



SENATE BILL 429: 2025 Public Safety Act.

2025-2026 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 24, 2025
Introduced by:	Sens. Britt, B. Newton, Daniel	Prepared by:	Hannah Kendrick
Analysis of:	PCS to Third Edition S429-CSCV-30		Staff Attorney

The Proposed Committee Substitute to Senate Bill 429 would make various criminal law revisions as follows:

- *Create a new criminal offense for exposing a child to a controlled substance*
- *Revise laws pertaining to the disclosure and release of autopsy information compiled or prepared by the Office of the Chief Medical Examiner*
- *Increase the punishment for committing the offense of solicitation of minors by computer*
- *Remove the requirement that the district attorney inform the Attorney General of the district attorney's decision to give a witness immunity*
- *Modify the law related to requests to terminate sex offender registration by requiring the clerk of court upon receipt of the petition from the petitioner to collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney*
- *Modify the law related to domestic violence protective orders so that a person who resides outside of North Carolina may seek a protective order under certain conditions*
- *Amend the reporting requirement under the Crime Victim's Compensation Act to allow a victim six months to report the injurious conduct and still be eligible for benefits*
- *Modify the criminal law related to secretly peeping into a room occupied by another person by updating certain definitions and modifying certain offenses*
- *Modify the criminal law prohibiting sexual activity by a substitute parent or custodian to include religious organizations or institutions*
- *Clarify that all felony school notifications are limited to Class A through Class E felonies*
- *Modify the law related to the recording of court proceedings to require that arguments of counsel on questions of law be recorded upon motion of a party or upon the judge's own motion*
- *Clarify the penalties related to certain vehicular failure to yield laws*
- *Modify the North Carolina Controlled Substances Act to provide for increased penalties related to the possession and sale of fentanyl and carfentanil*
- *Set limits on motions for appropriate relief in noncapital cases*
- *Repeals filial responsibility crime*

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Senate 429 PCS

Page 2

- *Clarify changes regarding misdemeanor crime of domestic violence*
- *Create felony crime of habitual domestic violence*
- *Remove the concurrent sentencing default*
- *Modify and clarify provisions related to the retrieval of firearms surrendered pursuant to a DV protective order*
- *Prohibit 911 calls by minors from becoming public record*
- *Extend sunset date for use of security guards in state prisons*
- *Allow law enforcement agencies with online reporting systems to accept reports of lost or stolen firearms*
- *Modify law governing e-signatures of court documents*
- *Limit North Carolina Interest on Lawyers' Trust Accounts expenditures*

CURRENT LAW AND BILL ANALYSIS:

Section 1 would create new criminal offenses for exposing a child under the age of 16 to a controlled substance. The offense would provide a felony for any person who "knowingly, intentionally, or with reckless disregard for human life" causes or permits a child to be exposed to a controlled substance.

The classification of offense would be determined by the degree of harm caused, as follows:

- Causing exposure – Class H felony.
- Causing exposure resulting in the child ingesting the controlled substance – Class E felony.
- If the ingestion results in serious physical injury – Class D felony.
 - Serious physical injury is physical injury that causes great pain and suffering, including serious mental injury.
- If the ingestion results in serious bodily injury – Class C felony.
 - Serious bodily injury is bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.
- If the ingestion is the proximate cause of death – Class B1 felony.

The offense would not apply to a person that intentionally gives a child a controlled substance that has been prescribed for the child by a licensed medical professional when given to the child in the prescribed amount and manner.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

Section 2 would amend the statutes relating to the availability of autopsy records.

Autopsies Related to Criminal Investigation

Upon notice from the investigating law enforcement agency or prosecuting district attorney, records related to a death that is under criminal investigation would not be public record until the holder of the records is notified that the criminal investigation or prosecution has concluded, a determination has been made to terminate the criminal investigation, or some portion of the records or material have been

Senate 429 PCS

Page 3

introduced as evidence into a public trial. Records of criminal investigation would only be able to be released to the following persons or for the following purposes:

- To the personal representative of the decedent's estate to fulfill lawful duties, to a beneficiary of a benefit or claim related to the decedent's death for purposes of receiving the benefit, or to the decedent's spouse, child or stepchild, parent or stepparent, sibling, or legal guardian.
- By the entity performing the autopsy as necessary to conduct a thorough and complete death investigation, to consult with outside physicians and other professionals, and to conduct necessary toxicological screenings.
- When disclosing information to the investigating public law enforcement agency or prosecuting district attorney.
- When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to facilitate education, to release decedent remains to transporters, funeral homes, family members, or others for final disposition, to comply with State or federal reporting requirements or in connection with State or federal grants, or to comply with any other duties imposed by law.

