

2026 Legislation Affecting Criminal Law and Procedure

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Below are summaries of 2026 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. 2026-11 (SB 401): Agriculture.** Effective for offenses committed on or after December 1, 2026, section 16.(a) of the act expands G.S. 14-78 to create an enhanced penalty for a second or subsequent offense for larceny of crops. Under new G.S. 14-78(b), a first offense is a Class H felony punishable by a fine of at least \$250, in addition to any other punishment prescribed for the offense. A second or subsequent offense is a Class G felony punishable by a fine of at least \$500, in addition to any other punishment prescribed for the offense.

Aquaculture. Effective for offenses committed on or after December 1, 2026, section 15.(a) of the act expands G.S. 113-187 to reduce the penalty for certain shellfish aquaculture violations. The penalty for many of the violations under the statute is a Class A1 misdemeanor. Notwithstanding G.S. 113-187(a) or G.S. 113-187(d)(4), new G.S. 113-187(f) provides that any person who operates a shellfish aquaculture operation who commits any of the following violations shall be punished as follows:

- (1) A first offense for an improperly marked shellfish lease area is punishable only by issuance of a warning ticket pursuant to G.S. 113-140. A second offense within one month of the issuance of a warning ticket is punishable as an infraction. A third offense within one month of the issuance of a warning ticket is punishable as a Class 3 misdemeanor.
- (2) Operating under an expired aquaculture operation permit within one month of the expiration of the permit is punishable only by issuance of a warning ticket pursuant to G.S. 113-140.
- (3) Operating under an expired shellfish lease agreement within one month of the expiration of the agreement is punishable only by issuance of a warning ticket pursuant to G.S. 113-140.

Effective for offenses committed on or after December 1, 2026, section 16.(b) of the act modifies G.S. 113-218(a) to clarify the offense of taking marine species produced under an aquaculture lease without written authorization of the holder. Under the amended provision, the written authorization must include the lease number or deed reference, name and address of authorized person, date of issuance, and date of expiration, and it must be signed by the holder of the marine aquaculture rights. Additionally, any signs indicating the posted boundaries of the area must include the lease number or deed reference and the name of the holder. Section 16.(b) of the act also modifies G.S. 113-218(b) to increase and create enhanced penalties for the offense. A first offense is a Class H felony, punishable by a fine of at least \$250 in addition to any other punishment prescribed for the offense. A second or subsequent offense is a Class G felony, punishable by a fine of at least \$500 in addition to any other punishment prescribed for the offense.

Effective for offenses committed on or after December 1, 2026, section 16.(c) of the act modifies G.S. 113-269(a) to clarify the offense of robbing or injuring hatcheries and other aquaculture operations. The provision is amended to remove the definition of shellfish lease. G.S. 113-269(f) is modified to increase and create enhanced penalties for G.S. 113-269(b) and (d). A first offense is a Class H felony, punishable by a fine of at least \$250 in addition to any other punishment prescribed for the offense. A second or subsequent offense is a Class G felony, punishable by a fine of at least \$500 in addition to any other punishment prescribed for the offense.

2. **S.L. 2026-34 (HB 83): Obscene and harmful material.** Effective for offenses committed on or after December 1, 2026, section 1 of the act makes changes to laws regarding disseminating obscene and harmful material to minors. Prosecutions for offenses committed before December 1, 2026, are not abated or affected by these amendments. The statutes that would be applicable but for the amendments remain applicable to those prosecutions.

Section 1.(a) of the act amends G.S. 14-190.7 (dissemination of obscene material to minors) to modify the age requirement. The offense previously applied if the victim was a minor under the age of 16. Under the amended statute, the offense applies if the person age 18 or older is at least four years older than the minor. The act also adds new subsection (b) to G.S. 14-190.7, requiring a sentencing court to determine whether a person convicted of the offense is a danger to the community and whether the person should be required to register as a sex offender.

Section 1.(b) of the act adds new subsection (b) to G.S. 14-190.8 (dissemination of obscene material to minors under 13), requiring a sentencing court to determine whether a person convicted of the offense is a danger to the community and whether the person should be required to register as a sex offender.

