

## **2007 Legislation Affecting Criminal Law and Procedure**

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Below is a list and brief summary of enacted legislation. Be careful to note the effective date of each piece of legislation so it is not implemented before it becomes effective. To obtain the text of the legislation, go to the North Carolina General Assembly's website, <http://www.ncga.state.nc.us/Legislation/Legislation.html>, and enter the bill number on the right side of the web page.

1. **Session Law 2007-6 (House Bill 61):** Deletes exception in G.S. 20-137.1(b) to use of motor vehicle child restraint system when the child's personal needs are being attended to. Effective for offenses committed on or after June 1, 2007.
2. **Session Law 2007-14 (House Bill 42):** Includes the offense of stalking within the provisions of G.S. 15A-534.1 (crimes of domestic violence; bail and pretrial release). Effective for offenses committed on or after December 1, 2007.
3. **Session Law 2007-15 (House Bill 46):** Provides that where practical, on request of a domestic violence victim, the clerk of superior court must coordinate with the sheriff to make available to the victim a secure area, segregated from the general population of the courtroom, to await hearing of the victim's court case. The clerk must notify the presiding judge on the date of the hearing that the victim is present in a segregated location. Effective April 12, 2007.
4. **Session Law 2007-45 (House Bill 343):** Amends G.S. 15A-402(e) (law enforcement officers of counties may arrest at any place in North Carolina when the arrest is based on felony committed within county officers' territorial jurisdiction) to provide that law enforcement officers of counties include all officers of consolidated county-city law enforcement agencies. Effective May 16, 2007.
5. **Session Law 2007-77 (Senate Bill 1456):** Amends G.S. 20-116.(e) to provide that motor vehicle combinations of one semitrailer of not more than 48 feet in length and a truck tractor (power unit) may exceed the 60-foot maximum length. Effective June 14, 2007.
6. **Session Law 2007-80 (Senate Bill 34):** Adds new subsection (a1) to G.S. 14-163.1 to provide that any person who knows or reasonably knows that an animal is a law enforcement agency animal and willfully kills the animal is guilty of a Class H felony. Adds new subsection (6a) to G.S. 15A-1340.16(d) (list of aggravating factors for felony sentencing) that the offense was committed against or proximately caused serious harm or death to a law enforcement agency animal or assistance animal while engaged in animal's duties. Effective for offenses committed on or after December 1, 2007.
7. **Session Law 2007-81 (House Bill 784):** Amends G.S. 14-17 to prohibit a death sentence for a defendant who is convicted of first-degree murder that was committed before the defendant's eighteenth birthday. Effective June 14, 2007. [Author's note: This legislation conforms this statute with the ruling in *Roper v. Simmons*, 543 U.S. 551 (2005).]
8. **Session Law 2007-100 (House Bill 1243):** Adds new G.S. 7B-2402.1 to provide that a judge may subject a juvenile to physical restraint in the courtroom only when the judge finds the

restraint to be reasonably necessary to maintain order, prevent the juvenile's escape, or provide for the safety of the courtroom. Effective for hearings conducted on or after October 1, 2007.

