GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

HOUSE BILL 307
RATIFIED BILL

AN ACT TO ENACT IRYNA'S LAW; TO MODIFY THE LAW RELATED TO PRETRIAL RELEASE CONDITIONS; TO ADD AN AGGRAVATING SENTENCING FACTOR; TO MODIFY SUSPENSION OF MAGISTRATES; TO DIRECT THE COLLABORATORY TO STUDY MENTAL HEALTH AND THE JUSTICE SYSTEM; TO PROHIBIT CERTAIN TASK FORCES; TO MODIFY DEATH PENALTY PROCEEDINGS; TO MODIFY THE PROCEDURES FOR INVOLUNTARY COMMITMENT OF A DEFENDANT FOUND INCAPABLE OF PROCEEDING; TO EXTEND TERMS OF PROBATION AND POST-RELEASE SUPERVISION FOR YOUTH ADJUDICATED OF CERTAIN VIOLENT OFFENSES AND TO CLARIFY A VICTIM'S RIGHT TO BE NOTIFIED ABOUT TERMINATION OF PROBATION OR POST-RELEASE SUPERVISION; AND TO APPROPRIATE FUNDS FOR ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND LEGAL ASSISTANTS IN JUDICIAL DISTRICT 26 AND TO REQUIRE CERTAIN INVOLUNTARY COMMITMENT RESPONDENTS TO REMAIN IN CUSTODY PENDING HEARING.

The General Assembly of North Carolina enacts:

MODIFY THE LAW RELATED TO PRETRIAL RELEASE CONDITIONS

SECTION 1.(a) G.S. 15A-501 reads as rewritten:

"**§ 15A-501. Police processing and duties upon arrest generally.**

Upon the arrest of a person, with or without a warrant, but not necessarily in the order hereinafter listed, a law-enforcement officer:

(1) Must inform the person arrested of the charge against him or the cause for his arrest.

(2) Must, with respect to any person arrested without a warrant and, for purpose of setting bail, with respect to any person arrested upon a warrant or order for arrest, take the person arrested before a judicial official without unnecessary delay.

(2a) Must inform any judicial official determining conditions of pretrial release pursuant to Article 26 of this Chapter 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.

(3) May, prior to taking the person before a judicial official, take the person arrested to some other place if the person so requests.

(4) May, prior to taking the person before a judicial official, take the person arrested to some other place if such action is reasonably necessary for the purpose of having that person identified.

(5) Must without unnecessary delay advise the person arrested of his right to communicate with counsel and friends and must allow him reasonable time and reasonable opportunity to do so.

(6) Must make available to the State on a timely basis all materials and information acquired in the course of all felony investigations. This responsibility is a continuing affirmative duty."

SECTION 1.(b) G.S. 15A-531 reads as rewritten:

"**§ 15A-531. Definitions.**

As used in this Article the following definitions apply unless the context clearly requires otherwise:

…

(9) "Violent offense" means any of the following:

a. 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.

b. 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.

c. An offense under G.S. 14-17, and any other offense listed in G.S. 15A-533(b).

d. 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.

e. Any offense that is an attempt to commit an offense described in this subdivision."

SECTION 1.(c) G.S. 15A-533 reads as rewritten:

"**§ 15A-533. Right to pretrial release in capital and noncapital cases.**

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned to the treatment facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his treatment pending the additional proceedings on the criminal offense.

(b) A judge shall determine in the judge's discretion whether a defendant charged with any of the following crimes may be released before trial:

(1) G.S. 14-17 (First or second degree murder) or an attempt to commit first or second degree murder.
(2) G.S. 14-27.21 (First degree forcible rape).
(3) G.S. 14-27.22 (Second degree forcible rape).
(4) G.S. 14-27.23 (Statutory rape of a child by an adult).
(5) G.S. 14-27.24 (First degree statutory rape).
(6) G.S. 14-27.25 (Statutory rape of person who is 15 years of age or younger).
(7) G.S. 14-27.26 (First degree forcible sexual offense).
(8) G.S. 14-27.27 (Second degree forcible sexual offense).
(9) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).
(10) G.S. 14-27.29 (First degree statutory sexual offense).
(11) G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age or younger).
(12) G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting serious injury).

(13) G.S.14-34.1 (Discharging certain barreled weapons or a firearm into occupied property).
(14) G.S. 14-39 (First or second degree kidnapping).
(15) G.S. 14-43.11 (Human trafficking).
(16) First degree burglary pursuant to G.S. 14-51.
(17) First degree arson pursuant to G.S. 14-58.
(18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

~~If~~ There shall be 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 any of the subdivisions of this subsection. However, if the judge determines that release is warranted for a defendant charged with a crime listed under any of the subdivisions of this subsection, the judge shall set conditions of pretrial release in accordance with G.S. 15A-534.

A defendant charged with a noncapital offense that is not listed under any of the subdivisions of this subsection, must otherwise have conditions of pretrial release determined, in accordance with G.S. 15A-534.

(b1) If a defendant is (i) charged with a violent offense and, after a search of the court records for the defendant, the judicial official determines that the defendant has previously been subject to an order of involuntary commitment, pursuant to Article 5 of Chapter 122C of the General Statutes, within the prior three years, or (ii) charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others, the judicial official shall set conditions of pretrial release in accordance with this Article and shall issue an order that includes all of the following:

(1) Require the defendant to receive an initial examination by a commitment examiner, as defined in G.S. 122C-3, to determine if there are grounds to petition for involuntary commitment of the defendant pursuant to Article 5 of Chapter 122C of the General Statutes. This examination shall comply with and satisfy the requirements of the initial examination as provided in G.S. 122C-263(c).
(2) Require the arresting officer to 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 involuntary commitment is filed pursuant to Article 5 of Chapter 122C of the General Statutes.
    b. A petition for involuntary commitment is filed pursuant to Article 5 of Chapter 122C of the General Statutes, but no custody order is issued pursuant to G.S. 122C-261.
(3) Require the commitment examiner, after conducting the initial examination, to do one of the following:
    a. Petition for involuntary commitment of the defendant pursuant to Article 5 of Chapter 122C of the General Statutes, 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 involuntary commitment of the defendant.
(4) Provide that, except as provided in subdivision (5) of this subsection, whether or not the defendant has met all other conditions of pretrial release, if a petition

for involuntary commitment is filed pursuant to Article 5 of Chapter 122C of the General Statutes, the custody of the defendant shall 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) Provide that if a defendant has not met all other conditions of pretrial release, if one of the following criteria is met, the defendant shall 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 involuntary commitment is not filed pursuant to Article 5 of Chapter 122C of the General Statutes.

