state court in the United States that is substantially similar to the offense, is a Class E felony. If either the defendant, or any other person for whom the defendant was arranging the meeting, actually appears at the meeting location, the violation is a Class D felony.

Witness immunity. Effective July 9, 2025, section 4 of the act amends G.S. 15A-1052(b) and G.S. 15A-1053(b) to remove the requirement that the district attorney inform the Attorney General or their designated deputy/assistant of their intent to seek immunity for a testifying witness who might assert a privilege against self-incrimination in cases necessary to the public interest.

Sex offender registration. Effective for petitions filed on or after December 1, 2025, section 5 of the act amends G.S. 14-208.12A (request for termination of registration requirement) to require the clerk of court to collect a filing fee for a petition to the superior court to terminate the 30-year registration requirement of the sex offender registry and place the petition on the criminal docket to be calendared by the district attorney. Subsection (a2) of the statute is amended to require the hearing to be calendared during a criminal session of superior court. The act also enacts new subsection (d) of G.S. 14-208.12A, which provides that a person who files a petition to terminate the 30-year requirement is required to pay the civil filing fee at the time the petition is filed, but the fee requirement does not apply to petitions filed by an indigent.

Section 5 of the act also amends G.S. 14-208.12B (registration requirement review) to require that the petition be calendared during a criminal session of the superior court, and adding new subsection (j) which provides that a person who files a petition for a judicial determination of the requirement to register is required to pay the civil filing fee at the time the petition is filed, but the fee requirement does not apply to petitions filed by an indigent.

Crime Victims Compensation Act. Effective for applications filed on or after July 9, 2025, section 7 of the act amends G.S. 15B-11(a)(3) (grounds for denial of claim or reduction of award) to allow compensation to be denied under the North Carolina Crime Victims Compensation Act if the criminally injurious conduct was not reported within six months of occurrence, and there was no good cause for the delay. This provision was previously required the conduct to be reported within 72 hours of its occurrence.

Secret peeping. Effective for offenses committed on or after December 1, 2025, section 8 of the act amends G.S. 14-202. The amended statute includes definitions for the phrases "private area of an individual" and "under circumstances in which that individual has a reasonable expectation of privacy," and includes an expanded definition of the term "room." The offense is expanded to include the intent to create a photographic image. The act removes subsection (e) from the statute and enacts new subsection (e1), which provides that—unless covered under some other provision of law providing greater punishment—any person who, with the intent to create a photographic image of a private area of an individual without the individual's consent, knowingly does so under circumstances in which the individual has a reasonable expectation of privacy is guilty of a Class I felony.

Sexual activity by substitute parent or custodian. Effective for offenses committed on or after December 1, 2025, section 9 of the act amends G.S. 14-27.31 to include a religious organization or institution as an eligible custodian for the offense. The act also enacts new subsection G.S. 14-27.31(d), defining "custody" to mean the care, control, or supervision of a minor by any adult who, by virtue of their position, role, employment, volunteer status, or

relationship to a minor, exercises supervisory authority or control over a minor, or is responsible for the minor's welfare, safety, or supervision, regardless of whether such responsibility arises from express appointment, organizational duty, professional obligation, or circumstantial necessity.

Felony school notifications. Effective July 9, 2025, section 10 of the act amends G.S. 7B-3101(a) to clarify that all felony school notifications are limited to Class A through Class E felonies. For further discussion, see Jacquelyn Greene, *2025 Delinquency Law Changes*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Nov. 25, 2025).

Recording court proceedings. Effective for proceedings commenced on or after July 9, 2025, section 11 of the act amends G.S. 15A-1241(b) (record of proceedings) to require that arguments of counsel on questions of law be recorded upon motion of any party or upon the judge's own motion.

Failure to yield. Effective for offenses committed on or after December 1, 2025, section 12 of the act amends G.S. 20-160.1(a) to increase the punishment for the offense of failure to yield that results in serious bodily injury. In addition to a $500 fine, the offense is now a Class 2 misdemeanor, and upon conviction, the violator's driver's license must be revoked for 90 days.

Effective for offenses committed on or after December 1, 2025, section 13 of the act amends G.S. 20-175.2 to clarify the penalty for failure to yield the right-of-way to a blind or partially blind pedestrian. Any person who violates the statute is guilty of a Class 2 misdemeanor. For further discussion, see Belal Elrahal, *Summer 2025 Motor Vehicle Law Changes*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Aug. 6, 2025).

Fentanyl offenses. Effective for offenses committed on or after December 1, 2025, section 14 of the act amends G.S. 90-95 to increase the punishment for fentanyl offenses. The manufacture, sale, or delivery, or possession with intent to manufacture, sell or deliver fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances is a Class F felony. Simple possession of fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances, is a Class H felony.

The act also creates the felony offense "trafficking in fentanyl or carfentanil," codified as G.S. 90-95(h)(4c). Under this provision, any person who sells, manufactures, delivers, transports, or possesses four grams or more of fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances, is punishable as follows:

- if the amount is four grams or more, but less than 14 grams, then the person is punished as a Class E felon and sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison with a fine of $500,000.

- if the amount is 14 grams or more but less than 28 grams, then the person is punished as a Class D felon and sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison with a fine of $750,000.
- if the amount is 28 grams or more, the person is punished as a Class C felon and sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison with a fine of $1 million.

For further discussion, see Phil Dixon, *New Crime of Exposing a Child to Controlled Substances and Other 2025 Drug Law Changes*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (July 31, 2025).

Motions for appropriate relief. Effective for verdicts entered on or after December 1, 2025, section 15 of the act amends G.S. 15A-1415 to set limits on motions for appropriate relief in noncapital cases. The act enacts new subsection G.S. 15A-1415(a1), which provides that a defendant in a noncapital case may file a postconviction motion for appropriate relief based on any of the grounds enumerated in the statute within seven years from the latest of any of the events listed in subdivisions (1) through (5) of subsection (a) of the statute.

The act removes the following from the list of grounds which the defendant may assert by a motion for appropriate relief made more than 10 days after entry of judgment:

- There has been a significant change in law, either substantive or procedural, applied in the proceedings leading to the defendant's conviction or sentence, and retroactive application of the changed legal standard is required.
- The defendant is in confinement and is entitled to release because their sentence has been fully served.

