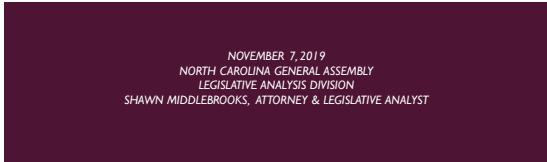


NORTH CAROLINA PUBLIC LAW FOR PUBLIC LAWYERS

CRIMINAL LAW UPDATE – 2019 LEGISLATIVE LONG SESSION



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ROAD MAP



- Crime Victims' Rights Act (S.L. 2019-216, SB 682)
- Death by Distribution (S.L. 2019-83, HB 474)
- Female Genital Mutilation (S.L. 2019-183, SB 9)
- Passenger Protection Act (S.L. 2019-194, HB 391)
- Child Sexual Abuse/Strengthen Laws (SB 199)

2

CRIME VICTIMS' RIGHTS ACT – S.L. 2019-216, SENATE BILL 682

BACKGROUND:

- Session Law 2018-110, HB 551.
- Article I, Section 37 of the North Carolina Constitution. (November 2018).



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CRIMEVICTIMS' RIGHTS ACT – S.L. 2019-216, SENATE BILL 682

- **The law prior to the enactment of S.L. 2019-216**
 - Fair Treatment for Certain Victims and Witnesses (Art. 45 Ch. 15A of the Gen. Stat.).
 - Crime Victims' Rights Act (Art. 46 of Ch. 15A of the Gen. Stat.).
 - Juvenile Code (Ch. 7B of the Gen. Stat.).

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CRIMEVICTIMS' RIGHTS ACT – S.L. 2019-216, SENATE BILL 682

- **S.L. 2019-216 - Highlights**
 - Expands the offenses that trigger victims' rights protection.
 - Expands access to the proceedings attached to these rights.
 - Creates enforcement mechanism for a victim to assert rights.
 - No claim for damages.
 - Rights of Victims of Delinquent Acts.
 - Effective Date – August 31, 2019.

5

DEATH BY DISTRIBUTION – S.L. 2019-83, HOUSE BILL 474

- **What do we know...?**
 - Opioid-related overdoses has increased dramatically over the past 20 years.
 - Illegal distribution by drug dealers.



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DEATH BY DISTRIBUTION – S.L. 2019-83, HOUSE BILL 474

- **G.S. 14-17(b)(2) – Second Degree Murder.**
 - *“Murder is one that was proximately caused by the unlawful distribution of opium...cocaine...methamphetamine...or a depressant described in G.S. 90-92(a)(1), and the ingestion of such substance caused the death of the user.”*
- **“Malice”** – *State v. Parlee*, 209 N.C.App. 144 (2011); *State v. Limer*, 98 N.C.App. 600 (1990).
- **Punishment** – B2 Felony.

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DEATH BY DISTRIBUTION – S.L. 2019-83, HOUSE BILL 474

- **S.L. 2019-83, House Bill 474**
 - Death by Distribution – G.S. 14-18.4(b).
 - Aggravated Death by Distribution – G.S. 14-18.4(c).
 - **“The person did not act with malice.”**
 - Good Samaritan Law (G.S. 90-96.2).
 - Effective Date. – December 1, 2019.

8

FEMALE GENITAL MUTILATION (FGM) – S.L. 2019-183, SENATE BILL 9

THE FACTS:



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FEMALE GENITAL MUTILATION (FGM) – S.L. 2019-183, SENATE BILL 9

- **North Carolina Law.**
 - G.S. 14-29. Castration or other maiming without malice aforethought.
 - G.S. 14-30. Malicious maiming.
 - G.S. 14-318.4. Felony Child abuse.

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FEMALE GENITAL MUTILATION (FGM) – S.L. 2019-183, SENATE BILL 9

- **S.L. 2019-183, Senate Bill 9 – Highlights**
 - Creates the offense of "Female Genital Mutilation of a child" – G.S. 14-28.1
 - Punishment – Class C felony.
 - Exceptions.
 - No Defense (Customs or Rituals).
 - Effective Date. – October 1, 2019.

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PASSENGER PROTECTION ACT – S.L. 2019-194, HOUSE BILL 391



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PASSENGER PROTECTION ACT – S.L. 2019-194, HOUSE BILL 391

- **S.L. 2019-194, House Bill 391 – Highlights**
 - Transportation Network Company (TNC) driver must display license plate.
 - TNC drivers must display TNC logo while providing services.
 - Creates an **infraction** for failing to display license plate.
 - Class H felony to impersonate a TNC driver.
 - Class A1 misdemeanor to assault TNC driver.

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CHILD SEXUAL ABUSE/STRENGTHEN LAWS – SENATE BILL 199

- **Senate Bill 199 – Highlights**
 - Duty to report that a juvenile is or has been the victim of a violent offense, sexual offense or child abuse.
 - Expands the statute of limitations for prosecuting certain misdemeanor offenses committed against children.
 - Expands the period for filing a civil action for claims related to sexual abuse.
 - Right to revoke consent. (**G.S. 14-27.20**)



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END OF THE ROAD.

- **Criminal Law Team:**
 - Susan Sitzge
 - Jennifer Bedford
 - Shawn Middlebrooks

Contact us – 919-733-2578
- **Places to visit:**
 - www.ncleg.gov
 - www.ncleg.gov/library/Main/quickref.html



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