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.

(c) A judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial. If he determines release is warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

(d) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;

(2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds all of the following:

(1) There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal gang, as defined in G.S. 14-50.16A(1).

(2) The offense described in subdivision (1) of this subsection was committed while the person was on pretrial release for another offense.

(3) The person (i) has been previously convicted of an offense described in G.S. 14-50.16 through G.S. 14-50.20 or (ii) has been convicted of a criminal offense and received an enhanced sentence for that offense pursuant to G.S. 15A-1340.16E, and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

(f) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds there is reasonable cause to believe that the person committed a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm; and the judicial official also finds any of the following:

(1) The offense was committed while the person was on pretrial release for another felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm.

(2) The person has previously been convicted of a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a

firearm and not more than five years have elapsed since the date of conviction or the person's release for the offense, whichever is later.

(g) Persons who are considered for bond under the provisions of subsections (d), (e), and (f) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community.

(h) If a defendant is arrested for a new offense allegedly committed while the defendant was on pretrial release for another pending proceeding, the judicial official who determines the conditions of pretrial release for the new offense shall be a judge. The judge shall direct a law enforcement officer, pretrial services program, or a district attorney to provide a criminal history report and risk assessment, if available, for the defendant and shall consider the criminal history when setting conditions of pretrial release. After setting conditions of pretrial release, the judge shall return the report to the providing agency or department. No judge shall unreasonably delay the determination of conditions of pretrial release for the purpose of reviewing the defendant's criminal history report. Notwithstanding the provisions of this subsection, a magistrate or the clerk of superior court may set the conditions of pretrial release at any time if the new offense is a violation of Chapter 20 of the General Statutes, other than a violation of G.S. 20-138.1, 20-138.2, 20-138.2A, 20-138.2B, 20-138.5, or 20-141.4.

A defendant may be retained in custody pursuant to this subsection not more than 48 hours from the time of arrest without a judge making a determination of conditions of pretrial release. If a judge has not acted pursuant to this subsection within 48 hours from the time of arrest of the defendant, the magistrate shall set conditions of pretrial release in accordance with G.S. 15A-534."

SECTION 1.(d) G.S. 15A-534 reads as rewritten:

"**§ 15A-534. Procedure for determining conditions of pretrial release.**

(a) In determining conditions of pretrial release a judicial official must impose at least one of the following conditions:

~~(1) Release the defendant on his written promise to appear.~~

(2) Release the defendant upon his execution of an unsecured appearance bond in an amount specified by the judicial official.

(3) Place the defendant in the custody of a designated person or organization agreeing to supervise him.

(4) Require the execution of an appearance bond in a specified amount secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to G.S. 58-74-5, or by at least one solvent surety.

(5) House arrest with electronic monitoring.

If condition (5) is imposed, the defendant must execute a secured appearance bond under subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect to execute an appearance bond under subdivision (4). If the defendant is required to provide fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial official shall make the collection of the fingerprints or DNA sample a condition of pretrial release. The judicial official may also place restrictions on the travel, associations, conduct, or place of abode of the defendant as conditions of pretrial release. The judicial official may include as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, and that any violation of this condition be reported by the monitoring provider to the district attorney.

(b) ~~The~~ Except for a defendant charged with a violent offense, a judicial official in granting pretrial release must impose condition ~~(1), (2),~~ (2) or (3) in subsection (a) above unless

he determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses. Upon making the determination, the judicial official must then impose condition (4) or (5) in subsection (a) above instead of condition ~~(1), (2),~~ (2) or (3), and must record the reasons for so doing in writing to the extent provided in the policies or requirements issued by the senior resident superior court judge pursuant to G.S. 15A-535(a). However, if a defendant has been convicted of three or more offenses, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years, the judicial official must then impose condition (4) or (5) in subsection (a) of this section.

(b1) For a defendant charged with any violent offense, there shall be 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 condition (4) or (5) in subsection (a) of this section.

(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 condition (5) in subsection (a) of this section, if available.

(c) In determining which conditions of release to impose, the judicial official shall direct the arresting law enforcement officer, a pretrial services program, or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of pretrial release. Additionally, the judicial official must, on the basis of available information, take into account the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, housing situation, and mental condition; whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision; the length of his residence in the community; ~~his record of convictions;~~ his history of flight to avoid prosecution or failure to appear at court proceedings; and any other evidence relevant to the issue of pretrial release.

(d) The judicial official authorizing pretrial release under this section must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of his release; and advise him that his arrest will be ordered immediately upon any violation. In each and every order 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 a Class 1 misdemeanor or higher offense, 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 subsection (c) of this section. The order of release must be filed with the clerk and a copy given the defendant and any surety, or the agent thereof who is executing the bond for the defendant's release pursuant to that order.

(d1) ~~When~~ Except for a defendant charged with a violent offense, when conditions of pretrial release are being imposed on a defendant who has failed on one or more prior occasions to appear to answer one or more of the charges to which the conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release that are recommended in any order for the arrest of the defendant that was issued for the defendant's most recent failure to appear. If no conditions are recommended in that order for arrest, the judicial official shall require the execution of a secured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond for the charges or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars ($1,000). The judicial official shall

also impose such restrictions on the travel, associations, conduct, or place of abode of the defendant as will assure that the defendant will not again fail to appear. The judicial official shall indicate on the release order that the defendant was arrested or surrendered after failing to appear as required under a prior release order. If the information available to the judicial official indicates that the defendant has failed on two or more prior occasions to appear to answer the charges, the judicial official shall indicate that fact on the release order.

(d2) ~~When~~ Except for a defendant charged with a violent offense, when conditions of pretrial release are being determined for a defendant who is charged with a felony offense and the defendant is currently on probation for a prior offense, a judicial official shall determine whether the defendant poses a danger to the public prior to imposing conditions of pretrial release and must record that determination in writing. This subsection shall apply to any judicial official authorized to determine or review the defendant's eligibility for release under any proceeding authorized by this Chapter. After making a determination pursuant to this subsection, the judicial official shall impose the following conditions:

(1) If the judicial official determines that the defendant poses a danger to the public, the judicial official must impose condition (4) or (5) in subsection (a) of this section instead of condition ~~(1), (2),~~ (2) or (3).