The act adds the aforementioned provisions to the list of claims that a defendant may raise at any time after the verdict, and includes the following new claim:

- In a noncapital case, the defendant can demonstrate pursuant to G.S. 15A-1419(c) that one of the following exists:
  - Good cause for excusing the grounds for denial listed in subsection (a) of G.S. 15A-1419 and actual prejudice resulting from the defendant's claim.
  - Failure to consider the defendant's claim will result in a fundamental miscarriage of justice.

The amended statute also allows a defendant to file a motion for appropriate relief based on any of the grounds under this statute at any time if the district attorney for the prosecutorial district where the case originated consents to the motion being filed. For further discussion, see Joseph L. Hyde, *New Limits on MARs in Noncapital Cases*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Aug. 12, 2025).

Filial responsibility crime. Effective for offenses committed on or after July 1, 2025, section 16 of the act repeals G.S. 14-326.1, which criminalized failure to support parents.

Domestic violence. Effective for offenses committed on or after December 1, 2025, section 17.(a) of the act amends G.S. 14-33 (misdemeanor assaults) to add subsection (e), clarifying that an offense under the statute is not to be considered a lesser included offense of misdemeanor crime of domestic violence. Section 17.(b) of the act amends G.S. 14-33.2 (habitual misdemeanor assault) to include misdemeanor crime of domestic violence as a qualifying offense. Section 17.(c) of the act amends G.S. 15A-401(b) (arrest by a law enforcement officer) to include misdemeanor crime of domestic violence as an offense for which an officer can conduct a warrantless arrest. Section 17.(d) of the act amends G.S. 15A-534.1 (crimes of domestic violence) to include misdemeanor crime of domestic violence as a qualifying offense.

Effective for offenses committed on or after December 1, 2025, section 18 of the act enacts new G.S. 14-32.6, creating the offense of habitual domestic violence. A person commits this offense if they have committed an offense under G.S. 14-32.5 (misdemeanor crime of domestic violence), or they commit an assault where the person is related to the victim by one of the relationship descriptions in G.S. 14-32.5, and has two or more prior convictions, with the earlier of the two convictions occurring no more than 15 years prior to the current violation. The prior convictions include:

(1) Two or more convictions of an offense under G.S. 14-32.5 or an offense committed in another jurisdiction substantially similar to an offense under G.S. 14-32.5
(2) One prior conviction of an offense described in subdivision (1) and at least one prior conviction of an offense in North Carolina or another jurisdiction involving an assault where the person is related to the victim by one of the relationship descriptions in G.S. 14-32.5.

A conviction under this statute cannot be used as a prior conviction for any other habitual offense statute. A person convicted of this offense is guilty of a Class H felony for the first offense. Subsequent convictions are punished at a level which is one offense class higher than the offense class of the most recent prior conviction under this statute, not to exceed a Class C felony. For further discussion, see Brittany Bromell, *Filling in the Gaps: Changes on the Horizon for Misdemeanor Crime of Domestic Violence*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (July 30, 2025).

Concurrent sentencing. Effective for offenses committed on or after December 1, 2025, section 19 of the act amends G.S. 15A-1354(a) (concurrent and consecutive terms of imprisonment), removing the requirement that sentences run concurrently as a default. The amended statute requires the court to make a finding on the record stating the reasoning for the determination of imposing consecutive or concurrent sentences. For further discussion, see Jamie Markham, *The End of the Concurrent Sentence Default*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Dec. 1, 2025).

Online reporting of lost or stolen firearms. Effective October 1, 2025, section 23 of the act enacts new G.S. 14-409.44 to allow law enforcement agencies that have online crime reporting systems to receive online reports from individuals regarding lost or stolen firearms. Online

reports of lost or stolen firearms submitted to any local law enforcement agency are records of criminal investigations or records of criminal intelligence information and are not public records. A person who willfully makes or causes to be made a false, deliberately misleading, or unfounded report of a lost or stolen firearm is to be punished in accordance with G.S. 14-225 (false reports to law enforcement agencies or officers). The statute clarifies that it does not require a local law enforcement agency to acquire and implement an online crime reporting system that allows individuals to file online reports of crimes.

19) S.L. 2025-71 (S 311): Various criminal law changes. This act makes changes to various laws related to criminal law and procedure.

Assault on a utility worker. Effective for offenses committed on or after December 1, 2025, section 1 of the act expands G.S. 14-33(b) to include another way by which a person commits the offense of misdemeanor assault. Under new subdivision (10), the offense is committed if the person assaults a utility or communications worker while the worker is (i) readily identifiable as a worker and (ii) discharging or attempting to discharge his or her duties. The new subdivision clarifies that the term "utility or communications worker" means an employee of, agent of, or under contract with an organization, entity, or company, whether State-created or privately, municipally, county, or cooperatively owned, that provides electricity, natural gas, liquid petroleum, water, wastewater services, telecommunications services, or internet access services. The term "readily identifiable as a worker" includes the worker wearing, at the time of the assault, a uniform, hat, or other outerwear bearing the logo of the utility or communications company for which the worker is an employee of, agent of, or under contract with.

Embalming fluid. Effective for offenses committed on or after December 1, 2025, section 2 of the act enacts new G.S. 90-210.29C prohibiting the unlawful sale of embalming fluid. Under the new statute, it is unlawful for a funeral director, embalmer, or resident trainee to knowingly give, sell, permit to be sold, offer for sale, or display for sale, other than for purposes within the general scope of their activities as a funeral director, embalmer, or resident trainee, embalming fluid to another person with actual knowledge that the person is not a funeral director, embalmer, or resident trainee. Violation of the statute is a Class I felony, including a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00).

The act also enacts new Article 5I of G.S. Chapter 90, proscribing criminal possession of embalming fluid. Under new G.S. 90-113.154, both of the following are unlawful:

(1) Possessing embalming fluid for any purpose other than the lawful preservation of dead human bodies by a person authorized by law to engage in such activity or the lawful preservation of wildlife by a person licensed in taxidermy pursuant to G.S. 113-273(k).
(2) Selling, delivering, or otherwise distributing embalming fluid to another person with knowledge that the person intends to utilize the embalming fluid for any purpose other than the lawful preservation of dead human bodies by a person authorized by law to engage in such activity or the lawful preservation of wildlife by a person licensed in taxidermy pursuant to G.S. 113-273(k).