Autopsies of Children Under 18 Years of Age

Records related to the death of a child under the age of 18 would not be public record and could only be released with the written consent of the deceased child's parent or guardian. Without parental consent, records of a child autopsy would only be able to be released to the following persons or for the following purposes:

- To the personal representative of the decedent's estate to fulfill lawful duties, or to a beneficiary of a benefit or claim associated with the decedent for purposes of receiving the benefit or resolving the claim.
- When necessary to conduct a thorough and complete death investigation, to consult with outside physicians and other professionals during the investigation, and to conduct necessary toxicology screenings.
- When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to facilitate education, to release decedent remains for final disposition, to comply with State or federal reporting requirements or in connection with State or federal grants, or to comply with any duty imposed by law.
- The deceased's surviving spouse, parents, children or children's legal guardian or custodian, the deceased's legal guardian or custodian, or any person holding power of attorney or healthcare attorney for the deceased.
- The legal representatives of any person authorized to receive records.

Interaction Between Provisions and Additional Procedures

If autopsy records are both criminal investigation records and records of the death of a child under the age of 18, the provisions related to criminal investigation records would prevail until the conclusion of the investigation or prosecution, a determination is made to terminate the criminal investigation, or some portion of the records or material have been introduced as evidence in a public trial. When the records are no longer records of a criminal investigation, the provisions requiring parental consent would apply.

Senate 429 PCS

Page 4

Persons who receive records under one of the exceptions are prohibited from disclosing them to the public unless otherwise authorized by law. Persons who disclose or release records in violation of the provisions or who willfully and knowingly possess those records would be guilty of a Class 1 misdemeanor.

A person who discloses or releases information pursuant to these provisions in reliance on the written consent of an individual who represents to be the child's parent or guardian and who acts in good faith without actual knowledge that the representation is false, will not be subject to civil or criminal liability.

Any person or entity seeking disclosure or release of records or materials who is alleging that the criminal investigation or prosecution has concluded or been terminated, or that portions of the records or materials have been introduced as evidence in a public trial, but that the investigating public law enforcement agency or prosecuting district attorney will not comply with notification requirements, may commence a proceeding to compel disclosure or release of the records or materials. If a party successfully compels disclosure or release, the court shall allow that party to recover its reasonable attorneys' fees.

Any person seeking disclosure of the records of a criminal investigation or of the death of a child under the age of 18 may commence a special proceeding in the superior court of the county where the death occurred.

This section also provides that for deaths occurring due to an injury received in the course of the decedent's employment, the Chief Medical Examiner shall provide the final autopsy report to the Department of Labor within 5 months of a written request.

This section would become effective October 1, 2025.

Section 3 would increase the punishment for committing the offense of solicitation of minors by computer by modifying G.S. 14-202.3 to provide for the following increases in punishment:

- A first violation would increase from a Class H felony to a Class G felony.
- A new offense would be created for a person who had a prior conviction for this type of crime to punish the offense as a Class E felony.
- The punishment for an offender who actually appears at the meeting location with the minor would be increased from a Class G felony to a Class D felony.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

Section 4 would remove the requirement that the district attorney inform the Attorney General of the district attorney's decision to give a witness immunity for the witness to testify because the witness might otherwise assert a privilege against self-incrimination.

This section would be effective when it becomes law and applies to applications made on or after that date.

Section 5 would modify the law related to requests to terminate sex offender registration by requiring the clerk of court upon receipt of the petition from the petitioner to collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney.

This section would become effective December 1, 2025, and apply to petitions filed on or after that date.

Section 6 would modify the law related to domestic violence protective orders so that a person who resides outside of North Carolina may seek a protective order under certain conditions. Under current law any person who resides in North Carolina may seek a domestic violence protective order pursuant to Chapter 50B of the General Statutes. The bill would modify the law so that in addition to a person who resides in

Senate 429 PCS

Page 5

North Carolina, a person who resides outside of North Carolina could also seek a 50B protective order for acts that have occurred in the state.

This section would become effective December 1, 2025 and apply to motions filed on or after that date.

