

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 311
Judiciary Committee Substitute Adopted 3/25/25
House Committee Substitute Favorable 6/17/25
Proposed Conference Committee Substitute S311-PCCS35316-SA-1

Short Title: The Law and Order Act.

(Public)

Sponsors:

Referred to:

March 18, 2025

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT FOR COMMITTING AN ASSAULT AGAINST A UTILITY OR COMMUNICATIONS WORKER; TO CREATE THE OFFENSE OF CRIMINAL POSSESSION AND UNLAWFUL SALE OF EMBALMING FLUID AND TO MAKE OTHER TECHNICAL REVISIONS; TO AMEND WORKPLACE VIOLENCE PREVENTION LAWS TO COVER MASS PICKETING; TO ESTABLISH AN OFFENSE FOR ENTERING A PART OF A BUILDING NOT OPEN TO THE PUBLIC WITH THE INTENT TO COMMIT AN UNLAWFUL ACT, TO ESTABLISH THE OFFENSE OF LARCENY OF GIFT CARDS, TO REVISE THE ORGANIZED RETAIL THEFT OFFENSE TO INCLUDE OFFENSES INVOLVING GIFT CARDS, AND TO PROVIDE CIVIL LIABILITY FOR LARCENY OF GIFT CARDS; TO ESTABLISH A CRIMINAL OFFENSE FOR POSSESSING CERTAIN EXPLOSIVE OR INCENDIARY DEVICES OR MATERIAL; TO INCREASE THE PENALTIES FOR RECKLESS DRIVING OR STREET RACING THAT CAUSES SERIOUS INJURY OR DEATH AND INCREASE PENALTIES FOR HIT AND RUN OFFENSES THAT RESULT IN DEATH; TO CREATE THE OFFENSES OF POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM OR WEAPON OF MASS DEATH AND DESTRUCTION BY A FELON DURING THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY; TO INCREASE THE PUNISHMENT FOR LARCENY OF MAIL; TO REVISE THE OFFENSES OF FIRST AND SECOND DEGREE BURGLARY AND TO ENHANCE THE PUNISHMENT IMPOSED FOR CERTAIN BURGLARY AND BREAKING OR ENTERING OFFENSES COMMITTED BY A PERSON IN POSSESSION OF A FIREARM; TO ESTABLISH A MITIGATING FACTOR FOR CERTAIN PERSONS CHARGED WITH IMPAIRED DRIVING WHO VOLUNTARILY EQUIP AND OPERATE A MOTOR VEHICLE WITH AN IGNITION INTERLOCK SYSTEM PRIOR TO TRIAL; TO ENACT THE COMMERCIAL VEHICLE AND CARGO PROTECTION ACT; AND TO MODIFY MISDEMEANOR EXPUNCTION.

The General Assembly of North Carolina enacts:

PART I. ASSAULT AGAINST UTILITY WORKER

SECTION 1.(a) G.S. 14-33(b) reads as rewritten:

"(b) Unless ~~his~~the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a



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Class 1 misdemeanor if, in the course of the assault, assault and battery, or affray, ~~he~~the person does any of the following:

- ...
- (9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A "sports official" is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A "sports event" includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State.
- (10) Assaults a utility or communications worker while the worker is (i) readily identifiable as a worker and (ii) discharging or attempting to discharge his or her duties. For purposes of this subdivision, the term "utility or communications worker" means an employee of, agent of, or under contract with an organization, entity, or company, whether State-created or privately, municipally, county, or cooperatively owned, that provides electricity, natural gas, liquid petroleum, water, wastewater services, telecommunications services, or internet access services. For purposes of this subdivision, the term "readily identifiable as a worker" shall be construed to include the worker wearing, at the time of the assault, a uniform, hat, or other outerwear bearing the logo of the utility or communications company for which the worker is an employee of, agent of, or under contract with."

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

PART II. EMBALMING FLUID OFFENSES

SECTION 2.(a) G.S. 90-210.20 reads as rewritten:

"§ 90-210.20. Definitions.