A person who violates either of these provisions will be punished as follows:

(1) A Class I felony if the violation involves less than 28 grams
(2) A Class G felony if the violation involves 28 grams or more of embalming fluid, but less than 200 grams
(3) A Class F felony if the violation involves 200 grams or more of embalming fluid, but less than 400 grams
(4) A Class D felony if the violation involves 400 grams or more of embalming fluid

Nothing in the statute is to be construed as prohibiting possession of embalming fluid by, or selling, delivering, or otherwise distributing embalming fluid to funeral directors, embalmers, resident trainees, or licensed taxidermists for the purposes of embalming. The statute also specifies that the terms "embalmer," "embalming," "embalming fluid," "funeral director," and "resident trainee" are defined in G.S. 90-210.20.

(*as amended by section 3.5(a) of S.L. 2025-91 (S 245)*): The act also amends G.S. 90-96.2 (drug-related overdose) to allow for immunity for violations of G.S. 90-113.154(b)(1) involving less than 28 grams of embalming fluid.

Unlawful business entry. Effective for offenses committed on or after December 1, 2025, section 4.(a) of the act adds new subsection (b1) to G.S. 14-54 (breaking or entering buildings generally), creating the offense of unlawful business entry. Any person who, with the intent to commit an unlawful act, enters any area of a building (i) that is commonly reserved for business personnel where money or other property is stored or (ii) clearly marked with a sign that indicates to the public that entry is forbidden is guilty of a Class 1 misdemeanor for a first offense and a Class I felony for a second or subsequent offense.

Larceny of gift cards. Effective for offenses committed on or after December 1, 2025, section 4.(b) of the act enacts new G.S. 14-72.12, prohibiting larceny of gift cards. The terms are defined in accordance with G.S. 14-86.5. A person commits the offense if the person does any of the following:

(1) Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
(2) Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
(3) Alters or tampers with a gift card or its packaging with intent to defraud another

A violation of the statute is a Class 1 misdemeanor if the value of the gift card acquired, retained, or for which the gift card redemption information is obtained, or is altered or tampered with, is not more than one thousand dollars ($1,000). Any other violation of this section is a Class H felony. The terms "gift card," "gift card issuer," "gift card redemption information," and "gift card value" are as defined in G.S. 14-86.5.

Organized retail theft. Effective for offenses committed on or after December 1, 2025, section 4.(c) of the act amends G.S. 14-86.5 to include definitions for the terms "gift card," "gift card issuer," "gift card redemption information," and "gift card value."

The act expands G.S. 14-86.6, adding three new ways by which a person can commit the offense of organized retail theft:

- Conspires with another person to acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- Devises a scheme with one or more persons to obtain a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
- Conspires with another person to alter or tamper with a gift card or its packaging with intent to defraud another.

The act also amends G.S. 14-86.6(a2) to include "gift card value" in the terms of the punishment classification. The act amends G.S. 14-86.6(c) to allow gift cards and gift card redemption information to be included for aggregation purposes.

Possession of explosives. Effective for offenses committed on or after December 1, 2025, section 5 of the act expands G.S. 14-49 (malicious use of explosive or incendiary) to punish possession of any explosive or incendiary device or material with the intent to violate the statute. The offense is a Class H felony.

Reckless driving. Effective for offenses committed on or after December 1, 2025, section 6 of the act expands G.S. 20-140 to increase the penalties for reckless driving. Any person who violates the statute is guilty of a Class 1 misdemeanor if the reckless driving causes serious injury. Any person who violates the statute is guilty of a Class A1 misdemeanor if the reckless driving causes serious bodily injury.

Hit and run. Effective for offenses committed on or after December 1, 2025, section 7.(a) of the act repeals G.S. 20-17(a)(4) which required the Division of Motor Vehicles to revoke the license of a driver upon receiving record of the driver's conviction for the failure to stop and render aid after a hit and run, in violation of G.S. 20-166(a) or (b).

Section 7.(c) of the act amends G.S. 20-166(a) (duty to stop in event of a crash) to clarify that notwithstanding the provisions of G.S. 15A-1340.17 (punishment limits), if the crash results in the death of another person, the court must sentence the defendant in the aggravated range of the appropriate prior record level. The act also expands G.S. 20-166(e) to provide that a person convicted of a hit and run under the statute must have their license revoked for four years (with the ability to apply for a new license after three years from revocation) unless the crash results in the death of another person. A person convicted of a hit and run under the statute must have their license revoked permanently (with the ability to apply for a new license after seven years from revocation) if the crash results in the death of another person. For any revocation resulting from a violation of the statute, the person may apply for a new license after one year from revocation.

New subsection (e1) under G.S. 20-166 provides that upon filing an application for a new license pursuant to the statute, the DMV may issue a new license upon satisfactory proof that the former licensee has been of good behavior during the revocation period and that the

applicant's conduct and attitude entitle the applicant to favorable consideration. The DMV may impose terms and conditions upon the new license for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the DMV may not exceed three years.

Street racing. Effective for offenses committed on or after December 1, 2025, section 7.(b) expands G.S. 20-141.3 to create penalty enhancements for street racing. The offense is a Class H felony if the speed competition causes serious injury, and the driver's license is to be revoked for four years, with the ability to apply for a new license after three years from revocation. The offense is a Class G felony if the speed competition causes serious bodily injury or death, and the driver's license is to be revoked permanently, with the ability to apply for a new license after seven years from revocation. For any other violation of the statute, the driver's license is to be revoked for three years, with the ability to apply for a new license after 18 months from revocation.

New subsection (d1) under G.S. 20-141.3 provides that upon filing an application for a new license pursuant to the statute, the DMV may issue a new license upon satisfactory proof that the former licensee has been of good behavior during the revocation period and that the applicant's conduct and attitude entitle the applicant to favorable consideration. The DMV may impose terms and conditions upon the new license for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the DMV may not exceed three years.