9. **Session Law 2007-104 (Senate Bill 118):** Adds new Article 31B to G.S. Chapter 7A to provide that the Governor must declare a vacancy in the office of district court judge, superior court judge, judge of the North Carolina Court of Appeals, justice of the North Carolina Supreme Court, or district attorney when the official is no longer authorized to practice law because he or she has been disbarred or suspended and all appeals under G.S. 84-28 have been exhausted. Effective June 21, 2007.
10. **Session Law 2007-105 (Senate Bill 880):** Amends G.S. 15A-544.5 to provide that a bond forfeiture must be set aside if the defendant failed to appear because the defendant was incarcerated anywhere in the United States. Sets out required timely notice to district attorney. Effective for forfeitures entered on or after October 1, 2007.
11. **Session Law 2007-115 (House Bill 353):** Section 3 amends G.S. 90-21.20B to apparently allow health care providers to disclose protected health information to law enforcement officers as permitted by the HIPAA Privacy Rule [45 C.F.R. 164.512(f)] except for information that is subject to a particular statutory protection, such as information identifying a person who has or may have a reportable communicable disease (G.S. 130A-143) and mental health/substance abuse information (G.S. Chapter 122C; 45 C.F.R. Part 2). Section 4 adds language to G.S. 8-53.1 stating that none of the evidentiary privileges provided under state law [for example, G.S. 8-53 (physician), G.S. 8-53.13 (nurse)] preclude a health care provider from disclosing information as allowed pursuant to amended G.S. 90-21.20B. Sections 5 and 6 amend G.S. 20-139.1(c) and G.S. 20-139.1(d2) to allow providers to refuse to withdraw blood or collect a urine sample if they believe that doing so would endanger either (1) the person withdrawing the blood or taking the urine sample, or (2) the person from whom the blood or urine sample is being collected. If a law enforcement officer demands a written justification for the refusal, the provider must supply one. Effective June 27, 2007.
12. **Session Law 2007-116 (Senate Bill 30):** Amends G.S. 101-2 concerning when domestic violence and other victims change their names. Amends G.S. 15A-830(a)(7) to include within definition of "victim" in Crime Victims' Rights Act a person against whom is committed a violation of a valid domestic violence protection order under G.S. 50B-4.1. Amends G.S. 50B-3(c1) to add additional information that clerk of superior court must provide to an applicant when a protective order is filed with the clerk. Effective October 1, 2007.
13. **Session Law 2007-122 (House Bill 105):** Amends G.S. 14-148 (defacing or desecrating grave sites) to make a violation of the statute a Class I felony if the damage is \$1,000 or more. Amends G.S. 14-149 (desecrating graves or human remains) to delete the requirement in subdivision (a)(2) that damage must be more than \$1,000, and rewrites the subdivision. Adds new G.S. 14-149(a1) to make it a Class H felony to disturb, remove, or desecrate human remains interred in a cemetery. Effective for offenses committed on or after December 1, 2007.
14. **Session Law 2007-129 (House Bill 1617):** Adds new G.S. 147-90 to provide that when a private citizen is killed by a law enforcement officer in the line of duty, the district attorney, on request of the surviving spouse or next of kin of the private citizen, must request the State Bureau of Investigation to conduct an investigation of the incident. Effective for acts

15. **Session Law 2007-134 (Senate Bill 125):** Amends G.S. 90-113.10 (inhaling fumes for purpose of causing intoxication) and other related statutes to add ethyl alcohol within their provisions. Adds new G.S. 90-113.10A to prohibit alcohol vaporizing devices. Effective for offenses committed on or after December 1, 2007.
16. **Session Law 2007-163 (House Bill 817):** Adds new Article 20A to General Statutes Chapter 14 to create Class E and Class H felonies for various acts of residential mortgage fraud. Effective for offenses committed on or after December 1, 2007.
17. **Session Law 2007-164 (Senate Bill 830):** Amends provisions of Chapter 20 to allow the Division of Motor Vehicles to allow registration of a motor vehicle so a convicted DWI defendant can abide by ignition interlock installation requirements under G.S. 20-17.8. Effective July 1, 2004.
18. **Session Law 2007-165 (Senate Bill 1290):** Amends G.S. 20-19(e) (permanent driver's license revocation) to allow conditional restoration after 24 months under G.S. 20-17(a)(2) (DWI revocation) when person satisfies certain conditions, including no consumption of alcohol for 12 months while on continuous alcohol monitoring device. Adds new mitigating factor to G.S. 20-179(e) (DWI sentencing) when defendant, among other things., maintains 60 days of alcohol abstinence as proven by continuous alcohol monitoring system. Adds new G.S. 20-179(h1) to provide that judge may impose, as probation condition for Level One or Two DWI punishments, that defendant abstain from alcohol consumption for a minimum of 30 days, to a maximum of 60 days, as verified by continuous alcohol monitoring system . Amends G.S. 15A-1374(b) to add as authorized parole condition that parolee remain alcohol free and prove abstinence through continuous alcohol monitoring device. Prior provisions are effective for offenses committed on or after December 1, 2007, but session law states that nothing bars court from either continuing or allowing the use of a continuous alcohol monitoring device before the effective date. Effective July 4, 2007, requires Department of Correction to establish regulations for continuous alcohol monitoring devices that are authorized by courts as evidence that a probationer has abstained from the use of alcohol for specified time period.
19. **Session Law 2007-168 (House Bill 1479):** Amends Chapters 5A and 7B of the General Statutes to provide procedures and sanctions for finding juveniles in contempt of court. Effective for acts occurring or offenses committed on or after December 1, 2007.
20. **Session Law 2007-172 (Senate Bill 17):** Amends G.S. 15A-534.4 (bail and pretrial release for sex offenses and crimes of violence against child victims) to make conditions mandatory instead of discretionary. However a judicial official may waive one or more of the conditions under subdivisions (1) and (2) if the official makes specified written finding. Effective for offenses committed on or after December 1, 2007.
21. **Session Law 2007-178 (House Bill 1354):** Amends Chapters 14 and 19 of the General Statutes to create a motor vehicle chop shop law concerning receiving, possession, and distribution of stolen or altered motor vehicles and motor vehicle parts. Effective for offenses committed on or after December 1, 2007.
22. **Session Law 2007-179 (Senate Bill 659):** Provides that elected officials who are members of specified state and local government retirement systems must forfeit their pensions when