(2) If the judicial official finds that the defendant does not pose a danger to the public, then conditions of pretrial release shall be imposed as otherwise provided in this Article.

(3) If there is insufficient information to determine whether the defendant poses a danger to the public, then the defendant shall be retained in custody until a determination of pretrial release conditions is made pursuant to this subdivision. The judicial official that orders that the defendant be retained in custody shall set forth, in writing, the following at the time that the order is entered:

a. The defendant is being held pursuant to this subdivision.

b. The basis for the judicial official's decision that additional information is needed to determine whether the defendant poses a danger to the public and the nature of the necessary information.

c. A date, within 72 hours or 96 hours if the courthouse is closed for transactions for a period longer than 72 hours, of the time of arrest, when the defendant shall be brought before a judge for a first appearance pursuant to Article 29 of this Chapter. If the necessary information is provided to the court at any time prior to the first appearance, the first available judicial official shall set the conditions of pretrial release. The judge who reviews the defendant's eligibility for release at the first appearance shall determine the conditions of pretrial release as provided in this Article.

(d3) When conditions of pretrial release are being determined for a defendant who is charged with an offense and the defendant is currently on pretrial release for a prior offense, the judicial official may require the execution of a secured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond for the charges or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars ($1,000).

(d4) 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 shall 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 shall set conditions of pretrial release pursuant to this Article and shall commit the defendant to an appropriate detention facility pursuant to G.S. 15A-521 to be fingerprinted, for a query of Immigration and Customs Enforcement of the United States Department of Homeland Security, and to be held for a period of two hours from the query of Immigration and Customs Enforcement of the United States Department of Homeland Security.

If by the end of this two-hour period no detainer and administrative warrant have been issued by Immigration and Customs Enforcement of the United States Department of Homeland Security, the defendant shall be released pursuant to the terms and conditions of the release order. If before the end of this two-hour period a detainer and administrative warrant issued by Immigration and Customs Enforcement of the United States Department of Homeland Security have been received by the facility, the defendant shall be processed pursuant to G.S. 162-62(b1).

(e) A magistrate or a clerk may modify his pretrial release order at any time prior to the first appearance before the district court judge. At or after such first appearance, except when the conditions of pretrial release have been reviewed by the superior court pursuant to G.S. 15A-539, a district court judge may modify a pretrial release order of the magistrate or clerk or any pretrial release order entered by him at any time prior to:

(1) In a misdemeanor case tried in the district court, the noting of an appeal; and

(2) In a case in the original trial jurisdiction of the superior court, the binding of the defendant over to superior court after the holding, or waiver, of a probable-cause hearing.

After a case is before the superior court, a superior court judge may modify the pretrial release order of a magistrate, clerk, or district court judge, or any such order entered by him, at any time prior to the time set out in G.S. 15A-536(a).

(f) For good cause shown any judge may at any time revoke an order of pretrial release. Upon application of any defendant whose order of pretrial release has been revoked, the judge must set new conditions of pretrial release in accordance with this Article.

(g) In imposing conditions of pretrial release and in modifying and revoking orders of release under this section, the judicial official must take into account all evidence available to him which he considers reliable and is not strictly bound by the rules of evidence applicable to criminal trials.

(h) A bail bond posted pursuant to this section is effective and binding upon the obligor throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or the entry of judgment in the superior court. The obligation of an obligor, however, is terminated at an earlier time upon the occurrence of any of the following:

(1) A judge authorized to do so releases the obligor from the bond.

(2) The principal is surrendered by a surety in accordance with G.S. 15A-540.

(3) The proceeding is terminated by voluntary dismissal by the State before forfeiture is ordered under G.S. 15A-544.3.

(4) Prayer for judgment has been continued indefinitely in the district court.

(5) The court has placed the defendant on probation pursuant to a deferred prosecution or conditional discharge.

(6) The court's review of a juvenile's secure or nonsecure custody status pursuant to remand under G.S. 7B-2603 or the removal under G.S. 15A-960 for disposition as a juvenile case.

(i) Repealed by Session Laws 2012-146, s. 1(b), effective December 1, 2012."

SECTION 1.(e) G.S. 15A-535(b) reads as rewritten:

"(b) In any county in which there is a pretrial release program, the senior resident superior court judge may, after consultation with the chief district court judge, order that defendants accepted by such program for supervision shall, with their consent, be released by judicial

officials to supervision of such programs, and subject to its rules and regulations, in lieu of releasing the defendants on conditions ~~(1), (2),~~ (2) or (3) of G.S. 15A-534(a)."

SECTION 1.(f) G.S. 122C-54(d) reads as rewritten:

"(d) Except as otherwise provided in this section, any individual seeking confidential information contained in the court files or the court records of a proceeding made pursuant to Article 5 of this Chapter may file a written motion in the cause setting out why the information is needed. A district court judge may issue an order to disclose the confidential information sought if he finds the order is appropriate under the circumstances and if he finds that it is in the best interest of the individual admitted or committed or of the public to have the information disclosed.

Counsel for the respondent and counsel for the State in the commitment hearing may receive access to the court file without filing a motion or obtaining a court order. A judge presiding over a criminal case that initiated the Article 5 proceeding may have access to the file without filing a motion.

Judicial officials determining whether a criminal defendant may be released before trial pursuant to G.S. 15A-533 may have access to the defendant's records of proceedings made pursuant to Article 5 of this Chapter for the purposes of determining whether a criminal defendant has been involuntarily committed within the previous three years."

SECTION 1.(g) No later than the effective date of subsections (a) through (e) of this section, each judicial district that does not already have the capability of imposing house arrest with electronic monitoring under G.S. 15A-534(a)(5) shall enter into a Memorandum of Agreement with a qualified vendor to provide such services. A defendant released with the condition of house arrest with electronic monitoring shall be responsible for paying for the services provided by the qualified vendor.

SECTION 1.(h) No later than the effective date of subsections (a) through (e) of this section, the Administrative Office of the Courts shall provide a method for judicial officials to determine if a defendant has a prior order of involuntary commitment, pursuant to Article 5 of Chapter 122C of the General Statutes, for purposes of complying with subsections (a) through (e) of this section.