Limited driving privileges. Effective for offenses committed on or after December 1, 2025, section 7.(d) of the act expands G.S. 20-179.3 to allow a person whose driving privilege was forfeited under G.S. 20-166(a1) or (b) to be eligible for a limited driving privilege if specified conditions are met.

Possession of firearms by a felon. Effective for offenses committed on or after December 1, 2025, section 8 of the act expands G.S. 14-415.1 to include enhanced penalties for possession of a firearm by a felon. The enhanced penalties apply during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes and are as follows:

- A Class F felony
- A Class D felony if the person brandishes a firearm or a weapon of mass death and destruction. To brandish is to display all or part of the firearm or weapon of mass death and destruction or otherwise make the presence of the firearm or weapon of mass death and destruction known to another person.
- A Class C felony if the person discharges a firearm or a weapon of mass death and destruction

Larceny of mail. Effective for offenses committed on or after December 1, 2025, section 9 of the act adds new subsection (c1) to G.S. 14-72 (larceny of property), clarifying that where the larceny, receiving, or possession of stolen goods is mail, the person must be sentenced at one

class level higher than the principal offense for which they were convicted. The term "mail" means a letter, package, bag, or other item of value sent or delivered to another by any method of delivery, including through a common carrier, commercial delivery service, or private delivery.

Burglary. Effective for offenses committed on or after December 1, 2025, section 10 of this act modifies the offense of burglary and creates penalty enhancements for specific types of burglary. The act amends G.S. 14-51 to separate and clarify the offenses of first- and second-degree burglary. First-degree burglary is committed when a person breaks and enters the dwelling house or room used as a sleeping apartment of another with the intent to commit any felony or larceny therein and any person is in the actual occupation of any part of said dwelling house or sleeping apartment at the time of the commission of the crime. The offense is second-degree burglary if the property was not actually occupied at the time of the commission of the crime. For further discussion, see Jeff Welty, *Did the General Assembly Just Remove the "Nighttime" Element of Burglary?*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (July 28, 2025).

The act also expands G.S. 14-52, -53, and -54 to create enhancements for the respective burglary offenses under each statute. If a person possessed a firearm about his or her person during the commission of an offense under any of those statutes, in addition to any other sentence enhancement required by law, the person must be sentenced at a felony class level one class higher than the principal felony for which the person was convicted. An indictment or information for the felony must allege in that indictment or information the facts that qualify the offense for an enhancement. One pleading is sufficient for all felonies that are tried at a single trial.

Pretrial use of ignition interlock. Effective for offenses committed on or after December 1, 2025, section 11.(a) of the act expands G.S. 20-179(e) to include a new mitigating factor under subdivision (6b). Under the new provision, the judge may consider whether, prior to trial, the defendant voluntarily equipped a designated motor vehicle with a functioning ignition interlock system of a type approved by the Commissioner, operated only the designated vehicle with the ignition interlock system for a minimum of six months, and produced evidence satisfactory to the judge that the defendant did not start the vehicle with an alcohol concentration greater than 0.02 or commit any other acts that would be considered violations of the interlock policies established by the DMV for use of an ignition interlock system or a violation of G.S. 20-17.8A. This factor only applies to a defendant who meets all of the following requirements:

a. The defendant was charged with an offense under G.S. 20-138.1.
b. The vehicle being operated by the defendant was not involved at the time of the offense in a crash resulting in the serious injury or death of a person.
c. At the time of the offense, the defendant held either a valid driver's license or a license that had been expired for less than one year.
d. At the time of the offense, the defendant did not have an additional unresolved pending charge involving impaired driving, or an additional conviction of an offense involving impaired driving within the five years preceding the date of the offense.

e. At the time of the offense the person did not have an alcohol concentration of 0.15 or more.
f. The defendant equipped the designated motor vehicle with an ignition interlock system no later than 45 days after being charged with the offense.
g. The defendant only operated the designated motor vehicle with a limited driving privilege that is valid in this State or during a time when the defendant's driver's license was not revoked or suspended.

Section 11.(b) of the act amends G.S. 20-179.5 (affordability of ignition interlock system) to clarify that the costs incurred from voluntarily installing an ignition interlock system, including costs for monitoring the ignition interlock system, must be paid by the person voluntarily installing the system. Additionally, a person meeting the requirements of G.S. 20-179(e)(6b)a.-f. who is unable to afford the cost of an ignition interlock system may apply to an authorized vendor for a waiver of a portion of the costs of an ignition interlock system.

Commercial booting. Effective for offenses committed on or after December 1, 2025, section 11.5(a) of the act enacts new G.S. 20-219.3A, which provides that it is a Class 2 misdemeanor to immobilize a commercial motor vehicle using a device such as a boot or any other device for the purposes of parking enforcement.

Misdemeanor expunction. Effective for petitions filed on or after July 9, 2025, section 12 of the act amends G.S. 15A-145.5(c)(1)a., changing timing of when a person can file a petition for expunction of one nonviolent misdemeanor from five years to three years after the date of the conviction or when any active sentence, period of probation, or post-release supervision has been served, whichever is later.

20) S.L. 2025-72 (S 118): Veterans handgun permit. Effective for applications for concealed handgun permits and permit renewals submitted on or after July 1, 2025, section 1 of the act adds subsection (a2)to G.S. 14-415.19, providing that permit fees for individuals who were discharged honorably or under honorable conditions from military service in the Armed Forces of the United States are the same as for retired sworn law enforcement officers under subsection (a1). In addition to any other information required by statute, applicants claiming a reduced fee under the amended statute are required provide documentation (i) showing the person was discharged honorably or under general honorable conditions from military service in the Armed Forces of the United States and (ii) deemed satisfactory by the sheriff. The county finance officer is required to remit the proceeds of the fees assessed under this provision in the same manner as proceeds remitted under subsection (a1).

(Repealed by Section 3 of S.L. 2025-91 (S 245), effective September 30, 2025). Remote drivers license renewal for active duty military. Effective for licenses renewed on or after October 1, 2025, section 5.(a) of the act amends G.S. 20-7 (issuance and renewal of drivers licenses) to allow an active duty member of the Armed Forces stationed outside of North Carolina, their spouse and dependent children to remotely renew a license a second consecutive time if the

license is not a REAL ID, or, if it is a REAL ID, it is being converted to a non-REAL ID compliant license for purposes of the renewal.