23. **Session Law 2007-181 (Senate Bill 21):** Amends G.S. 14-362.2 (dog fighting and baiting) to provide that the statute does not apply to the use of herding dogs. engaged in working domesticated livestock for agricultural, entertainment, or sporting purposes. Effective July 5, 2007.
24. **Session Law 2007-183 (House Bill 786):** Amends G.S. 15A-903 to provide that on the state's request, a law enforcement or prosecutorial agency must make available to the state a complete copy of the complete files related to the investigation of the crimes committed or the prosecution of the defendant for compliance with the statute and any disclosure under G.S. 15A-902(a). Effective December 1, 2007, and applies to cases when the trial date set under G.S. 7A-49.4 is on or after that date.
25. **Session Law 2007-188 (House Bill 554):** Amends G.S. 14-32.2 (patient abuse and neglect) to increase the punishment set out in subdivision (b)(4) from a Class A1 misdemeanor to a Class H felony for conduct evincing a pattern of conduct and the conduct is willful or culpably negligent and proximately causes bodily injury to a patient or resident. Effective for offenses committed on or after December 1, 2007.
26. **Session Law 2007-190 (House Bill 47):** Adds new G.S. 50B-4.1(g) to provide that unless covered under some other provision with a greater punishment, a person who while possessing a deadly weapon on or about or in close proximity to his or her person knowingly violates a domestic violence protective order by failing to stay away from a place or person as directed by the order is guilty of a Class H felony. Effective for offenses committed on or after December 1, 2007.
27. **Session Law 2007-192 (House Bill 550):** Amends G.S. 115C-321 (confidential information in school employee personnel files; access to information) to provide that information contained in a personnel file that is relevant to possible criminal misconduct may be made available to law enforcement and the district attorney to assist in the investigation of specified offenses. Effective July 8, 2007.
28. **Session Law 2007-196 (House Bill 1347):** Adds new G.S. 14-277.5 to make it a Class H felony to make a false report concerning a threat of mass violence on educational property. Effective for offenses committed on or after December 1, 2007.
29. **Session Law 2007-199 (House Bill 1482):** Amends G.S. 50C-1 to revise definitions of "stalking" and "unlawful conduct" under laws pertaining to civil no-contact orders. Effective July 8, 2007.
30. **Session Law 2007-209 (Senate Bill 1350):** Repeals Section 4 of S.L. 2007-164, which had amended G.S. 20-52(a), and adds new amendments to subdivision to delete owner's social security number from applications for registration and certificate of title and to require other identifying information. Repeal is effective for applications made on or after July 11, 2007, and new amendments are effective for applications made on or after September 1, 2007.
31. **Session Law 2007-211 (House Bill 995):** Adds new G.S. 14-360(a1) to make it a Class A1 misdemeanor to maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance. Amends G.S. 360(c) to exclude from the statute the

physical alteration of livestock or poultry to conform with breed or show standards. Effective for offenses committed on or after December 1, 2007.

32. **Session Law 2007-213 (House Bill 29):** Makes many changes to the laws governing satellite-based monitoring of sex offenders and sex offender registration laws. Various effective dates, as amended by section 42 of Session Law 2007-484 (Senate Bill 613). [Author's note: A full summary of this session law will be included in an Administration of Justice Bulletin on 2007 criminal law legislation that will be published by the Institute of Government after the end of the 2007 legislative session. The Administrative Office of the Courts on July 12, 2007, and August 31, 2007, sent a summary of this session law by email to various court officials (judges, prosecutors, public defenders, and clerks).]
33. **Session Law 2007-228 (Senate Bill 881):** Amends G.S. 58-71-50: (1) to require applicant for license as bail bondsman or runner to have valid North Carolina driver's license or valid identification card issued by Division of Motor Vehicles; and (2) to specify documents necessary to prove residency in North Carolina. Applicable to applications for license made on or after October 1, 2007.
34. **Session Law 2007-232 (House Bill 1359):** Adds new G.S. 14-360.1 to provide veterinarian licensed in North Carolina with immunity from liability in reporting animal cruelty. Effective October 1, 2007.
35. **Session Law 2007-248 (House Bill 1369):** Amends G.S. 90-85.26 to provide that pharmacist may make electronic image of prescription or refill that will constitute the original prescription order, and a hard copy is not required to be maintained. Effective July 20, 2007.
36. **Session Law 2007-249 (Senate Bill 1287):** Amends G.S. 20-7(b2) to provide that the Office of Indigent Defense Services may have access to social security information on file with the Division of Motor Vehicles to verify the identity of a represented client and to enforce a court order to pay for legal services. Effective July 20, 2007.
37. **Session Law 2007-260 (Senate Bill 1359):** Amends G.S. 20-158 to provide defense to running a red light if the operator of a motorcycle goes through a red light under certain circumstances (motorcyclist stops at red light and waits a minimum of three minutes) when the inductive loop vehicle sensor fails to detect the motorcycle and activate the traffic signal. Effective for offenses committed on or after December 1, 2007.
38. **Session Law 2007-261 (House Bill 183):** Adds new G.S. 20-137.4 to make it a Class 2 misdemeanor when the operator of a school bus on a public street or public vehicular area uses a cell phone while the bus is in motion. Provides exception for emergencies. Effective for offenses committed on or after December 1, 2007.
39. **Session Law 2007-263 (House Bill 27):** Adds new G.S. 66-67.4 to require film and photo print processor or computer technician to report to National Center for Missing and Exploited Children or appropriate law enforcement officer a film or computer images containing pictures of a minor engaging in sexual activity. Effective September 1, 2007.
40. **Session Law 2007-289 (House Bill 1330):** Amends G.S. 20-135.2A(c) to exempt from seat belt requirement an occupant in a law enforcement officer's custody being transported in the backseat of the officer's vehicle. Effective July 27, 2007.