Section 1.(c) of the act adds new subsection (e) to G.S. 14-190.15 (dissemination of harmful material to minors), requiring a sentencing court to determine whether a person convicted of the offense is a danger to the community and whether the person should be required to register as a sex offender.

Section 1.(d) adds new subdivision g. to G.S. 14-208.6(4) (reportable convictions) to include a final conviction for a violation of G.S. 14-190.7, G.S. 14-190.8, or G.S. 14-190.15, only if the court sentencing the person issues an order requiring the individual to register.

3. **S.L. 2026-37 (HB 1173): Jaleeyah’s Law.** Effective for offenses committed on or after December 1, 2026, this act makes several changes to and creates new statutes regarding gang-related activity.

Section 2.(a) of the act amends definitions of terms found in G.S. 14-50.16A.

- Criminal gang – Removes the requirement that one of a group’s primary activities be the commission of criminal or delinquent acts. Adds the requirement that a group engage in criminal gang activity.
- Criminal gang activity – Removes the requirement that the individual or collective action on the part of the participants be “to further any criminal purpose of a criminal gang.”
- Criminal gang leader or organizer – Amends one of the five criteria that can be met to meet the definition. Previously, a person who exercised control and authority over other criminal gang members would meet the criteria for the term. Under the amended definition, a person who supervises or directs the actions of another criminal gang member or members during criminal gang activity would meet the criteria. Additionally, the definition now requires that person meet at least one of the five criteria rather than two or more.
- Criminal gang member – Amends the definition to now capture any person who (1) meets three or more of the listed criteria or (2) meets at least two of the listed criteria, and one of the criteria is:
 - (a) the person admits to being a member of a criminal gang;

- (b) the person is identified as a criminal gang member by a reliable source; or
- (c) the person is in possession of or linked to a criminal gang by physical evidence, including ledgers, rosters, or membership documents [note: this provision reflects a newly added criterion].

Expands the existing criterion about appearing in social media to promote a criminal gang. The amended criterion requires that the person appear in any form of photographs, social media, or written or electronic communication to promote a criminal gang or document criminal gang activity.

Soliciting and encouraging participation. Section 3.(a) of the act amends G.S. 14-50.17, making it a Class F felony for any person to cause, encourage, solicit, or coerce a person 18 years of age or older to participate in criminal gang activity. Previously, the offense was a Class H felony and applied only when the target person was age 16 or older. Section 3.(b) of the act amends G.S. 14-50.18, making it a Class D felony for any person to cause, encourage, solicit, or coerce a person under the age of 18 to participate in criminal gang activity. Previously, the offense was a Class F felony and applied only when the target person was under age 16.

Firearms. Section 4.(a) of the act creates new G.S. 14-50.32, making it a Class G felony for any member of a criminal gang to use, carry, or possess a firearm in relation to or in furtherance of a serious felony, drug crime, or a crime of violence. If a firearm is brandished during the commission of the offense, then the violation is a Class F felony. If a firearm is discharged during the commission of the offense, then the violation is a Class D felony. Relevant terms are defined in the statute.

Section 4.(b) of the act creates new G.S. 14-50.33, making it a Class G felony for a member of a criminal gang to sell, deliver, give, or otherwise transfer a firearm to a person whom the criminal gang member knows or has reasonable cause to believe is a juvenile. The statute clarifies that the term "juvenile" means a person who is less than 18 years of age.

Witness testimony. Section 4.(c) of the act creates new G.S. 14-50.34, governing the use of witness testimony in a gang-related case. The statute provides that criminal gang activity, membership, association, leadership, and existence may be proven through the testimony of a fact witness, an expert witness, or a combined fact and expert witness. In any gang-related proceeding, expert testimony is admissible to show particular conduct, status, and customs indicative of criminal gangs and criminal gang activity, including any of the following:

- (1) Characteristics of persons who are members of a criminal gang.
- (2) Specific rivalries between criminal gangs.
- (3) Common practices and operations of criminal gangs and members of those criminal gangs.
- (4) Social customs and behavior of members of criminal gangs.
- (5) Terminology used by members of criminal gangs.
- (6) Codes of conduct, including criminal conduct, of particular criminal gangs.
- (7) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.