Handgun permit expiration notice via email. Effective October 1, 2025, section 7 of the act amends G.S. 14-415.14 (application form to be provided by sheriff) to add subsection (a1), requiring the handgun permit application to provide the permittee an option to consent for communications related to the permit to be sent by email. The State Bureau of Investigation must also provide a paper form that a permit holder can submit to the sheriff to provide or revoke their consent for electronic communications. The act also amends G.S. 14-415.16(a) (renewal of permit) to clarify that the expiration notice must be sent by first class mail to the last known address of the permittee or, with consent of the permittee, by electronic means to a designated electronic mail address of the permittee.

19) **S.L. 2025-73 (S 375): Hazing.** Effective for offenses committed on or after December 1, 2025, section 1 of the act amends G.S. 14-35 to expand the criminal offense of hazing and increase the punishment. The penalty is increased from a Class 2 misdemeanor to a Class A1 misdemeanor for any student in attendance at any university, college, or school in North Carolina to engage in hazing, or to aid or abet any other student in the commission of the offense. Under the amended statute, it is a Class I felony for any school personnel, including, but not limited to, a teacher, school administrator, student teacher, school safety officer, or coach, at any university, college, or school in North Carolina to engage in hazing or to aid or abet any other person in the commission of the offense. Hazing is defined under the statute as subjecting a student to physical or serious psychological injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group.

20) **S.L. 2025-79 (S 416): Personal Privacy Protection Act.** Effective for offenses committed on or after December 1, 2025, this act enacts new Article 18 of G.S. Chapter 55A, prohibiting public agencies from collecting, disclosing, or releasing personal information about members, volunteers, and financial and nonfinancial donors to 501(c) nonprofit organizations, except as permitted by State or federal law or regulation. Under new G.S. 55A-18-06(c), a person who knowingly violates the Article is guilty of a Class 2 misdemeanor.

21) **S.L. 2025-81 (H 193): Weapons on educational property.** Effective for offenses committed on or after December 1, 2025, section 1 of this act expands G.S. 14-269.2 (weapons on campus or other educational property) to define the terms "school administrative director" and "school board of trustees." Section 2 of the act expands the list of exemptions from the offense under G.S. 14-269.2(g) to include employees and volunteers of nonpublic schools. Under the amended statute, the employee or volunteer of a nonpublic school must meet all of the following criteria:

a. The person has written authorization from the school board of trustees or the school administrative director to possess and carry a firearm or stun gun on the educational property that is owned, used, or operated by the nonpublic school.
b. The weapon is a firearm or a stun gun.

c. The person has a concealed handgun permit issued in accordance with Article 54B of G.S. Chapter 14 or is considered valid under G.S. 14-415.24.
d. The person has successfully completed under the direct supervision of a certified National Rifle Association instructor or the equivalent a minimum of eight hours of courses on, or relating to, gun safety and the appropriate use of firearms that is in addition to the firearms training and safety course required for a concealed handgun permit under G.S. 14-415.12(a)(4). This is an annual training requirement.
e. The nonpublic school adopts and maintains written standard operating procedures regarding the possession and carrying of the weapons listed in this subdivision on the educational property and distributes to the parents of students attending the nonpublic school copies of the written standard operating procedures on an annual basis.
f. The person is on the premises of the educational property that is owned, used, or operated by the nonpublic school at which the person is an employee or volunteer.

Section 3 of the act expands G.S. 14-269.2(k1) to allow a person to possess and carry a handgun on educational property in a building that is a place of religious worship if the person is attending worship services, funeral services, wedding ceremonies, Christenings, religious fellowships, and any other sacerdotal functions in the building. The term "attending" includes ingress and egress between the building and the designated parking area for the place of religious worship.

Crimes against public officers. Effective for offenses committed on or after December 1, 2025, section 4 of the act amends G.S. 14-16.6 (assault on executive, legislative, or court officer), 14-16.7 (threats against executive, legislative, or court officer), and 14-16.8 (no requirement of receipt of the threat) to include assaults on and threats against local elected officers. The amended penalties for assaults under G.S. 14-16.6 are as follows:

- Class H felony
- Class E felony if the assault is with a deadly weapon
- Class D felony if the assault results in serious bodily injury

The penalties for all threats under G.S. 14-16.7 are increased from a Class I felony to a Class H felony. The act also expands G.S. 14-16.10 to define “local elected officer” as “an elected officer of a political subdivision of this State.”

Section 5 of the act amends G.S. 163-275(11) (felonious acts) to include acts committed against any chief judge, judge of election, or other election officer <u>because of</u> that person’s duties in the registration of voters or in conducting any primary or election. The current version of the statute applies only to acts done to the officer <u>in the discharge of</u> those duties.

Section 6 of the act enacts new G.S. 15A-534.9 to create special pretrial release rules for defendants who commit threats against public officers. Under the new statute, in all cases in which the defendant is charged with a violation of G.S. 14-16.6, 14-16.7, or 163-275(11), the judicial official who determines the conditions of pretrial release must be a judge. The judge must consider the defendant’s criminal history when setting the conditions of release but must not unreasonably delay the determination of conditions of pretrial release for the purpose of

reviewing the defendant's criminal history report. The judge must act within 48 hours of arrest of the defendant, and if a judge has not acted, then a magistrate must act. In addition to the pretrial release provisions of G.S. 15A-534, the following provisions apply:

(1) If the judge determines that the immediate release of the defendant will pose a danger of injury to others and that the execution of an appearance bond will not reasonably assure that the injury will not occur, the judge may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.
(2) In addition to requiring the defendant to execute a secured appearance bond, the judge may impose the following conditions:
    a. That the defendant stay away from the home, school, business, or place of employment of the alleged victim.
    b. That the defendant refrain from assaulting or threatening the alleged victim.
    c. That the defendant stay away from specific locations or property where the offense occurred.
    d. That the defendant stay away from other specified locations or property.
(3) In the event that the defendant is mentally ill or a substance abuser and dangerous to himself or herself or others, the provisions of Article 5 of G.S. Chapter 122C apply.