41. **Session Law 2007-293 (Senate Bill 758):** Adds new G.S. 20-20.1 to provide grounds for a person whose driver's license was revoked under G.S. 20-28(a) (driving while license revoked) or G.S. 20-28.1 (committing motor vehicle moving offense while driving with revoked license) to obtain a limited driving privilege. Effective December 1, 2007, and applicable to revocations that occur before, on, or after that date.
42. **Session Law 2007-294 (House Bill 1810):** Adds new G.S. 15A-831.1 to provide that a criminal or juvenile justice agency shall not require a person claiming to be a victim of sexual assault or claiming to be a witness to a sexual assault to submit to a polygraph or similar examination as a precondition to the agency's conducting an investigation into the matter. Applicable to sexual assaults alleged to have been committed on or after December 1, 2007. Requires Administrative Office of the Courts to develop form (to be available to courts no later than December 31, 2007) to comply with the criminal case notification requirements of the federal Violence Against Women Act of 2005. Effective January 1, 2008, a copy of the form must be provided to all defendants convicted of crimes subject to the firearm notification requirements.
43. **Session Law 2007-301 (House Bill 367):** Makes various changes to G.S. 66-11 (dealing in regulated metals property). Amends G.S. 14-154 (injuring wires and other fixtures of telephone, telegraph, and electric-power companies) to add wireless and cable telecommunications equipment to statute's provisions and to increase the punishment from a Class 1 misdemeanor to a Class I felony. Adds new G.S. 66-11.2 to provide for forfeiture of vehicles used to transport unlawfully obtained regulated metals property. Effective for offenses committed on or after December 1, 2007.
44. **Session Law 2007-323 (House Bill 1473):** 2007 Appropriations Act.
45. **Session Law 2007-360 (House Bill 563):** Effective August 17, 2007, adds new G.S. 20-174.2 to allow a municipality or county to adopt an ordinance regulating the time, place, and manner of gatherings, picket lines, or protests by pedestrians that occur on state roadways and highways. Effective August 17, 2007, makes various amendments to G.S. 20-157 (approach of law enforcement vehicle), 20-158 (vehicle control sign and signals), and 20-161 (stopping on highway). Effective January 1, 2008, amends G.S. 20-140.4(a)(2) (type of helmet for operators and passengers of motorcycles and mopeds).
46. **Session Law 2007-370 (Senate Bill 1211):** Amends G.S. 15A-502 to provide if a person cannot be identified by a valid form of identification, the arresting law enforcement agency must fingerprint and photograph a person charged with the commission of (1) any offense involving impaired driving, as defined in G.S. 20-4.01(24a), or (2) driving while license revoked if the revocation is for an impaired driving revocation as defined in G.S. 20-28.2. Effective for offenses committed on or after October 1, 2007.
47. **Session Law 2007-373 (Senate Bill 1270):** Amends G.S. 14-71 (receiving stolen goods) to provide if a person knowingly receives or possesses property in the custody of a law enforcement agency that was explicitly represented to the person by an agent of the agency as stolen, the person is guilty of a Class H felony. Adds new G.S. 14-72.11 to create the offense of larceny from a merchant that is punishable as a Class H felony. Adds new G.S. 14-86.6 to create the offense of organized retail theft that is punishable as a Class H felony. Effective for offenses committed on or after December 1, 2007.