SECTION 1.(i) No later than the effective date of subsections (a) through (e) of this section, the Administrative Office of the Courts shall develop or modify any forms necessary to implement this section. For any provision where a written finding of fact may be required, the form, whether physical or electronic, shall provide a blank area for that written finding to be entered.

SECTION 1.(j) Subsections (a) through (e) of this section become effective December 1, 2025, and apply to persons appearing before a judicial official for the determination of pretrial release conditions on or after that date. The remainder of this section is effective when it becomes law.

ADD AN AGGRAVATING SENTENCING FACTOR

SECTION 2.(a) G.S. 15A-1340.16(d) reads as rewritten:

"(d) Aggravating Factors. – The following are aggravating factors:

…

(19c) The offense was committed by the defendant while the victim was using a public transportation system as defined in G.S. 160A-601.

(20) Any other aggravating factor reasonably related to the purposes of sentencing.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under G.S. 15A-1340.16A may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial.

Notwithstanding the provisions of subsection (a1) of this section, the determination that an aggravating factor under G.S. 15A-1340.16(d)(18a) is present in a case shall be made by the court, and not by the jury. That determination shall be made in the sentencing hearing."

SECTION 2.(b) G.S. 15A-2000(e) reads as rewritten:

"(e) Aggravating Circumstances. – Aggravating circumstances that may be considered are limited to the following:

(1) The capital felony was committed by a person lawfully incarcerated.

(2) The defendant had been previously convicted of another capital felony or had been previously adjudicated delinquent in a juvenile proceeding for committing an offense that would be a capital felony if committed by an adult.

(3) The defendant had been previously convicted of a felony involving the use or threat of violence to the person or had been previously adjudicated delinquent in a juvenile proceeding for committing an offense that would be a Class A, B1, B2, C, D, or E felony involving the use or threat of violence to the person if the offense had been committed by an adult.

(4) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(5) The capital felony was committed while the defendant was engaged, or was an aider or abettor, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any homicide, robbery, rape or a sex offense, arson, burglary, kidnapping, or aircraft piracy or the unlawful throwing, placing, or discharging of a destructive device or bomb.

(6) The capital felony was committed for pecuniary gain.

(7) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(8) The capital felony was committed against a law-enforcement officer, employee of the Department of Adult Correction, an employee of the Division of Juvenile Justice of the Department of Public Safety, jailer, fireman, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness against the defendant, while engaged in the performance of official duties or because of the exercise of official duty.

(9) The capital felony was especially heinous, atrocious, or cruel.

(10) The defendant knowingly created a great risk of death to more than one person by means of a weapon or device that would normally be hazardous to the lives of more than one person.

(11) The murder for which the defendant stands convicted was part of a course of conduct in which the defendant engaged and that included the commission by the defendant of other crimes of violence against another person or persons.

(12) <u>The capital felony was committed by the defendant while the victim was using a public transportation system as defined in G.S. 160A-601.</u>"

SECTION 2.(c) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

MODIFY SUSPENSION OF MAGISTRATES

SECTION 3.(a) G.S. 7A-171.3 reads as rewritten:

"**§ 7A-171.3. Magistrate rules of conduct.**

The Administrative Office of the Courts shall prescribe rules of conduct for all magistrates not inconsistent with the Constitution of the United States or inconsistent with the Constitution

of the State of North Carolina. The rules of conduct shall apply to all magistrates and shall include rules governing the following:

(1) Standards of professional ~~conduct and timeliness.~~conduct, timeliness, and conflicts of interest.

(2) Required duties and responsibilities.

(3) Methods for ethical decision making.

(4) Any other topic deemed relevant by the Administrative Office of the Courts."

SECTION 3.(b) G.S. 7A-173 reads as rewritten:

"**§ 7A-173. Suspension; removal; reinstatement.**

(a) A magistrate may be suspended from performing the duties of the magistrate's office by the chief district judge of the district court district in which the magistrate's county of appointment is ~~located.~~ located, or upon order of the Chief Justice. A magistrate may be removed from office by the senior regular resident superior court judge of, or any regular superior court judge holding court in, the district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of appointment is located. Grounds for suspension or removal are the same as for a judge of the General Court of ~~Justice.~~Justice and also include the failure of a magistrate to make statutorily required written findings.

(b) ~~Suspension~~ Except as provided in subsection (b1) of this section, suspension from performing the duties of the office may be ordered upon filing of sworn written charges in the office of clerk of superior court for the county in which the magistrate was appointed. If the chief district judge, upon examination of the sworn charges, finds that the charges, if true, constitute grounds for removal, the chief district judge may enter an order suspending the magistrate from performing the duties of the magistrate's office until a final determination of the charges on the merits. During suspension the salary of the magistrate continues.

(b1) If the Chief Justice orders suspension, the order shall include the charges alleged that constitute grounds for removal and shall be filed with the office of the clerk of superior court for the county in which the magistrate was appointed. Upon receipt of the order, the clerk shall notify the chief district judge who shall implement the suspension of the magistrate until a final determination of the charges on the merits under subsection (c) of this section. During suspension the salary of the magistrate continues.

(c) If a hearing, with or without suspension, is ordered, the magistrate against whom the charges have been made shall be given immediate written notice of the proceedings and a true copy of the charges, and the matter shall be set by the chief district judge for hearing before the senior regular resident superior court judge or a regular superior court judge holding court in the district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of appointment is located. The hearing shall be held in a county within the district or set of districts not less than 10 days nor more than 30 days after the magistrate has received a copy of the charges. The hearing shall be open to the public. All testimony offered shall be recorded. At the hearing the superior court judge shall receive evidence, and make findings of fact and conclusions of law. If the judge finds that grounds for removal exist, the judge shall enter an order permanently removing the magistrate from office, and terminating the magistrate's salary. If the judge finds that no such grounds exist, he shall terminate the suspension, if any. Notwithstanding the provisions of this subsection, if the judge finds that the only grounds for removal are the failure of the magistrate to make statutorily required written findings, and the magistrate has no prior charges of or suspensions for failure to make statutorily required written findings, the judge shall not permanently remove the magistrate from office.