Venue. Section 4.(d) of the act creates new G.S. 14-50.35, which provides that in any gang-related criminal proceeding, the crime shall be construed to have been committed in any county in which any act was performed as part of criminal gang activity.

Rules of evidence. Effective for offenses committed on or after December 1, 2026, section 5.(a) of the act creates new evidence Rule 416 (Chapter 8C), governing evidence of criminal gang activity. Under this rule, in any proceeding in which a person is accused of conducting, participating in, or conspiring to commit criminal gang activity, or in any proceeding under G.S. Chapter 14, Article 13B, evidence of the defendant's commission of criminal gang activity may be considered for the purpose of proving any element of the alleged criminal offense. In any proceeding in which the prosecution intends to offer evidence under this rule, the prosecutor must disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 10 days in advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the judge upon good cause shown. This rule is not be the exclusive means to admit or consider the evidence described in this rule.

Sentencing. Section 6.(a) of the act amends G.S. 15A-1340.16E to increase the sentencing level for an offense committed as part of criminal gang activity from one class to two classes higher than the principal felony for which the person was convicted. The sentencing level is increased from two classes to three classes higher than the principal felony for a person who is found to be a criminal gang leader or organizer.

For further discussion, see Daniel Spiegel, [*Jaleeyah's Law, Part I: New Gang Crimes and Gang Enhancements*](#), N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Sept. 24, 2026).

4. **S.L. 2026-38 (HB 1104): Capacity and Commitment.** This act makes substantial changes to the laws surrounding capacity to proceed and involuntary commitment. A primary objective of the capacity and commitment changes is to establish a procedure for capacity restoration separate from involuntary commitment. These changes can be found in section 13 of the act and are effective for initial and supplemental capacity hearings on or after December 1, 2026. Faculty member John Rubin wrote a detailed summary of these changes, which can be accessed here: [*House Bill 1104 \(S.L. 2026-38\): Separate Pathways for Capacity Restoration and Involuntary Commitment of Defendants Found Incapable to Proceed.*](#)

Section 14 of the act delays the effective date of G.S. 15A-533(b1) (pretrial release and involuntary commitment proceedings) from December 1, 2026 to July 1, 2028.

5. **S.L. 2026-40 (SB 1041): Human Resources.** Effective October 1, 2026, this act makes several changes to the state human resources system.

Section 1 of the act enacts new G.S. Chapter 126A, titled the North Carolina Human Resources Act. G.S. 126A-52 permits an agency to retain a private personnel service to assist in finding candidates for a position. The statute also includes limitations on the compensation and fees for the use of that service. Violation of the statute is a Class 1 misdemeanor.

G.S. 126A-100 governs appropriate political activity of employees. Under the statute, an agency head or supervisor is prohibited from making, issuing, or enforcing any rule or policy that interferes with an employee's individual right to engage in political activity while not on duty or at times during which he or she is not performing services for which he or she receives compensation from the State. A 24-hour employee must not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when actually performing the duties of office. The willful violation of this provision is a Class 1 misdemeanor.

Under G.S. 126A-101, it is unlawful for an employee, a person appointed to State office, or a public servant to coerce a person to coerce an employee or applicant into providing a political contribution or support. Violation of this statute is a Class 2 misdemeanor. Under G.S. 126A-102, it is unlawful for any person to coerce a person to coerce an employee or applicant into providing a political contribution or support. Violation of this statute is a Class 2 misdemeanor.

Under G.S. 126A-165, any public official or employee who knowingly and willfully permits an unauthorized person to have access, custody, or possession of any portion of a confidential personnel file is guilty of a Class 3 misdemeanor and upon conviction must only be fined in the discretion of the court but not in excess of \$500.00. Under G.S. 126A-166, any person who is unauthorized to have access to a confidential personnel file who knowingly and willfully examines in its official filing place or removes or copies any portion of a confidential personnel file is guilty of a Class 3 misdemeanor and upon conviction must only be fined in the discretion of the court but not in excess of five hundred dollars \$500.00.