48. **Session Law 2007-374 (Senate Bill 1058):** Adds new Article 19D to Chapter 14 of the General Statutes to create Telephone Records Privacy Protection Act with a Class H felony punishment for violations. Effective for offenses committed on or after December 1, 2007.
49. **Session Law 2007-375 (Senate Bill 8):** Amends G.S. 90-95(e)(8) and 90-95(e)(10) to increase from 300 feet to 1,000 feet from a school, child care center, or public park the sale of drugs, and other prohibitions. Deletes requirement that there must be a playground in the public park. Effective for offenses committed on or after December 1, 2007.
50. **Session Law 2007-377 (Senate Bill 1009):** Amends G.S. 15A-903(a)(1) (disclosure of evidence by state to defendant) to provide that oral statements must be in written or recorded form, except that oral statements made by a witness to a prosecutor outside the presence of a law enforcement officer or investigatorial assistant is not required to be in written or recorded form unless there is significantly new or different information in the oral statement from a prior statement by the witness. Amends G.S. 15A-904 to provide that the state is not required to: (1) disclose the identity of a confidential informant unless the disclosure is otherwise required by law; and (2) provide any personal identifying information of a witness beyond the witness's name, address, date of birth, and published phone number, unless the court determines on the defendant's motion that such additional information is necessary to accurately identify and locate the witness. Effective August 19, 2007, and applies to pending cases.
51. **Session Law 2007-380 (Senate Bill 925):** Amends G.S. 20-141(o) (improper equipment is lesser offense of speeding) to provide the following limitations: (1) a violation of improper equipment must be recorded in the driver's official record as "improper equipment—speedometer," and (2) improper equipment is not a lesser-included offense if the speeding charge is over 25 m.p.h. or more over the posted speed limit. Adds new G.S. 20-141(p) to provide that a driver charged with speeding in excess of 25 m.p.h. over the posted speed limit is ineligible for a disposition of a prayer for judgment continued (PJC). Effective for offenses committed on or after December 1, 2007.
52. **Session Law 2007-382 (Senate Bill 924):** Effective for offenses committed on or after December 1, 2007, revises the Class I felony in G.S. 20-217(g) to delete the requirement that a person who passes a stopped school bus must cause serious bodily injury when striking a person. With varying effective dates, makes amendments of the definition of "school bus" in G.S. 20-4.01(27)d4.
53. **Session Law 2007-383 (House Bill 1755):** Makes many changes in the administration of the state's 911 system. Effective for offenses committed on or after January 1, 2008, adds new G.S. 14-111.4 to make it a Class 3 misdemeanor when a person who is not seeking public safety assistance, is not providing 911 service, or is not responding to a 911 call to knowingly access or attempt to access the 911 system for a purpose other than an emergency communication.
54. **Session Law 2007-387 (Senate Bill 728):** Adds new G.S. 7A-38.3D to encourage mediation in district criminal courts and to establish a program within the Dispute Resolution Commission for the certification of mediators working in district criminal courts. Applicable to mediations conducted on and after the date the North Carolina Supreme Court adopts rules of procedure and requirements for the certification and qualification of mediators.

55. **Session Law 2007-393 (Senate Bill 1130):** Amends G.S. 15A-903(a)(1) (disclosure of evidence by state to defendant) to provide that the term “prosecutorial agency” includes any public or private entity that obtains information on behalf of a law enforcement agency or prosecutor in connection with the investigation of the crimes committed or the prosecution of the defendant. Effective October 1, 2007.
56. **Session Law 2007-398 (Senate Bill 1096):** Amends various statutes in Chapter 148 of the General Statutes involving prison labor. Effective August 21, 2007.
57. **Session Law 2007-399 (Senate Bill 1327):** Amends G.S. 58-71-20 (surrender of defendant by surety) to provide that a surety may surrender a defendant without return of the premium for the bond if the defendant: (1) fails to disclose information or provides false information concerning any failure to appear in court, any previous felony convictions within the past 10 years, or any charges pending in any state or federal court; or (2) knowingly provides the surety with incorrect personal identification, or uses a false name or alias. Effective August 21, 2007.
58. **Session Law 2007-401 (Senate Bill 1464):** Amends G.S. 113-291.8(a) to provide that any person hunting deer during deer firearms season shall wear hunter orange. Adds new G.S. 113-291.11 to make it unlawful to feed alligators outside of captivity. Effective for offenses committed on or after October 1, 2007.
59. **Session Law 2007-403 (House Bill 118):** Amends G.S. 15A-615(b) (testing defendants for sexually transmitted infections): (1) to require that a defendant ordered to be tested under the statute must be tested not later than 48 hours after the date of the court order; and (2) to require that a test for HIV ordered under the statute must use the HIV-RNA Detection Test for determining HIV infection. Effective for offenses committed on or after December 1, 2007.
60. **Session Law 2007-404 (Senate Bill 1495):** Amends G.S. 20-101 to specify certain markings on a motor vehicle equipped to tow or transport another motor vehicle and hired to tow or transport another motor vehicle. Amends G.S. 20-135.2A(c) to add exemption from seat belt requirement for driver or passenger of residential garbage or recycling truck under certain circumstances. Effective December 1, 2007.
61. **Session Law 2007-412 (House Bill 573):** Amends G.S. 14-269.4 to allow a superior or district court judge to possess a concealed handgun in a building housing a court if the judge is performing official duties and has a concealed handgun permit or considered valid under G.S. 14-415.24. Effective August 21, 2007.
62. **Session Law 2007-415 (Senate Bill 806):** Amends G.S. 91A-10(7) to lengthen the time goods purchased by pawnbrokers must be held before resale. Applicable to goods taken by a pawnbroker in pledge, pawn, or purchase on or after October 1, 2007.
63. **Session Law 2007-421 (House Bill 1625):** Adds new Article 14A to Chapter 15A of the General Statutes to set out requirements for conducting a live lineup or a photo lineup. Effective for offenses committed on or after March 1, 2008.
64. **Session Law 2007-427 (House Bill 1231):** Amends various statutes in Chapter 14 of the General Statutes to waive the requirement for a concealed handgun permit to carry a concealed handgun for certain officers authorized by federal law to carry concealed handguns