(d) A magistrate may appeal from an order of removal to the Court of Appeals on the basis of error of law by the superior court judge. Pending decision of the case on appeal, the magistrate shall not perform any of the duties of the magistrate's office. If, upon final determination, the magistrate is ordered reinstated, either by the appellate division or by the

superior court on remand, the magistrate's salary shall be restored from the date of the original order of removal."

DIRECT THE COLLABORATORY TO STUDY MENTAL HEALTH AND THE JUSTICE SYSTEM

SECTION 4. The North Carolina Collaboratory (Collaboratory) shall study the following:

(1) The intersection of mental health in the justice system for both adults and juveniles in North Carolina, including initial response, mental health evaluation, inpatient and outpatient involuntary commitment, incarceration, post-release monitoring and treatment, and any other items the Collaboratory deems relevant.

(2) The availability of house arrest as a condition of pretrial release in each county or judicial district.

(3) Methods of execution other than those currently authorized by State law.

This study may include the issuance of one or more research awards to provide, as necessary, planning grants for a preliminary investigation to (i) identify, obtain, and analyze existing data, (ii) identify other critical data that could be acquired and analyzed, (iii) identify appropriate stakeholder groups for engagement, (iv) develop a holistic and longer-term research team and plan with a formal scope of work, time line, and deliverables, and (v) any other items the Collaboratory deems relevant. The Collaboratory may also utilize these preliminary findings to fund one or more awards for additional research to support this study.

Any unit of State or local government that receives a written request from the Collaboratory, including an electronically transmitted request, shall cooperate and assist the Collaboratory with this study by providing full access to personnel and data within 30 calendar days of the request. Any information or data received that is confidential or not public record shall remain confidential, shall be withheld from public inspection, shall be used only for the purposes this study, and may not be publicly disclosed except as deidentified, aggregated information or data.

The Collaboratory shall provide a preliminary report of its findings to the Joint Legislative Commission on Governmental Operations no later than April 1, 2026, and a final report of its findings, including any policy or funding recommendations, no later than March 1, 2027.

Notwithstanding any provision of law to the contrary, of the funds appropriated to The University of North Carolina (Budget Code 16020) for the North Carolina Policy Collaboratory (Collaboratory) for the purposes described in Item 188 on Page B-56 of the Committee Report referenced in Section 43.2 of S.L. 2021-180, the Collaboratory shall reallocate up to one million dollars ($1,000,000) for the study required under this section, including consultants or faculty, staff, or students affiliated with institutions of higher education.

RESCIND/PROHIBIT TASK FORCE

SECTION 5. The Task Force for Racial Equity in Criminal Justice, created by the Governor's Executive Order No. 145, and extended by Executive Order No. 273, has expired and that task force may not be recreated except by act of the General Assembly.

MODIFY DEATH PENALTY PROCEEDINGS

SECTION 6.(a) G.S. 15A-1415(a) reads as rewritten:

"(a) In a capital case, a defendant may file a postconviction motion for appropriate relief based on any of the grounds enumerated in this section within 120 days from the latest of any of the following:

(1) The court's judgment has been filed, but the defendant failed to perfect a timely appeal.

(2) The mandate issued by a court of the appellate division on direct appeal pursuant to N.C.R. App. P. 32(b) and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being filed.

(3) The United States Supreme Court denied a timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North Carolina.

(4) Following the denial of discretionary review by the Supreme Court of North Carolina, the United States Supreme Court denied a timely petition for writ of certiorari seeking review of the decision on direct appeal by the North Carolina Court of Appeals.

(5) The United States Supreme Court granted the defendant's or the State's timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North Carolina or North Carolina Court of Appeals, but subsequently left the defendant's conviction and sentence undisturbed.

(6) The appointment of postconviction counsel for an indigent capital defendant.

A hearing for a motion for appropriate relief based on grounds in this section shall 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 6.(b) G.S. 15A-2000(d) reads as rewritten:

"(d) Review of Judgment and Sentence. –

(1) The judgment of conviction and sentence of death is subject to automatic review by the Supreme Court of North Carolina pursuant to procedures established by the Rules of Appellate Procedure. In its review, the Supreme Court shall consider the punishment imposed as well as any arguments raised on appeal. The review shall 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.

…."

SECTION 6.(c) Article 100 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A-2007. Postconviction venue for capital defendants.**

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 shall be in the county of conviction. This section does not apply to matters that are authorized by law to be filed directly with the Supreme Court of North Carolina."

SECTION 6.(d) No later than the effective date of subsections (a) through (c) of this section, the Administrative Office of the Courts shall develop or modify any forms necessary to implement this section. For any provision where a written finding of fact may be required, the form, whether physical or electronic, shall provide a blank area for that written finding to be entered.

SECTION 6.(e) Subsections (a) and (b) of this section become effective December 1, 2025, and apply (i) to motions filed and judgments entered on or after that date and (ii) to motions filed or judgments entered prior to that date, and any motions pending on that date, except that any motion filed or judgment entered more than 24 months prior to that date shall be heard or reviewed no later than December 1, 2027, and shall be scheduled for hearing or review no later than December 1, 2026. Subsection (c) of this section becomes effective December 1,

2025, and applies to any filings made and any proceedings or hearings held on or after that date. The remainder of this section is effective when it becomes law.

SECTION 6.5.(a) G.S. 15-187 reads as rewritten:

"**§ 15-187. Death ~~by administration of lethal drugs.~~penalty.**

~~Death by electrocution under sentence of law and death by the administration of lethal gas under sentence of law are abolished.~~ Any person convicted of a criminal offense and sentenced to death shall be executed in accordance with G.S. 15-188 and the remainder of this Article. The default method of executing a death sentence shall be as described in G.S. 15-188(a). However, if the method adopted in G.S. 15-188(a) is declared unconstitutional by a North Carolina court of competent jurisdiction then the provisions in G.S. 15-188(b) shall apply. The warden of Central Prison may obtain and employ the drugs and equipment necessary to carry out the provisions of this Article, regardless of contrary provisions in Chapter 90 of the General ~~Statutes.~~Statutes; however, 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) shall apply."