Section 2.(c) of the act enacts new Article 7E to G.S. Chapter 120, titled “Legislative Human Resources.” Under G.S. 120-36.44, any public official or employee who knowingly and willfully permits an unauthorized person to have access, custody, or possession of any portion of a confidential personnel file is guilty of a Class 3 misdemeanor and upon conviction must only be fined in the discretion of the court but not in excess of \$500.00. Under G.S. 120-36.45, any person who is unauthorized to have access to a confidential personnel file who knowingly and willfully examines in its official filing place or removes or copies any portion of a confidential personnel file is guilty of a Class 3 misdemeanor and upon conviction must only be fined in the discretion of the court but not in excess of five hundred dollars \$500.00.

Section 3 of the act enacts new Article 28E to G.S. Chapter 7A, titled “Judicial Human Resources System.” Under G.S. 7A-339.45, any public official or employee who knowingly and willfully permits an unauthorized person to have access, custody, or possession of any portion of a confidential personnel file is guilty of a Class 3 misdemeanor and upon conviction must only be fined in the discretion of the court but not in excess of \$500.00. Under G.S. 7A-339.50, any person who is unauthorized to have access to a confidential personnel file who knowingly and willfully examines in its official filing place or removes or copies any portion of a confidential personnel file is guilty of a Class 3 misdemeanor and upon conviction must only be fined in the discretion of the court but not in excess of five hundred dollars \$500.00.

6. S.L. 2026-41 (SB 257): Appropriations.

Northeast Regional School of Biotechnology and Agriscience. Effective July 1, 2026, section 7.31(a) of the act enacts new Article 15A to G.S. Chapter 115C, governing the Northeast Regional School of Biotechnology and Agriscience. Under G.S. 115C-229.50(h) (criminal history record checks), any applicant for employment who willfully

furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor.

Sex offender limitations. Effective for offenses committed on or after December 1, 2026, section 16.14 of the act amends G.S. 14-208.18 (sex offender unlawfully on premises) to prohibit sex offenders from seasonal child care camps when the camp is operating as a seasonal child care camp.

Electronic surveillance. Effective for offenses committed on or after December 1, 2026, section 19.2 of the act expands G.S. 15A-290(a) (offenses for which order for electronic surveillance may be granted) to include the offense of money laundering in violation of G.S. 14-118.8. The act also expands G.S. 15A-290(c) to permit interception of communications for any felony offense involving human trafficking of an adult.

Nonferrous metals. Effective for offenses committed on or after December 1, 2026, section 19.5.(a) of the act adds new subsection (a1) to G.S. 14-159.4 (cutting, mutilating, defacing, or otherwise injuring property to obtain nonferrous metals), to define “critical infrastructure” as communications, electric, gas, water, wastewater, transportation, public safety, emergency services, and hospitals and includes facilities or assets where disruption would materially impair public health, safety, or security. Amended G.S. 14-159.4(b) now includes attempts in addition to the completed acts that are prohibited by the statute.

The act also amends G.S. 14-159.4(c)(5) to clarify that when a violation of the statute results in the disruption of communication or electrical service to critical infrastructure, the punishment is a Class C felony. Previously, this provision was a Class 1 misdemeanor and also applied when the violation resulted in disruption of communication or electrical service to more than 10 customers of the communication or electrical service.

The act adds new subsection (e) to G.S. 14-159.4 to require mandatory restitution for the offense. Upon conviction, the sentencing court must order restitution to any affected owner or operator and any entity that includes all of the following:

- (1) Actual repair and replacement costs (including labor, contractor charges, equipment rental, splicing, testing, and site restoration).
- (2) Emergency response and temporary restoration costs.
- (3) Costs of traffic control, permitting, and expedited construction required to restore service.

- (4) Documented customer credits or regulatory penalties paid as a direct result of the incident, to the extent permitted by law.