and for certain federal and state retired law enforcement officers. Makes other changes. Various effective dates.

65. **Session Law 2007-433 (House Bill 767):** Adds new G.S. 20-171.23 and 20-171.24 to allow law enforcement officers and others to operate motorized ATVs on certain highways under specified conditions. Effective October 1, 2007.
66. **Session Law 2007-434 (House Bill 1626):** Adds new G.S. 15A-211 to require law enforcement officers conducting a custodial interrogation in a homicide investigation to make an electronic recording of the entire interrogation. Applicable to interrogations occurring on or after March 1, 2008.
67. **Session Law 2007-443 (House Bill 729):** Adds new G.S. 58-2-164 to create a Class 3 misdemeanor for private passenger motor vehicle insurance rate fraud. Effective for applications for insurance made on or after January 1, 2008. Makes other insurance law changes, with modifications by Session Law 2007-481 (Senate Bill 1147).
68. **Session Law 2007-455 (House Bill 976):** Revises 20-4.01(32)c. to clarify that public vehicular area is a road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, whether or not the subdivision or community roads have been offered for dedication to the public. Adds new G.S. 20-158.3 to require legal entity with responsibility for a controlled access system on a road that is a public vehicular area to provide a means for immediate access to all emergency service vehicles. Effective December 1, 2007.
69. **Session Law 2007-458 (House Bill 1148):** Adds new G.S. 7B-3102 to require the Department of Juvenile Justice and Delinquency Prevention to release under specified circumstances the identification, including photograph, of a juvenile who has escaped from a detention facility or youth development center. Authorizes release under other circumstances. Amends G.S. 7B-2102 to require a county juvenile detention facility to photograph every juvenile committed to that facility, and release the photograph to the Department on its request. Amends G.S. 7B-2102(c) to require State Bureau of Investigation to release any photograph it receives pursuant to this statute to the Department on its request. Effective October 1, 2007.
70. **Session Law 2007-462 (House Bill 1328):** Adds new G.S. 50-13.1 to require that any person instituting an action or proceeding for custody ex parte who has been convicted of a sexually violent offense as defined in G.S. 14-208.6(5) must disclose the conviction in the pleadings. Effective for actions or proceedings filed on or after October 1, 2007.
71. **Session Law 2007-463 (House Bill 1094):** Amends G.S. 14-440.1 to modify punishments for the unlawful operation of an audiovisual recording device. Effective for offenses committed on or after December 1, 2007. [Author's note: An clarifying amendment to this session law was enacted in Section 43.7J of Session Law 2007-484 (Senate Bill 613).]
72. **Session Law 2007-474 (House Bill 1707):** Amends G.S. 14-269.4 to allow detention officers employed by a sheriff to carry firearms in a courthouse. Effective August 29, 2007.
73. **Session Law 2007-481 (Senate Bill 1147):** Effective August 30, 2007, amends G.S. 20-79(d) to require that for motor vehicle with dealer license plate, a copy of the registration card must be carried by the person operating the motor vehicle or, if the person is operating the motor

vehicle in this state, the card is maintained on file at the dealer's address listed on the card, and the card must be able to be produced within 24 hours on request of a law enforcement officer. Makes other motor vehicle law changes