SECTION 6.5.(b) G.S. 15-188 reads as rewritten:

"**§ 15-188. Manner and place of execution.**

(a) ~~In accordance with G.S. 15-187,~~ Unless subsection (b) of this section applies, the mode of executing a death sentence must in every case be by administering to the convict or felon an intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the person is dead, and that procedure shall be determined by the Secretary of the Department of Adult Correction, who shall ensure compliance with the federal and State constitutions; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, the punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this Article, the necessary appliances for the infliction of the punishment of death and qualified personnel to set up and prepare the injection, administer the preinjections, insert the IV catheter, and to perform other tasks required for this procedure in accordance with the requirements of this Article.

(b) The Secretary of the Department of Adult Correction, within 120 days of notice of a judgment being entered that the method in subsection (a) of this section has been declared unconstitutional by a North Carolina court of competent jurisdiction or notice that the method of execution provided for in subsection (a) of this section 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 method of execution selected under this subsection is then declared unconstitutional by a North Carolina court of competent jurisdiction, then the Secretary of the Department of Adult Correction shall select another method within 120 days of notice of such a judgment being entered.

(c) The Department of Adult Correction shall establish protocols and procedures within 120 days once the Department of Adult Correction establishes a method of execution pursuant to subsection (b) of this section. The Secretary of the Department of Adult Correction shall 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 in this subsection, or within the timeframe specified in G.S. 15-194, if applicable.

(d) The Secretary of the Department of Adult Correction shall report within 14 days the alternative method of execution chosen pursuant to subsection (b) of this section to the Joint Legislative Commission on Governmental Operations.

(e) The Attorney General and the Secretary of the Department of Adult Correction shall report to the Joint Legislative Commission on Governmental Operations in every case in which a mode of execution under this section 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."

SECTION 6.5.(c) G.S. 15-188.1 reads as rewritten:

"**§ 15-188.1. Health care professional assistance.**

(a) Any assistance rendered with an execution under this Article by any licensed health care professional, including, but not limited to, physicians, nurses, and pharmacists, shall not be cause for any disciplinary or corrective measures by any board, commission, or other authority created by the State or governed by State law which oversees or regulates the practice of health care professionals, including, but not limited to, the North Carolina Medical Board, the North Carolina Board of Nursing, and the North Carolina Board of Pharmacy.

(b) The infliction of the punishment of death under this Article, including by administration of ~~the required~~ lethal ~~substances under this Article~~ substances, shall not be construed to be the practice of medicine."

SECTION 6.5.(d) G.S. 15-190(a) reads as rewritten:

"(a) Correction custody personnel or some other reliable person or persons to be named and designated by the warden from time to time shall cause the person, convict or felon against whom the death sentence has been so pronounced to be executed as provided by this Article and all amendments thereto. The execution shall be under the general supervision and control of the warden of the penitentiary, who shall from time to time, in writing, name and designate the correctional custody personnel or other reliable person or persons who shall cause the person, convict or felon against whom the death sentence has been pronounced to be executed as provided by this Article and all amendments thereto. At such execution there shall be present the warden or deputy warden or some person designated by the warden in the warden's place, and a licensed physician, or a medical professional other than a physician, to monitor the injection of the required lethal ~~substances~~ substances, if any, and certify the fact of the execution. If a licensed physician is not present at the execution, then a licensed physician shall be present on the premises and available to examine the body after the execution and pronounce the person dead. Four respectable citizens, two members of the victim's family, the counsel and any relatives of such person, convict or felon and a minister or member of the clergy or religious leader of the person's choosing may be present if they so desire. The identities, including the names, residential addresses, residential telephone numbers, and social security numbers, of witnesses or persons designated to carry out the execution shall be confidential and exempted from Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence in any proceeding. The Senior Resident Superior Court Judge for Wake County may order disclosure of names made confidential by this section after making findings that support a conclusion that disclosure is necessary to a proper administration of justice.

For purposes of this section, a "medical professional other than a physician" means a physician assistant, nurse practitioner, registered nurse, emergency medical technician, or emergency medical technician-paramedic who is licensed or credentialed by the licensing board, agency, or organization responsible for licensing or credentialing that profession."

SECTION 6.5.(e) G.S. 7A-27 reads as rewritten:

"**§ 7A-27. Appeals of right from the courts of the trial divisions.**

(a) Appeal lies of right directly to the Supreme Court in any of the following cases:

(1) All cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.

(2) From any final judgment in a case designated as a mandatory complex business case pursuant to G.S. 7A-45.4 or designated as a discretionary complex business case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts.

(3) From any interlocutory order of a Business Court Judge that does any of the following:

a. Affects a substantial right.
b. In effect determines the action and prevents a judgment from which an appeal might be taken.
c. Discontinues the action.
d. Grants or refuses a new trial.

(4) Any trial court's decision regarding class action certification under G.S. 1A-1, Rule 23.

(5) Repealed by Session Laws 2021-18, s. 1, effective July 1, 2021, and applicable to appeals filed on or after that date.

(6) In all cases where a defendant has challenged a method of execution under G.S. 15-188, and a trial court has declared the method unconstitutional.

…."

SECTION 6.5.(f) G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(35) The Department of Adult Correction, with respect to the establishment and administration of any method of execution pursuant to G.S. 15-188."

MODIFY THE PROCEDURES FOR INVOLUNTARY COMMITMENT OF A DEFENDANT FOUND INCAPABLE OF PROCEEDING

SECTION 7.(a) G.S. 15A-1003 reads as rewritten:

"**§ 15A-1003. Referral of incapable defendant for civil commitment proceedings.**

(a) When a defendant is found to be incapable of proceeding, the presiding judge, upon such additional hearing, if any, as he determines to be necessary, shall determine whether there are reasonable grounds to believe the defendant meets the criteria for involuntary commitment under Part 7 of Article 5 of Chapter 122C of the General Statutes. If the presiding judge finds reasonable grounds to believe that the defendant meets the criteria, he shall make findings of fact and issue a custody order in the same manner, upon the same grounds and with the same effect as an order issued by a clerk or magistrate pursuant to G.S. 122C-261. Proceedings thereafter are in accordance with Part 7 of Article 5 of Chapter 122C of the General Statutes. If the defendant was charged with a violent crime, including a crime involving assault with a deadly weapon, the judge's custody order shall require a law-enforcement officer to take the defendant directly to a 24-hour facility as described in G.S. 122C-252; and the order must indicate that the defendant was charged with a violent crime and that he was found incapable of proceeding.