Law enforcement shooting ranges. Effective July 29, 2025, section 7 of the act enacts new G.S. 14-409.25A, providing additional protection for relocated law enforcement shooting ranges. Notwithstanding any provision of law, for any law enforcement shooting range that operates in the same location for at least 25 years, relocates to a new location within the same county, and has no substantial change in use, the following applies:

(1) The provisions of Article 53C of G.S. Chapter 14 shall be applied to the law enforcement shooting range based on the date the range began operation in the original location.
(2) A local government may not prohibit the law enforcement shooting range from conducting night operations for law enforcement training purposes if the range provides at least 48 hours' written notice to the local government of the date and time the night operations will be conducted.
(3) A local government may not require the law enforcement shooting range to comply with a setback line of more than 100 feet.

The act also expands G.S. 14-409.45 to define "law enforcement organization" and "law enforcement shooting range."

22) S.L. 2025-85 (H 318): Legal status of prisoners. Effective for any person confined in or released from a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit on or after October 1, 2025, section 1 of the act modifies the list of charged offenses triggering an examination into a detained person's citizenship/residency status under G.S. 162-62. Under the amended statute, the following categories of offenses trigger the inquiry:

(1) Any felony.
(2) A Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of G.S. Chapter 14.
(3) Any violation of G.S. 50B-4.1.

(4) Any offense involving impaired driving as defined in G.S. 20-4.01.

The act also amends G.S. 162-62(b1)(2) to require a judicial official to issue an order directing the prisoner to be held in custody and transferred to the custody of an officer of Immigration and Customs Enforcement of the United States Department of Homeland Security upon that officer's appearance at the facility and request for custody. This provision applies if the prisoner appearing before the judicial official is the same person subject to the detainer and administrative warrant. The act also amends G.S. 162-62(b1)(3)a. to clarify that the release is upon the passage of 48 hours from the time the prisoner would otherwise be released from the facility.

The act enacts new subdivision (4) of G.S. 162-62(b1), providing that for any prisoner held pursuant to an order issued under this statute, no later than two hours after the time when the prisoner would otherwise be released from the facility, the administrator or other person in charge of the facility shall notify ICE of the date and time that the prisoner will be released pursuant to G.S. 162-62(b1)(3)a. The notification shall be made in the manner indicated on the Department of Homeland Security Immigration Detainer – Notice of Action form.

Pretrial release. Effective for persons appearing before a judicial official for a determination of pretrial release conditions on or after October 1, 2025, section 2 of the act enacts new subsection (d4) of G.S. 15A-534 (procedure for determining conditions of pretrial release). Under this provision, when conditions of pretrial release are being determined for a defendant charged with any felony, a Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of Chapter 14 of the General Statutes, any violation of G.S. 50B-4.1, or any offense involving impaired driving as defined in G.S. 20-4.01, the judicial official must attempt to determine if the defendant is a legal resident or citizen of the United States by an inquiry of the defendant, or by examination of any relevant documents, or both. If the judicial official is unable to determine if the defendant is a legal resident or citizen of the United States, the judicial official must set conditions of pretrial release and commit the defendant to an appropriate detention facility pursuant to be fingerprinted, for a query of ICE, and to be held for a period of two hours from the query of ICE.

If by the end of the two-hour period no detainer and administrative warrant have been issued by ICE, the defendant must be released pursuant to the terms and conditions of the release order. If before the end of the two-hour period a detainer and administrative warrant issued by ICE have been received by the facility, the defendant must be processed pursuant to G.S. 162-62(b1). For further discussion, see Brittany Bromell, *Legislature Revisits Law on Immigration Detainers*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Sept. 2, 2025).

23) S.L. 2025-88 (S 55): Residential squatters. Effective December 1, 2025, this act enacts new Article 22D of G.S. Chapter 14, creating a civil remedy for the expedited removal of unauthorized persons from private property. The Article outlines the requirements for civil removal proceedings, including provisions about initial filings, appeals, immunity from liability, and remedy for wrongful removal. Under G.S. 14-159.54 of the Article, the failure of an unauthorized person to vacate a residential property in accordance with a court order issued

pursuant to the Article will constitute a criminal trespass under G.S. 14-159.13(a)(1) (second degree trespass). Additionally, G.S. 14-159.56(b) of the Article specifies that the law does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unauthorized person for trespassing, vandalism, theft, or other crimes.

24) S.L. 2025-91 (S 245): Remote renewals of drivers licenses. Effective September 30, 2025, section 1 of the act amends G.S. 20-7(f) to allow for remote issuance of full provisional licenses. The act expands the requirements for remote renewal or issuance to include holders who possess a valid limited provisional license and are at least 16 years old but less than 18 years old at the time of the remote issuance. The act expands the requirements to allow remote renewal if the license holder's last transaction was in person and included a new photograph, except that a license holder may remotely renew a license a second consecutive time if either:

- the license being renewed is not REAL ID compliant, or
- the license being renewed is REAL ID compliant but is being converted to a non-REAL ID compliant license for purposes of the renewal.

Section 2 of the act amends G.S. 20-11(f) to eliminate the requirement that a Level 2 limited provisional license holder submit a driving log in order to apply for a Level 3 full provisional license. The amendment also allows for remote issuance of the Level 3 full provisional license.

25) S.L. 2025-93 (H 307), as amended by section 5.3 of S.L. 2025-97 (S 449): Iryna's Law. Effective for persons appearing before a judicial official for the determination of pretrial release conditions on or after December 1, 2025, section 1 of this act modifies laws involving pretrial release.

Section 1.(a) of this act adds new subsection (2a) to G.S. 15A-501 (police processing and duties upon arrest), requiring a law enforcement officer to inform any judicial official determining conditions of pretrial release of any relevant behavior of the defendant observed by the officer prior to, during, or after the arrest that may provide reasonable grounds for the judicial official to believe the defendant is a danger to themselves or others.

Section 1.(b) of the act modifies G.S. 15A-531 to define the term "violent offense" as any of the following:

- Any Class A through G felony that includes assault, the use of physical force against a person, or the threat of physical force against a person, as an essential element of the offense.
- Any felony offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
- An offense under G.S. 14-17, and any other offense listed in G.S. 15A-533(b).
- An offense under G.S. 14-18.4, 14-34.1, 14-51, 14-54(a1), 14-202.1, 14-277.3A, or 14-415.1, or an offense under G.S. 90-95(h)(4c) that involves fentanyl.
- Any offense that is an attempt to commit an offense listed above.