Section 19.5.(b) of the act creates new G.S. 14-159.5 (unauthorized possession of certain nonferrous metals used in the provision of critical infrastructure). Unless the conduct is covered under some other provision of law providing greater punishment, it is a Class 1 misdemeanor for any person to intentionally or knowingly possess nonferrous metals used, or intended to be used, in the provision of critical infrastructure without authorization. A second or subsequent violation is a Class H felony. A person is authorized to possess critical infrastructure nonferrous metals if the person is any of the following, or an agent to any of the following, and the person does not have knowledge that the nonferrous metals were unlawfully obtained:

- (1) The owner of the nonferrous metals.
- (2) A public utility or common carrier.
- (3) A telecommunications provider.
- (4) A cable service provider.
- (5) A video service provider.
- (6) A manufacturing, industrial, commercial, retail, or other business that sells the material in the ordinary course of the seller's business.
- (7) A carrier-for-hire acting in the course and scope of the carrier's business with a bill of lading or a contract verifying transport information.
- (8) A secondary metals recycler acting within the course and scope of the entity's business.
- (9) A person acting in the ordinary course of the person's business who lawfully acquires possession of the materials during construction, remodeling, demolition, or salvage of a building or other structure in which the materials were installed or contained.

Concealed carry. Effective for reports submitted, applications and requests received, and fees collected on or after July 6, 2026, section 20.2(v) of the act amends G.S. 14-415.27 (concealed handgun scope for certain persons), regarding categories of people who may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law. The statute was expanded to include a person employed by the State Bureau of Investigation who has been designated in writing by the Director of the Bureau and who has in the person's possession written proof of the designation.

Vehicle registration infractions. Effective for motor vehicle registrations and registration renewals applied for on or after October 1, 2026, section 43.10.(dd) amends G.S. 20-176(a1) to remove the requirement that a person carry a vehicle registration card in the vehicle. The statute is also amended to apply to a person who fails to notify the DMV of an address change in violation of amended G.S. 20-67. Previously, the statute applies to a person who fails to notify the DMV of an address change for a vehicle registration card within 60 days after the change occurs.

Youth access to tobacco products. Effective for offenses committed on or after December 1, 2027, section 44.6(c) of the act amends G.S. 14-313 (youth access to tobacco products) to remove the defined term “timely field premarket tobacco product application” and include the defined term “specialty retailer of vapor products.” The act also adds new subsection (e1) to G.S. 14-313, prohibiting entry in a specialty retailer of vapor products establishment by a person under 21 years of age. Under this subsection, no specialty retailer of vapor products shall allow a person under the age of 21 to be within the retail establishment. As a condition of entry into the retail establishment, the retailer must require each patron to verify his or her age using a third-party age verification service, which must require the presentation and electronic scanning of the patron's drivers license or nondriver identification card as a condition of entry into the retail establishment. Violation of this subsection is a Class 1 misdemeanor.

7. **S.L. 2026-44 (SB 355): Department of Adult Correction.** Effective for action taken by Post-Release Supervision and Parole Commission on or after July 7, 2026, section 1.3 of the act amends G.S. 143B-1491(d) to clarify that a three-member panel of the Commission may decide questions of parole under G.S. 20-179(p) and that any single member of the Commission may set and modify the terms and conditions for a post-release supervisee under G.S. 15A-1368.4, may authorize the issuance of a letter of reprimand, and may continue an offender's supervision.

Effective for satellite-based monitoring releases ordered on or after July 7, 2026, section 5.1 of the act amends G.S. 15A-1368.2(c1) to clarify that a person who is required to submit to satellite-based must continue to participate in the monitoring beyond the period of post-release supervision until the superior court in the county where the conviction occurred releases the person from that requirement. Previously, the person was to be released from the requirement by the Post-Release Supervision and Parole Commission.

8. **S.L. 2026-45 (HB 920): Virtual Currency Kiosk Consumer Protection Act.** Section 1 of the act enacts new Article 26 of Chapter 53 of the General Statutes, titled the “Virtual Currency Kiosk Consumer Protection Act.” Effective for offenses committed on or after January 1, 2027, new G.S. 53-460 makes it a Class 1 misdemeanor for any person to facilitate or induce a fraudulent virtual currency kiosk transaction. The mere operation, ownership, leasing, or management of a virtual currency kiosk without additional conduct that facilitates or induces a transaction does not constitute a violation.
9. **S.L. 2026-46 (HB 1094): Motor vehicle changes.** Effective for offenses committed on or after December 1, 2026, this act makes several changes to motor vehicle laws.

Personal delivery devices. Section 20.(a) amends G.S. 20-4.01(28a) to increase the size limits of a personal delivery device to a length of 55 inches (previously 40 inches) and a width of 36 inches (previously 30 inches).