(a1) Prior to the dismissal of any charges pursuant to G.S. 15A-1008, if the defendant is not subject to an involuntary commitment order issued pursuant to Part 7 of Article 5 of Chapter 122C of the General Statutes, the court shall make the determinations and findings required by subsection (a) of this section upon motion of the district attorney.

(b) The court may make appropriate orders for the temporary detention of the defendant pending that proceeding.

(c) Evidence used at the hearing with regard to capacity to proceed is admissible in the involuntary civil commitment proceedings."

SECTION 7.(b) G.S. 15A-1008 reads as rewritten:

"**§ 15A-1008. Dismissal of charges.**

(a) When a defendant lacks capacity to proceed, the court shall dismiss the charges upon the earliest of the following occurrences:

(1) When it appears to the satisfaction of the court that the defendant will not gain capacity to proceed.

(2) When as a result of incarceration, involuntary commitment to an inpatient facility, or other court-ordered confinement, the defendant has been substantially deprived of his liberty for a period of time equal to or in excess of the maximum term of imprisonment permissible for prior record Level VI

for felonies or prior conviction Level III for misdemeanors for the most serious offense charged.

(3) Upon the expiration of a period of five years from the date of determination of incapacity to proceed in the case of misdemeanor charges and a period of 10 years in the case of felony charges.

(b) A dismissal entered pursuant to subdivision (2) of subsection (a) of this section shall be without leave.

(c) A dismissal entered pursuant to subdivision (1) or (3) of subsection (a) of this section shall be issued without prejudice to the refiling of the charges. ~~Upon the defendant becoming capable of proceeding, the prosecutor may reinstitute proceedings dismissed pursuant to subdivision (1) or (3) of subsection (a) of this section by filing written notice with the clerk, with the defendant, and with the defendant's attorney of record.~~

(d) Dismissal of criminal charges pursuant to this section shall be upon motion of the prosecutor or the defendant or upon the court's own ~~motion.~~motion and shall not be expunged pursuant to G.S. 15A-146."

SECTION 7.(c) G.S. 122C-268(c) reads as rewritten:

"(c) If the respondent's custody order indicates that ~~he~~ the respondent was charged with a violent crime, including a crime involving an assault with a deadly weapon, and that ~~he~~ the respondent was found incapable of proceeding, the clerk shall give notice of the time and place of the hearing to the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding as provided in G.S. 122C-264(d). The district attorney in the county in which the respondent was found incapable of proceeding may represent the State's interest at the hearing. Notwithstanding the provisions of G.S. 122C-269, if the district attorney elects to represent the State's interest, upon motion of the district attorney, the venue for the hearing, rehearings, and supplemental rehearings shall be the county in which the respondent was found incapable of proceeding."

SECTION 7.(d) G.S. 122C-277(b) reads as rewritten:

"(b) If the respondent was initially committed as the result of conduct resulting in ~~his~~ the respondent being charged with a violent crime, including a crime involving an assault with a deadly weapon, and respondent was found incapable of proceeding, 15 days before the respondent's discharge or conditional release the ~~attending physician shall notify~~ facility shall notify the district attorney of the district where the respondent was found incapable of proceeding and the clerk of superior court of the county in which the facility is located of ~~his~~ the attending physician's determination regarding the proposed discharge or conditional release. The clerk shall then schedule a rehearing to determine the appropriateness of respondent's release under the standards of commitment set forth in G.S. 122C-271(b). The clerk shall give notice as provided in G.S. 122C-264(d). The district attorney of the district where respondent was found incapable of proceeding may represent the State's interest at the hearing. Notwithstanding the provisions of G.S. 122C-269, if the district attorney elects to represent the State's interest, upon motion of the district attorney, the venue for the hearing, rehearings, and supplemental rehearings shall be the county in which the respondent was found incapable of proceeding."

SECTION 7.(e) This section becomes effective December 1, 2025. Subsections (a) and (b) of this section apply to dismissals and proceedings occurring on or after that date. Subsections (c) and (d) of this section apply to commitment proceedings initiated on or after that date.

EXTEND TERMS OF PROBATION AND POST-RELEASE SUPERVISION FOR YOUTH ADJUDICATED OF CERTAIN VIOLENT OFFENSES AND CLARIFY A VICTIM'S RIGHT TO BE NOTIFIED ABOUT TERMINATION OF PROBATION OR POST-RELEASE SUPERVISION

SECTION 8.(a) G.S. 7B-2510 reads as rewritten:

"**§ 7B-2510. Conditions of probation; violation of probation.**

…

(c) An order of probation shall remain in force for a period not to exceed one year from the date entered. ~~Prior~~ Except as otherwise provided in subsection (c1) of this section, prior to expiration of an order of probation, the court may extend it for an additional period of 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. 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.

(c1) 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 shall 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.

(d) On motion of the juvenile court ~~counselor or~~ counselor, the juvenile, the prosecutor, or on the court's own motion, the court may review the progress of any juvenile on probation at any time during the period of probation or at the end of probation. The conditions or duration of probation may be modified only as provided in this Subchapter and only after notice and a hearing.

…."

SECTION 8.(b) G.S. 7B-2511 reads as rewritten:

"**§ 7B-2511. Termination of probation.**

At the end of or at any time during probation, the court may terminate probation by written order upon finding that there is no further need for supervision. ~~The~~ Except for cases that involve a victim as defined in Article 20A of this Chapter, the finding and order terminating probation may be entered in chambers in the absence of the juvenile and may be based on a report from the juvenile court counselor or, at the election of the court, the order may be entered with the juvenile present after notice and a hearing. In cases involving a victim as defined in Article 20A of this Chapter, the order may be entered with the juvenile present after notice and a hearing. If a victim has requested to be notified of court proceedings pursuant to G.S. 7B-2053, the Division of Juvenile Justice shall provide notice to the victim, and the court shall provide the prosecutor, the victim, or the person who may assert the victim's rights as set forth in Article 20A of this Chapter the opportunity to be heard at the hearing."

SECTION 8.(c) G.S. 7B-2514 reads as rewritten:

"**§ 7B-2514. Post-release supervision planning; release.**

…

(b) The Division shall develop the plan in writing and base the terms on the needs of the juvenile and the protection of the public. ~~Every~~ Except as otherwise provided in subsection (b1) of this section, every plan shall require the juvenile to complete at least 90 days, but not more than one year, of post-release supervision.