Section 1.(c) of the act amends G.S. 15A-533(b) (right to pretrial release) to clarify that there is a rebuttable presumption that no condition of release will reasonably assure the appearance of

the person as required and the safety of the community for a defendant charged with a crime listed under G.S. 15A-533(b).

Section 1.(d) modifies G.S. 15A-534(a) to remove written promises to appear from the list of permissible conditions of pretrial release that a judicial official can impose. The act also amends G.S. 15A-534(b) to clarify that a judicial official must impose an unsecured bond or a custody release, unless that defendant is charged with a violent offense. If a defendant has been convicted of three or more offenses (each of which is at least a Class 1 misdemeanor) in separate sessions of court within the previous 10 years, the judicial official must then impose a secured bond with or without electronic house arrest.

The act adds new subsection (b1) to G.S.15A-534, which provides that for a defendant charged with any violent offense, there is a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community. However, if the judicial official determines that pretrial release is appropriate for a defendant, the judicial official must do one of the following:

(1) For a defendant charged with a first violent offense, impose a secured bond with or without electronic house arrest.
(2) For a defendant charged with a second or subsequent violent offense, after (i) being convicted of a prior violent offense, or (ii) being released on pretrial release conditions for a prior violent offense, impose electronic house arrest, if available, with a secured bond.

The act modifies G.S. 15A-534(c) to add that in determining which conditions of release to impose, the judicial official must direct the arresting law enforcement officer, a pretrial services program, or a district attorney to provide a criminal history report for the defendant and must consider the criminal history when setting conditions of pretrial release. The judicial must also consider a defendant's housing situation on the basis of available information.

The act modifies G.S. 15A-534(d) to add that in all orders authorizing pretrial release for (i) a defendant who is charged with a violent offense or (ii) a defendant who has been convicted of three or more offenses in separate sessions of court (each of which is at least a Class 1 misdemeanor) within the previous 10 years, the judicial official must make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate by applying the factors provided in G.S. 15A-534(c). For further discussion, see Brittany Bromell, *Iryna's Law and Pretrial Release*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Nov. 4, 2025); Brittany Bromell, *"Violent Offenses" under G.S. 15A-531(9)*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Nov. 26, 2025).

Involuntary commitment proceedings. Effective for persons appearing before a judicial official for the determination of pretrial release conditions on or after December 1, 2026, section 1.(c) of the act also adds new subsection (b1) to G.S. 15A-533, requiring a judicial official to set conditions of pretrial release and issue a separate order if a defendant is

- (i) charged with a violent offense and (ii) the judicial official determines, after a search of the court records for the defendant, that the defendant has previously been subject to an order of involuntary commitment (IVC) within the prior three years, OR
- charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others.

The resulting order must include all of the following:

(1) A requirement that the defendant receive an initial examination by a commitment examiner to determine if there are grounds to petition for IVC of the defendant. The examination must comply with and satisfy the requirements of the initial examination as provided in G.S. 122C-263(c).
(2) A requirement that the arresting officer immediately transport, or cause to be transported by an officer of the arresting officer's agency, the defendant to a hospital emergency department or other crisis facility with certified commitment examiners for the initial examination. If the defendant has met all other conditions of pretrial release, the transporting officer may release the defendant after the initial examination is conducted if one of the following criteria is met:
    a. No petition for IVC is filed.
    b. A petition for IVC is filed, but no custody order is issued.
(3) A requirement that the commitment examiner, after conducting the initial examination, do one of the following:
    a. Petition for IVC of the defendant if there are grounds for that petition.
    b. Provide written notice to the judicial official that entered the order for initial examination that there are no grounds to petition for IVC of the defendant.
(4) A provision that whether or not the defendant has met all other conditions of pretrial release, if a petition for IVC is filed, the custody of the defendant must be determined pursuant to the provisions of that Article during the pendency of that petition and any hearings and orders issued pursuant to that Article.
(5) A provision that if a defendant has not met all other conditions of pretrial release, if one of the following criteria is met, the defendant must be transported to and held in the local confinement facility of the county where the conditions of pretrial release were set until all conditions of pretrial release have been met:
    a. A petition for IVC is not filed.
    b. A custody order is not issued pursuant to G.S. 122C-261.
    c. At any other time, the provisions of Article 5 of Chapter 122C of the General Statutes would result in the release of the defendant.

Sentencing. Effective for offenses committed on or after December 1, 2025, section 2 of the act amends G.S. 15A-1340.16(d) and G.S. 15A-2000(e) to add as an aggravating sentencing factor that the offense was committed by the defendant while the victim was using a public transportation system as defined in G.S. 160A-601.

Death penalty proceedings. Section 6.(a) of the act amends G.S. 15A-1415(a) to clarify that a hearing for a motion for appropriate relief based on grounds in the statute is required to be

heard by the court within 24 months of the motion being filed. If the court continues the hearing beyond 24 months, it must make a written finding of extraordinary circumstances that provide good cause for a delay. Section.(b) of the act amends G.S. 15A-2000(d) to similarly clarify that the review of conviction and sentence of death must occur within 24 months of entry of judgment unless the Chief Justice of the Supreme Court makes a written finding of extraordinary circumstances that provide good cause for a delay. These amendments are effective for (i) motions filed and judgments entered on or after December 1, 2025, and (ii) motions filed or judgments entered prior to December 1, 2025, and any motions pending on December 1, 2025, except that any motion filed or judgment entered more than 24 months prior to December 1, 2025 must be heard or reviewed no later than December 1, 2027, and must be scheduled for hearing or review no later than December 1, 2026.

Effective for any filings made and any proceedings or hearings held on or after December 1, 2025, section 6.(c) of the act enacts new G.S. 15A-2007 (postconviction venue for capital defendants), which provides that notwithstanding any other provision of law, the venue for any filing, claim, or proceeding related to the conviction, sentencing, treatment, housing, or execution of a defendant that has been convicted of a capital offense and sentenced to death must be in the county of conviction. The statute does not apply to matters that are authorized by law to be filed directly with the Supreme Court of North Carolina.