Section 7 would amend the reporting requirement under the Crime Victim's Compensation Act to allow a victim six months to report the injurious conduct and still be eligible for benefits under the act. Under current law if a crime victim does not report the injurious conduct to law enforcement within 72 hours, the victim is not eligible for benefits under the Crime Victim's Compensation Act. The bill would expand this reporting period from 72 hours to six months.

This section would be effective when it becomes law and apply to applications filed on or after that date.

Section 8 would modify the criminal law related to secretly peeping into a room occupied by another person by updating certain definitions and modifying certain offenses. G.S. 14-202 generally provides that it is a Class 1 misdemeanor to "peep secretly" into any room occupied by another person or underneath the clothing of another person. Higher penalties attach to certain aggravating conduct. For example, subsection (e) provides that "Any person who secretly or surreptitiously uses any device to create a photographic image of another person underneath or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person without their consent shall be guilty of a Class I felony." The bill would delete this language and replace it with the following: " Unless covered under some other provision of law providing greater punishment, any person who, with the intent to create a photographic image of a private area of an individual without the individual's consent, knowingly does so under circumstances in which the individual has a reasonable expectation of privacy shall be guilty of a Class I felony." The bill also makes conforming and technical changes.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

Section 9 would modify the criminal law prohibiting sexual activity by a substitute parent or custodian to include religious organizations or institutions. G.S. 14-27.31(b) prohibits a person having custody of a victim of any age or a person who works for an institution having custody over a person from engaging in sexual activity with the person. The bill would modify this law to provide that an institution having custody over a person would include a "religious organization or institution." The bill would also create a new definition of "custody" to clarify that definition.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

Section 10 would modify G.S. 7B-3101 to clarify that all school notifications are limited to Class A through E felonies, consistent with the recent changes enacted by S.L. 2024-17. Last session, the General Assembly passed S.L. 2024-17 (H834), which among other changes to the juvenile justice system, modified G.S. 7B-3101, Notification of schools when juveniles are alleged or found to be delinquent, to require a juvenile court counselor to notify the juvenile's school only if the juvenile committed what would be a Class A through E felony, if committed by an adult.

Section 11 would modify the law related to recording of court proceedings to require that arguments of counsel on questions of law be recorded upon motion of a party or upon the judge's own motion.

Sections 12 would make failure to yield that results in serious bodily injury but not death a Class 2 misdemeanor, punishable by a \$500 fine and revocation of the driver's license for 90 days. The current penalty is a fine and suspension of the driver's license. This section would become effective December 1, 2025, and apply to offenses on or after that date.

Senate 429 PCS

Page 6

Section 13 would specify that failure to yield to a blind or partially blind pedestrian is a Class 2 misdemeanor. This section would become effective December 1, 2025, and apply to offenses on or after that date.

Section 14 would modify the North Carolina Controlled Substances Act to provide for increased penalties related to the possession and sale of fentanyl and carfentanil. The punishment would be increased as provided below:

- Possession of fentanyl and carfentanil would be increased from a Class I felony to a Class H felony.
- Sale, delivery, and possession with intent to sell or deliver fentanyl and carfentanil would be increased from a Class G felony to a Class F felony.
- Trafficking offenses for possession of fentanyl and carfentanil would be increased as provided below:
 - Four grams or more, but less than 14 grams would be increased from a Class F felony to a Class E felony.
 - 14 grams or more, but less than 28 grams would be increased from a Class E felony to a Class D felony.
 - 28 grams or more would remain a Class C felony as is under current law.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

Section 15 would provide that in a noncapital case, a defendant may file a postconviction motion for appropriate relief (MAR) based on any of the enumerated grounds within 7 years of one of the triggering events. A defendant would be permitted to file an MAR based on one of the enumerated grounds at any time with the consent of the district attorney.

This section would also allow a defendant to raise any of the following claims at any time after the verdict:

- Good cause exists for excusing the grounds for denial and actual prejudice results from denial of the defendant's claim, or that failure to consider the defendant's claim will result in a fundamental miscarriage of justice.
- There has been a significant change in law applied in the proceedings and retroactive application is required.
- The defendant is in confinement and is entitled to release because his sentence has been fully served.

This section would become effective December 1, 2025, and apply to verdicts entered on or after that date.

Section 16 would repeal G.S. 14-326.1 which makes it a crime for a person to fail to maintain and support their parents if the parents are sick or not able to work and not able to support themselves. The offense is a Class 2 misdemeanor generally, and a Class 1 misdemeanor for a second or subsequent offense.

This section would be effective when it becomes law.