(b1) Every plan developed for an offense that would be a Class A, B1, B2, or C felony if committed by an adult shall require the juvenile to complete three years of post-release supervision. The Division shall develop the plan in writing and base the terms on the needs of the juvenile and the protection of the public.

…

(g) A juvenile on post-release supervision shall be supervised by a juvenile court counselor. Post-release supervision shall be terminated by order of the court. For plans developed

pursuant to subsection (b1) of this section, 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 pursuant to G.S. 7B-2053, the Division of Juvenile Justice shall provide notice to the victim, and the court shall provide the prosecutor, the victim, or the person who may assert the victim's rights as set forth in Article 20A of this Chapter the opportunity to be heard at the hearing."

SECTION 8.(d) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND LEGAL ASSISTANTS IN MECKLENBURG COUNTY

SECTION 9.(a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
…		
26	Mecklenburg	~~61~~71
…."		

SECTION 9.(b) There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one million six hundred twenty-three thousand five hundred ten dollars ($1,623,510) in recurring funds beginning in the 2025-2026 fiscal year and thirty-seven thousand five hundred twenty dollars ($37,520) in nonrecurring funds in the 2025-2026 fiscal year to be used to hire 10 full-time assistant district attorneys in Prosecutorial District 26, Mecklenburg County.

SECTION 9.(c) There is appropriated from the General Fund to the Administrative Office of the Courts the sum of four hundred thirty-three thousand dollars ($433,000) in recurring funds beginning in the 2025-2026 fiscal year and twenty thousand nine hundred ninety dollars ($20,990) in nonrecurring funds in the 2025-2026 fiscal year to be used to hire five full-time legal assistant positions in Prosecutorial District 26, Mecklenburg County.

SECTION 9.(d) This section is effective retroactively to July 1, 2025.

REQUIRE AUTHORIZATION FOR RELEASE OF VIOLENT INVOLUNTARY COMMITMENT RESPONDENTS PRIOR TO HEARING

SECTION 9.5.(a) G.S. 122C-266 reads as rewritten:

"**§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**

(a) Except as provided in subsections ~~(b)~~ (b), (b1), and (e), within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a physician. This physician shall not be the same physician who completed the certificate or examination under the provisions of G.S. 122C-262 or G.S. 122C-263. The examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).

(1) If the physician finds that the respondent is mentally ill and is dangerous to self, as defined by G.S. 122C-3(11)a., or others, as defined by G.S. 122C-3(11)b., the physician shall hold the respondent at the facility pending the district court hearing.

(2) If the physician finds that the respondent meets the criteria for outpatient commitment under G.S. 122C-263(d)(1), the physician shall show these findings on the physician's examination report, release the respondent pending the district court hearing, and notify the clerk of superior court of the county

where the petition was initiated of these findings. In addition, the examining physician shall show on the examination report the name, address, and telephone number of the proposed outpatient treatment physician or center. The physician shall give the respondent a written notice listing the name, address, and telephone number of the proposed outpatient treatment physician or center and directing the respondent to appear at that address at a specified date and time. The examining physician before the appointment shall notify by telephone and shall send a copy of the notice and the examination report to the proposed outpatient treatment physician or center.

(3) If the physician finds that the respondent does not meet the criteria for commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the physician shall release the respondent and the proceedings shall be terminated.

(4) If the respondent is released under subdivisions (2) or (3) of this subsection, the law enforcement officer or other person designated to provide transportation shall return the respondent to the respondent's residence in the originating county or, if requested by the respondent, to another location in the originating county.

(a1) The second examination of a respondent required by subsection (a) of this section to determine whether the respondent will be involuntarily committed due to mental illness may be conducted either in the physical face-to-face presence of a physician or utilizing telehealth equipment and procedures, provided that the physician who examines the respondent by means of telehealth is satisfied to a reasonable medical certainty that the determinations made in accordance with subdivisions (a)(1) through (a)(3) of this section would not be different if the examination had been done in the physical presence of the examining physician. An examining physician who is not so satisfied shall note that the examination was not satisfactorily accomplished, and the respondent shall be taken for a face-to-face examination in the physical presence of a physician. As used in this section, "telehealth" means the use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other.

(b) If the custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and that he was found incapable of proceeding, the physician shall examine him as set forth in subsection (a) of this section. However, the physician may not release him from the facility until ordered to do so following the district court hearing.

(b1) If the custody order states that the respondent has had a conviction for a violent offense, as defined in G.S. 15A-531, within the previous 10 years, and has been subject to a prior order of involuntary commitment within the previous five years, the physician shall examine the respondent as set forth in subsection (a) of this section. However, the physician may not release the respondent from the facility until one of the following criteria are met:

(1) The court has ordered the respondent's release following the district court hearing.

(2) Both of the following has occurred:

a. The physician has provided written certification to the court of all of the following:

1. The imminent risk has been remitted.

2. Any necessary follow-up appointments or medications have been arranged or provided.

3. Any necessary safety plan or housing plan is in place.

4. Reasonable efforts have been made to contact the next of kin or a designated support person for the respondent.

b. A district court judge has issued an order authorizing release prior to the district court hearing.

(c) The findings of the physician and the facts on which they are based shall be in writing, in all cases. A copy of the findings shall be sent to the clerk of superior court (i) through the electronic filing system, if the county has implemented a system approved by the Director of the Administrative Office of the Courts, or (ii) by the most reliable and expeditious means otherwise available.

(d) Pending the district court hearing, the physician attending the respondent may administer to the respondent reasonable and appropriate medication and treatment that is consistent with accepted medical standards. Except as provided in subsection (b) of this section, if at any time pending the district court hearing, the attending physician determines that the respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release the respondent and notify the clerk of court and the proceedings shall be terminated.

(e) If the 24-hour facility described in G.S. 122C-252 or G.S. 122C-262 is the facility in which the first examination by a physician or eligible psychologist occurred and is the same facility in which the respondent is held, the second examination shall occur not later than the following regular working day."

SECTION 9.5.(b) This section becomes effective December 1, 2027, and applies to custody orders issued on or after that date.

EFFECTIVE DATE AND SEVERABILITY

SECTION 10.(a) If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

SECTION 10.(b) Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 23rd day of September, 2025.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Destin Hall
Speaker of the House of Representatives

_____
Josh Stein
Governor

Approved _____.m. this _____ day of _____, 2025