Section 20.(b) amends G.S. 20-175.16 to clarify the operation requirements of personal delivery devices. The amended statute includes the following changes:

- Expands the scope of operation to include bicycle lanes, shoulders, parking lots, or any similar area.
- Clarifies that a personal delivery device may not be operated at a speed greater than 20 miles per hour in non-pedestrian areas.
- Removes the limitation that the personal delivery device not be operated on a highway except as necessary to cross a highway or along a highway if a sidewalk is not provided or accessible.
- Removes the limitation that the personal delivery device not be operated on a highway at a speed greater than 20 miles per hour.
- Permits the operation of personal delivery devices on a highway with a speed limit greater than 55 miles per hour (was previously limited to highways with a speed limit of 35 miles per hour).
- Creates new subsection (d), stating that a personal delivery device has all of the rights and duties applicable to a pedestrian in a pedestrian area and to an operator of a bicycle in other areas, except for those that by their nature cannot apply to a personal delivery device or that place an unreasonable burden on the operation of a personal delivery device.

Truck lane restriction. Section 16.(a) of the act amends G.S. 20-146(f) to clarify that except when extenuating or existing the highway or avoiding a hazard, a motor vehicle having a gross vehicle weight rating of 26,001 pounds or more is prohibited from operating in the left most lane of a controlled-access highway with six or more lanes, unless the Department has passed an ordinance and installed signage with different restrictions. The amended statute defines "hazard" as any condition, object, or circumstance, present on or near the roadway, that poses a potential risk to the safe operation of a commercial vehicle.

Speed limit in residential areas. Section 17.(a) of the act amends G.S. 20-141(b) to add new subdivision (3), which provides that it is unlawful to operate a vehicle in excess of 25 miles per hour on any roadway that is unpaved or not marked with a centerline.

E-bikes. Section 19.(a) of the act amends G.S. 20-4.01(7a) to redefine and classify electric assisted bicycles ("e-bikes"). Previously, an e-bike was defined generally as having an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by the motor is no more than 20 miles per hour. The amended statute offers classifications before different types of e-bikes:

- A Class 1 electric assisted bicycle is a bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to assist once the bicycle reaches a speed of 20 miles per hour.
- A Class 2 electric assisted bicycle is a bicycle equipped with a motor that may propel the bicycle without pedaling but ceases to assist once the bicycle reaches a speed of 20 miles per hour.
- A Class 3 electric assisted bicycle is a bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to assist once the bicycle reaches a speed of 28 miles per hour.

Section 19.(b) of the act adds new G.S. 20-171.3, permitting the operation of e-bikes on any roadway, bicycle lane, or multiuse path, subject to other regulations by local government units or by the Department of Natural and Cultural Resources (DNCR) for properties under DNCR jurisdiction. The statute requires any rider or passenger of a Class 3 e-bike who is under the age of 18 to wear a helmet that meets federal safety standards. For further discussion, see Belal Elrahal, [*New Statewide Legislation Regarding E-Bikes*](#), N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Sept. 2, 2026).

10. S.L. 2026-48 (SB 857): Funeral services. Effective October 1, 2026, section 44 of the act amends G.S. 90-210.29C (previously, unlawful sale of embalming fluid) to set forth several offenses related to funeral services.

- G.S. 90-210.29C(a) prohibits practicing without authorization. It is a Class 2 misdemeanor for a person to hold himself or herself out as practicing as a funeral service licensee, a funeral director, or an embalmer or as operating a funeral establishment without having complied with licensing requirements. It is a Class 2 misdemeanor for a person to hold himself or herself out as engaging in the business of the transportation or removal of human remains without having complied with licensing requirement.
- G.S. 90-210.29C (b) prohibits abusing human remains. It is a Class 2 misdemeanor for a person to knowingly or willfully abuse or mutilate human remains in the person's custody. commits a Class 2 misdemeanor. However, this offense does not include a person licensed as a funeral service licensee or an embalmer who embalms human remains consistent with techniques of embalming generally recognized by funeral service licensees or embalmers. The offense also does not apply to a person licensed as a funeral service licensee or a funeral director who exhibits human remains consistent with instructions from the person authorized to dispose of the human remains.
- The existing offense of unlawful sale of embalming fluid is recodified as G.S. 90-210.29C(c).