74. **Session Law 2007-484 (Senate Bill 613):** Section 4 recodifies, effective August 30, 2007, G.S. 15A-736.1 as G.S. 15A-534.6 (restrictions on bail under certain circumstances with charges of manufacture of methamphetamine and possession of immediate precursor chemical involving manufacture of methamphetamine) and makes clarifying changes.
75. **Session Law 2007-492 (House Bill 769):** Amends G.S. 20-17.4(l) (disqualification based on drug or alcohol test) and G.S. 20-37.19(c) (employer's duty to report employee's drug or alcohol test to DMV) to make these provisions apply when person refuses to participate in a drug or alcohol test. Effective August 30, 2007.
76. **Session Law 2007-493 (Senate Bill 999):** Makes many amendments to DWI law enacted last year (S.L. 2006-253). Some of the substantive amendments include: (1) Provisions make it clear that license revocation provisions applicable to death by vehicle convictions also apply to felonious injury provisions in the same section (G.S. 20-141.4). (2) Rewrites G.S. 20-179(c) and G.S. 20-38.7, which deal with the situations in which multiple pending impaired driving cases are being sentenced in the same or different courts, to provide that it is a grossly aggravating factor if a conviction in district court has been appealed to superior court, has been withdrawn or the case remanded and a new sentencing hearing has not been held; to repeal the provision that prohibited resentencing of a remanded impaired driving case if there was another impaired driving case pending; and to specify that remanded cases can be appealed for jury trial on sentencing matters only if there is new information that was not considered in the original district court trial. (3) Extends from three to five years the minimum period that a person must serve for a permanent revocation caused by a felony death by vehicle statute. (4) Makes it clear that violations of G.S. 20-138.3 are punished under that section and not under G.S. 20-179. (5) Amends various statutes that now use 0.16 alcohol concentrations as a threshold (to require interlock, as an aggravating factor, etc.) to lower the threshold to 0.15. Specifies in G.S. 20-17.8 that DMV is to use the chemical analyst's affidavit to determine if it should impose an interlock requirement on a restored license. Amends G.S. 20-179.3(g5), which requires a limited privilege to include an interlock if the defendant has an alcohol concentration of 0.15 or more, to specify that the results of a test presented at trial or sentencing are conclusive, and may not be modified by a party, with or without approval by the court. Adds new G.S. 20-179.3(c1) to establish restrictions on limited privileges for "high-risk drivers" (drivers with alcohol concentration of 0.15 or more) to prohibit issuance of limited privilege for first 45 days after the final conviction; to require the defendant to have interlock device on the vehicle and to restrict the person to driving to and from work or school (but not during work), and to go to treatment, education or to get the interlock device serviced. (6) Adds charge of impaired driving or driving by underage person after drinking to list of circumstances in G.S. 7B-1903(b) that that justify secure custody of a juvenile, and authorizes the Legislative Research Commission to study dispositional alternatives for juveniles charged with those crimes. (7) Makes provisions in section 22.4 of S.L. 2006-253 dealing with medical exceptions to interlock requirement effective December 1, 2006. Changes effective date of "hearings" (presumably, this also includes trials) held on or after August 21, 2006, the provisions of section 6 of S.L. 2006-253, which amended Rule 702 to permit expert testimony on HGN, testimony by a DRE, and testimony on speed of a vehicle by an accident reconstruction expert. Provisions lowering 0.16 threshold to 0.15 and the new secure custody juvenile provision are effective for offenses committed on and after December 1, 2007, and the remainder of the session law is effective August 30, 2007.

[Author's note: This summary was prepared by James C. Drennan of the Institute of Government faculty, with modifications by the author.]