Section 17 would make the following clarifying changes regarding misdemeanor crime of domestic violence:

- Misdemeanor assaults, batteries, and affrays (G.S. 14-33) shall not be a lesser included offense of misdemeanor crime of domestic violence (G.S. 14-32.5).

Senate 429 PCS

Page 7

- A person is guilty of habitual misdemeanor assault if that person (i) violates G.S. 14-32.5, and (ii) has two or more prior convictions for misdemeanor assault, felony assault, or a violation of G.S. 14-32.5, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation.
- An officer may make an arrest without a warrant if the officer has probable cause to believe that a person has committed a misdemeanor crime of domestic violence.
- In a case where a defendant is charged with a violation of G.S. 14-32.5, the judicial official who determines the conditions of pretrial release shall be a judge.

This section would become effective December 1, 2025, and apply to offenses committed on or after that date.

Section 18 would create the felony crime of habitual domestic violence. A person would be guilty of habitual domestic violence if that person committed an offense under G.S. 14-32.5, or committed an assault where the person is related to the victim by a relationship described in G.S. 32.5, and has two or more prior convictions that include either of the following combination of offenses, with the earlier of the prior convictions occurring no more than 15 years prior to the date of the current violation:

- Two or more convictions under G.S. 14-32.5.
- One prior conviction under G.S. 14-32.5 and at least one prior conviction involving assault where the person is related to the victim by a relationship set forth in G.S. 32.5.

A person convicted of this offense would be guilty of a Class H felony. Subsequent convictions would be punished at one level higher than the most recent prior conviction, not to exceed a Class C felony.

This section would become effective December 1, 2025, and apply to offenses committed on or after that date.

Section 19 would remove the default of a concurrent sentence if not expressly stated by the court and would require the court to make a finding on the record stating its reasoning for determining whether sentences shall run concurrently or consecutively.

This section would become effective December 1, 2025, and apply to offenses committed on or after that date.

Section 20 would amend G.S. 50B-3.1 as follows:

- Authorizes the sheriff to release surrendered firearms to the defendant without a court order if the defendant is not otherwise prohibited from having a firearm and one of the following occurs:
 - The court does not enter a protective order when the ex parte or emergency order expires.
 - The protective order is denied by the court following a hearing.

Prior to releasing the firearms, the sheriff must conduct a criminal history check through the National Instant Criminal Background Check System (NICS) and verify that the defendant is not prohibited from possessing or receiving a firearm pursuant to federal law and that the defendant does not have any pending criminal charges committed against the person that is the subject of the current protective order or pending charges that, if convicted, would prohibit the defendant from possessing a firearm.

- Allows third-party owners to file a motion requesting return of seized firearms at any time following seizure and prior to their disposal. Currently, third-party owners only have 30 days after seizure to file a motion.

Senate 429 PCS

Page 8

- Authorizes a sheriff to file a motion to dispose of seized firearms 90 days after the expiration of an order or final disposition of any pending criminal charges if no motion has been filed by the defendant or a third-party owner requesting return, the court has determined that the third-party owner is precluded from regaining possession, or the defendant or third-party owner fails to remit all fees within 30 days of a request to retrieve the firearm.

This section would become effective December 1, 2025, and apply (i) to firearms, ammunition, and permits surrendered on or after that date and (ii) beginning February 1, 2026, to firearms, ammunition, and permits surrendered before December 1, 2025.

Section 21 would amend G.S. 132-1.4 to provide that the contents of any "911" or other emergency telephone call where the caller is less than 18 years of age is not public record.

Section 22 would extend the sunset date for the use of private security guards at state prisons from June 30, 2025, to June 30, 2027.

Section 23 would allow any local law enforcement agency that has an online crime reporting system to also allow individuals to file online reports of lost or stolen firearms. Any person who willfully makes or causes to be made a false report of a lost or stolen firearm would be guilty of a violation under G.S. 14-225. This section would become effective October 1, 2025.

Section 24 would allow the chief district court judge and senior resident superior court judge of their respective districts to establish rules to allow for the court's manual signature on orders of the court executed outside of court and fee application orders. This section would be effective when it becomes law and would expire two years after that date.

Section 25 would prevent IOLTA from expending or encumbering funds for the purpose of awarding grants or for any purpose other than administrative costs between the period beginning July 1, 2025, and ending June 30, 2026.

Section 26 would provide a severability clause. It would also provide that prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.

**Robert Ryan and Susan Sitze, Staff Attorneys, substantially contributed to this summary.*