11. S.L. 2026-49 (SB 648): Winter sports safety. Section 1 of the act enacts new G.S. Chapter 99C, concerning actions relating to winter sports safety and accidents. Effective for offenses committed on or after October 1, 2026, new G.S. 99C-8 makes it a Class 1 misdemeanor for any person to do any of the following acts:

- (1) Use a stolen, fictitious, or borrowed ski pass or season pass for the purpose of obtaining services of any kind from a ski area.
- (2) Ski at a ski area without a valid ski pass or season pass.
- (3) Provide a stolen or fictitious ski pass or season pass or to loan a ski pass or season pass to another person for the purpose of allowing another to obtain services of any kind from a ski area.
- (4) Provide a ski pass or season pass to another person who is not the lawful owner and authorized user of the season pass for the purpose of allowing another to obtain services of any kind from a ski area.
- (5) Access closed lifts, tramways, or ski trails.
- (6) Access lifts, tramways, or ski trails without a ski pass or season pass.

Effective for offenses committed on or after October 1, 2026, new G.S. 99C-9 makes it a Class 1 misdemeanor for a skier to leave the vicinity when the skier knows or should reasonably know that they were involved in a collision with another skier before giving his or her name and current address to an employee or agent of the ski area operator, a member of the ski patrol, or the other skier or person with whom the skier collided, except to seek medical treatment for anyone injured as a result of the collision or when remaining at the scene places the skier or others at significant risk of injury. If a skier does leave the vicinity for a reason permitted by the statute, the skier must provide the required information to an employee or agent of the ski area operator or a member of the ski patrol as soon as practical after leaving the vicinity. If the other skier involved in the collision is unknown, the skier must leave personal identification with the ski area operator or their employee or agent or a member of the ski patrol.

12. [S.L. 2026-54 \(HB 133\)](#): North Carolina Farmland and Military Protection Act.

Effective for offenses committed on or after April 1, 2027, section 1 of the act enacts new Article 4 to G.S. Chapter 64, prohibiting adversarial foreign party acquisition of certain lands. Under the new article, G.S. 64-63(l) makes it a Class 2 misdemeanor for a party to knowingly sell an interest in agricultural land or property situated within a 50-mile radius of a military installation in violation of the statute. It is also a Class 2 misdemeanor for a party who has actual knowledge that the transaction will result in a violation of the statute to aid and abet a party in knowingly selling an interest in agricultural land or property situated within a 50-mile radius of a military installation.

13. [S.L. 2026-57 \(HB 147\)](#): Currituck County Game Commission. Section 2.(a) of the act enacts new Article 22C of G.S. Chapter 113. Effective for offenses committed on or after December 1, 2026, new G.S. 113-300.22 permits the Game Commission to prosecute and revoke the hunting blind license of any person who has in its judgment violated any part of the newly enacted Article, or any of such rules and regulations as it may establish. Prior to such revocation, the Commission must notify the person charged with the violation to appear before the Commission on a given day at a given hour. The Game Commission may also revoke the hunting blind license of any person who violates any of the provisions of the Article regulating hunting, or who, while hunting, goes upon the marshes or lands of any person, firm, or corporation without the permission of the owners. Violations of the Article constitute a Class 2 misdemeanor, and each violation constitutes a separate offense.

14. S.L. 2026-59 (SB 445): Regulatory laws. This act makes several regulatory changes.

All-terrain vehicles. Effective August 11, 2026, section 10.(a) of the act amends G.S. 20-171.15 to clarify size restrictions for all-terrain vehicle (ATV) riders. Under current law, it is unlawful for any parent or legal guardian of a person less than 16 years of age to knowingly permit that person to operate an ATV in violation of the Age Restriction Warning Label affixed by the manufacturer. The act adds new subsection (c1), which excepts from the previous rule a person less than 16 years of age who operates an ATV if all of the following requirements are met:

- (1) The person is at least 8 years of age.
- (2) The person is participating in, or has successfully completed, an ATV safety course sponsored or approved by the All-Terrain Vehicle Safety Institute or another ATV safety course approved by the Commissioner of Insurance.
- (3) A course instructor certified or approved to teach a course determines in writing that, because of the person's height, weight, or physical size, the person cannot safely operate an ATV that complies with the Age Restriction Warning Label and that the ATV to be operated is appropriate for the person.
- (4) The person satisfies all of the following rider-fit requirements with respect to the ATV being operated:
 - a. Brake reach. – With hands placed in the normal operating position and fingers straight out, the first joint from the tip of the middle finger extends beyond the brake lever and clutch.
 - b. Leg length. – While sitting and with their feet on the pegs, the rider's knee is bent at least 45 degrees.
 - c. Grip reach. – While sitting upright on the ATV with hands on the handlebars and not leaning forward, the rider's upper arm and the forearm form a distinct angle.
 - d. Handlebar control. – The rider must be able to turn the handlebars from lock to lock while maintaining grip on the handlebars and maintaining the throttle and brake control.
- (5) The person operates the ATV under the direct supervision of the safety course instructor while participating in the course or, after successful completion of the course, under the continuous visual supervision of a person 18 years or older.
- (6) The person complies with all other statutory requirements, including helmet and eye-protection requirements.

Water theft. Effective for offenses committed on or after December 1, 2026, section 18 of the act expands G.S. 14-151 (interfering with gas, electric, and steam appliances or meters) to include water appliances and meters. G.S. 14-151(a)(4) is amended to clarify that the term “water pipes” means water pipes, fire hydrants, flushing assemblies, blow-offs, sampling stations, and all other appurtenances connected to a water distribution system, whether above or below ground. G.S. 14-151(e) is amended to increase the civil penalty for water theft, clarifying that whoever is found in a civil action to have violated G.S. 14-151(a)(4) by the connection or reconnection with any water pipe is liable to the water supplier in triple the amount of losses and damages sustained or \$10,000, whichever is greater, and attorneys' fees.

Littering. Effective for offenses committed on or after December 1, 202, section 19 of the act amends G.S. 14-399 to increase the penalties for intentional and reckless littering. The changes are noted in the table below.

Offense	Weight of Litter	Minimum Fine	Maximum Fine
Intentional or reckless littering for noncommercial purposes [G.S. 14-399(c)]	Not more than 10 pounds	~~\$500~~ \$1,000	~~\$1,000~~ \$3,000
Second or subsequent violation - Intentional or reckless littering for noncommercial purposes [G.S. 14-399(c)]	Not more than 10 pounds	~~\$1,000~~ \$3,000	~~\$3,000~~ \$5,000
Intentional or reckless littering for noncommercial purposes [G.S. 14-399(d)]	Between 10 and 500 pounds	~~\$1,000~~ \$5,000	~~\$3,000~~ \$10,000
Intentional or reckless littering more than 500 pounds for noncommercial purposes or any amount for commercial purposes [G.S. 14-399(e)]	More than 500 pounds for noncommercial purposes	~~\$5,000~~ \$10,000	~~\$5,000~~ \$15,000
	Any amount for commercial purposes		

Firearm safety and training courses. Effective for permit applications submitted on or after October 1, 2026, section 23 of the act amends G.S. 14-415.12(a)(4) to expand the list of approved firearm safety and training courses. Under the amended statute, a course sponsored by The North Carolina Concealed Carry Association and a course

sponsored by U.S. LawShield is an approved course, provided the course also satisfies the other requirements of the statute.

Liquified petroleum gas. Effective for offenses committed on or after December 1, 2026, section 26.(b) of the act amends G.S. 119-59, regarding penalties for refilling liquified petroleum gas during emergencies, to clarify that any person who violates G.S. 119-58(b) is guilty of a Class A1 misdemeanor.

- 15. S.L. 2026-60 (HB 834): Election laws.** Effective for offenses committed on or after August 11, 2026, section 1.6 of the act expands G.S. 163-234 to prohibit any person from knowingly revealing the result of any count of ballots prior to the close of polls on election day in accordance with G.S. 163-182.2 or G.S. 163-234. This act, like the others listed in G.S. 163-234, is a Class I felony.