77. **Session Law 2007-494 (Senate Bill 229):** Adds new G.S. 162-62 to require jail or local confinement facility, when prisoner is confined on charge of DWI or a felony, to determine if the prisoner is a legal resident of the United States by inquiry of the prisoner or by examining relevant documents, or both. Requires specified inquiries if the jail or facility is unable to determine if the prisoner is a legal citizen. Effective January 1, 2008.
78. **Session Law 2007-509 (Senate Bill 301):** Amends G.S. 15A-145(c) and 15A-146(b) to provide that records of a civil revocation of a driver's license must be expunged from the person's driving record if the underlying criminal charge is expunged. States that the amendments do not apply to "civil or criminal charges" based on the civil revocation, or to civil revocations under G.S. 20-16.2. Effective October 1, 2007.
79. **Session Law 2007-511 (Senate Bill 854):** Amends G.S. 14-269.2 (weapons on campus or other educational property) to exempt: (1) armed armored car service guard or an armed courier service guard when discharging duties and with the permission of the college or university; and (2) armed security guard while on the premises of a hospital or health care facility located on educational property when discharging duties and with the permission of the college or university. Effective August 30, 2007. [Author's note: This change was also made in Session Law 2007-427 (House Bill 1231), effective August 23, 2007.]. Makes other changes involving the Private Protective Services Act.
80. **Session Law 2007-512 (House Bill 943):** Amends various statutes to assist county jury commissions in updating their lists of prospective jurors. Effective October 1, 2007.
81. **Session Law 2007-514 (House Bill 316):** Amends Rule 45 of the Rules of Civil Procedure to require that a party or attorney responsible for the issuance and service of a subpoena, must, within five business days after the receipt of material produced in compliance with the subpoena, serve all other parties with notice of receipt of the material and, on request, must provide all other parties a reasonable opportunity to copy and inspect such material at the expense of the inspecting party. Applicable to actions filed on or after October 1, 2007.
82. **Session Law 2007-534 (House Bill 454):** Amends G.S. 15A-502(b) to permit a law enforcement officer to take a photograph of a person who operates a motor vehicle on a highway if the person is cited for a moving violation, the person does not produce a valid driver's license on the officer's request, and the officer has reasonable suspicion concerning the person's true identity. Specifies limitations on types of moving violations and manner of taking photograph. Adds new G.S. 75-66 to create civil action for damages under G.S. 1-539.2C when a person knowingly broadcasts or publishes to the public on radio, television, cable television, or the Internet, the personal information (defined in statute) of another with actual knowledge that the person has previously objected to such disclosure. Effective for offenses and violations committed on or after December 1, 2007.
83. **Session Law 2007-537 (House Bill 1277):** Amends G.S. 18B-302 to create a new offense [G.S. 18B-302(a1)] to give alcohol to a person under 21 (current law treats sale of or giving alcohol in a single offense; this separates the two actions into separate offenses). Requires the clerk of court to report DMV of a conviction of the new giving-of-alcohol offense and of a conviction of aiding and abetting the purchase of alcohol by a minor when the aider and abettor is over 21 (formerly only aiders and abettors under 21 were reported). Makes

violation of new giving-of-alcohol provision a Class 1 misdemeanor, and if the court does not impose an active sentence, it must include as condition of probation a minimum \$250 fine and 25 hours of community service for first offense and \$500 fine and 150 hours of community service for second offense in a four year period. Amends G.S. 20-17.3 to require DMV to revoke the driver's license of a person convicted of giving alcohol or of aiding and abetting (when the convicted person is 21 or older) the purchase by a minor. Revocation is for one year and may not run concurrently with any other revocation already in effect. A judge may grant a limited privilege—using the DWI limited privilege procedure and rules—for any person revoked as an aider and abettor or who gives alcohol to a minor. (Does not change current law that revokes minor's driver's license when minor is convicted of illegal purchase or attempt to purchase. Also retains current law that does not revoke driver's license for conviction of illegal sale to minor or for a conviction of illegal consumption or possession by a minor.) Effective for offenses committed on and after December 1, 2007. [Author's note: This summary was prepared by James C. Drennan of the Institute of Government faculty, with modifications by the author.]

84. **Session Law 2007-539 (House Bill 1500):** Amends G.S. 15A-267 (allowing court on defendant's motion to order SBI to perform DNA testing or comparisons) to specify that the biological material was not previously tested or that more accurate testing procedures are now available that were not previously available and there is a reasonable possibility that the result would have different. Amends G.S. 15A-268: (1) to add definition of "biological evidence"; (2) to clarify that a governmental entity in custody of evidence must preserve any physical evidence that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution, and to specify manner of preservation; (3) to revise the period of time evidence must be preserved; and (4) to require a governmental entity that wants to dispose of evidence before the expiration of the specified time to petition a court for an order of disposition, sets standards for a court after a hearing to determine that issue, and allows a defendant the right to appeal an order permitting the government to dispose of such evidence. Amends G.S. 15A-269(b) to require a court, when granting a motion for DNA testing of evidence, to find that the defendant has signed an affidavit of innocence. Adds new G.S. 15A-270.1 to allow a defendant to appeal an order denying the defendant's motion for DNA testing, including by an interlocutory appeal. Effective March 1, 2008.
85. **Session Law 2007-547 (Senate Bill 1079):** Amends G.S. 14-43.11 to provide that a victim of human trafficking who is not a legal resident of North Carolina is eligible for public benefits and services of any state agency if the victim otherwise qualifies for them, and amends G.S. 7A-474.3 to provide that the victim is entitled to legal aid to obtain benefits. Amends G.S. 15A-830(7) to include human trafficking victim within Crime Victims' Rights Act. Makes various other amendments. Effective for offenses committed on or after December 1, 2007.