Death penalty methods. Effective October 3, 2025, section 6.5(a) of the act amends G.S. 15-187 (death penalty) to reinstate death by electrocution and death by the administration of lethal gas. The statute is also amended to clarify that the default method of executing a death sentence is as described in G.S. 15-188(a) (lethal injection). If the method adopted in G.S. 15-188(a) (lethal injection) is declared unconstitutional by a North Carolina court of competent jurisdiction, then the provisions in G.S. 15-188(b) apply. The warden of Central Prison is permitted to obtain and employ both the drugs and equipment necessary to carry out the sentence. The statute further clarifies that if the method of executing a death under G.S. 15-188(a) is unavailable for any other reason, then the provisions in G.S. 15-188(b) apply.

Section 6.5(b) expands 15-188 (manner and place of execution) to add new subsections (b)-(e). Under 15-188(b), the Secretary of the Department of Adult Correction (DAC), within 120 days of notice of a judgment being entered that lethal injection has been declared unconstitutional by a North Carolina court of competent jurisdiction or notice that the lethal injection is not available, must select another method of executing a death sentence that has been adopted by another state unless such method has been declared unconstitutional by the United States Supreme Court. If the alternative method of execution is then declared unconstitutional by a North Carolina court of competent jurisdiction, then the DAC Secretary must select another method within 120 days of notice of such a judgment being entered.

The expanded law further requires the DAC to establish protocols and procedures within 120 days once the DAC establishes a method of execution pursuant to 15-188(b). The DAC Secretary must immediately schedule a date for the execution of the original death sentence not more than 60 days from upon the establishment of the protocols and procedures, or within the timeframe specified in G.S. 15-194 (time for execution), if applicable. The DAC Secretary must report within 14 days the alternative method of execution chosen pursuant to G.S. 15-

188(b) to the Joint Legislative Commission on Governmental Operations. The Attorney General and the DAC Secretary must report to the Joint Legislative Commission on Governmental Operations in every case in which a mode of execution is challenged by a defendant, deemed unconstitutional by a North Carolina court of competent jurisdiction, or is not an available mode for some other reason within 7 days of such event.

Involuntary commitments. Effective for dismissals and proceedings occurring on or after December 1, 2025, section 7.(a) of the act adds new subdivision (a1) to G.S. 15A-1003 (referral of incapable defendant for civil commitment proceedings), stating that prior to the dismissal of any charges pursuant to G.S. 15A-1008, if the defendant is not subject to a mental illness involuntary commitment order, the court must make the determinations and findings required by G.S. 15A-1003(a) upon motion of the district attorney.

Section 7.(b) of the act modifies G.S. 15A-1008(c) to remove the ability of the prosecutor to, upon the defendant becoming capable of proceeding, reinstitute proceedings dismissed pursuant to G.S. 15A-1008(a)(1) or (3) by the filing of a written notice with the clerk of court, defendant, and defendant's attorney of record. G.S. 15A-1008(c) continues to provide that a dismissal pursuant to G.S. 15A-1008(a)(1) or (3) is without prejudice to the refiling of the charges. The act also modifies G.S. 15A-1008(d) to clarify that the dismissal of the criminal charges are not expunged by operation of law.

Probation and PRS for juveniles. Effective for offenses committed on or after December 1, 2025, section 8.(a) of the act amends G.S. 7B-2510 (conditions and violation of probation) to add new subsection (c1). The new subsection provides that prior to expiration of an order of probation entered for an adjudication of an offense that would be a Class A, B1, or B2 felony if committed by an adult, the court may extend the term of probation for additional periods of up to one year after notice and a hearing, if the court finds that the extension is necessary to protect the community or to safeguard the welfare of the juvenile. The total period of probation entered for an adjudication of an offense that would be a Class A, B1, or B2 felony if committed by an adult must not exceed three years. At the discretion of the court, the hearing to determine to extend probation may occur after the expiration of an order of probation at the next regularly scheduled court date or if the juvenile fails to appear in court. The act also amends G.S. 7B-2510(d) to allow the prosector to file a motion for the court to review the progress of any juvenile on probation at any time.

Section 8.(b) amends G.S. 7B-2511 (termination of probation) to clarify that in cases involving a victim as defined in G.S. Chapter 7B, Article 20A, the order terminating probation may be entered with the juvenile present after notice and a hearing. If a victim has requested to be notified of court proceedings, the Division of Juvenile Justice (DJJ) must provide notice to the victim, and the court must provide the prosecutor, the victim, or the person who may assert the victim's rights the opportunity to be heard at the hearing.

Section 8.(c) amends G.S. 7B-2514 (post-release supervision planning) to add new subsection (b1), which provides that every plan developed for an offense that would be a Class A, B1, B2, or C felony if committed by an adult must require the juvenile to complete three years of post-release supervision. The DJJ must develop the plan in writing and base the terms on the needs

of the juvenile and the protection of the public. The act also amends G.S. 7B-2514(g) to clarify that for plans developed pursuant to G.S. 7B-2514(b1), post-release supervision may be terminated with the juvenile present after notice and a hearing. If a victim has requested to be notified of court proceedings, the DJJ must provide notice to the victim, and the court must provide the prosecutor, the victim, or the person who may assert the victim's rights the opportunity to be heard at the hearing. For further discussion, see Jacquelyn Greene, *2025 Delinquency Law Changes*, N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Nov. 25, 2025).

26) S.L. 2025-94 (H 926): Surveyor right of entry. Effective for acts occurring on or after October 6, 2025, section 2.(b) of this act enacts new G.S. 14-159.15, creating a limited right of entry to land by professional land surveyors. Under the new statute, a professional land surveyor has the right to enter upon the lands of others, if necessary to perform surveys for the practice of land surveying, including the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles. An entry by a professional land surveyor to perform the practice of land surveying under this section does not constitute trespass under G.S. Chapter 14, Articles 22 or 22A and will not cause the professional land surveyor to be subject to arrest or a civil action by reason of the entry. The statute does not, however, give authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner, and is not to be construed as removing civil liability for such damage.