The following definitions apply in this Article:

- (a)(1) ~~"Advertisement"~~ means the Advertisement. – The publication, dissemination, circulation or placing before the public, or causing directly or indirectly to be made, published, disseminated or placed before the public, any announcement or statement in a newspaper, magazine, or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label or tag, or over any radio, television station, or electronic medium.
- (b)(2) ~~"Board"~~ means the Board. – The North Carolina Board of Funeral Service.
- (c)(3) ~~"Burial"~~ includes Burial. – Includes interment in any form, cremation and the transportation of the dead human body as necessary therefor.
- (e1)(4) ~~"Chapel"~~ means a Chapel. – A chapel or other facility separate from the funeral establishment premises for the primary purpose of reposing of dead human bodies, visitation or funeral ceremony that is owned, operated, or maintained by a funeral establishment under this Article, and that does not use the word "funeral" in its name, on a sign, in a directory, in advertising or in any other manner; in which or on the premises of which there is not displayed any caskets or other funeral merchandise; in which or on the premises of which there is not located any preparation room; and which no owner,

- operator, employee, or agent thereof represents the chapel to be a funeral establishment.
- ~~(e2)(5) "Dead human bodies", as used in this Article includes Dead human bodies. – Includes fetuses beyond the second trimester and the ashes from cremated bodies.~~
- ~~(d)(6) "Embalmer" means any Embalmer. – Any person engaged in the practice of embalming.~~
- ~~(e)(7) "Embalming" means the Embalming. – The preservation and disinfection or attempted preservation and disinfection of dead human bodies by application of chemicals externally or internally or both and the practice of restorative art including the restoration or attempted restoration of the appearance of a dead human body. Embalming shall not include the washing or use of soap and water to cleanse or prepare a dead human body for disposition by the authorized agents, family, or friends of the deceased who do so privately without pay or as part of the ritual washing and preparation of dead human bodies prescribed by religious practices; provided, that no dead human body shall be handled in a manner inconsistent with G.S. 130A-395.~~
- (8) Embalming fluid. – Any chemicals or substances manufactured primarily for use by licensed funeral directors, undertakers or embalmers, or registered residents to prepare, disinfect, or preserve, either hypodermically, arterially, or by any other recognized means, the body of a deceased person for burial, cremation, or other final disposition.
- ~~(e1)(9) "Entry-level examination in funeral directing" means an Entry-level examination in funeral directing. – An examination (i) offered as a component of a final or capstone course in a mortuary science program approved by the Board or (ii) accredited by the American Board of Funeral Service Education or an examination equivalent to the State Board Examination-Arts in Funeral Directing to assess competency in all of the following subjects:~~
- ~~(1)a. Funeral arranging and directing.~~
- ~~(2)b. Funeral service marketing and merchandising.~~
- ~~(3)c. Funeral service counseling.~~
- ~~(4)d. Legal and regulatory compliance.~~
- ~~(5)e. Cemetery and crematory operations.~~
- ~~(f)(10) "Funeral directing" means engaging Funeral directing. – Engaging in the practice of funeral service except embalming.~~
- ~~(g)(11) "Funeral director" means any Funeral director. – Any person engaged in the practice of funeral directing.~~
- ~~(h)(12) "Funeral establishment" means every Funeral establishment. – Every place or premises devoted to or used in the care, arrangement and preparation for the funeral and final disposition of dead human bodies and maintained for the convenience of the public in connection with dead human bodies or as the place for carrying on the practice of funeral service.~~
- (i)(13) "Funeral service licensee" means a person who is duly licensed and engaged in the practice of funeral service. Funeral service. – The aggregate of all funeral service licensees and their duties and responsibilities in connection with the funeral as an organized, purposeful, time-limited, flexible, group-centered response to death.
- ~~(j)(14) "Funeral service" means the aggregate of all funeral service licensees and their duties and responsibilities in connection with the funeral as an organized, purposeful, time-limited, flexible, group-centered response to death. Funeral~~

1 service licensee. – A person who is duly licensed and engaged in the practice
2 of funeral service.

3 ~~(k)(15) "Practice of funeral service" means engaging~~ Practice of funeral service. –
4 Engaging in the care or disposition of dead human bodies or in the practice of
5 disinfecting and preparing by embalming or otherwise dead human bodies for
6 the funeral service, transportation, burial or cremation, or in the practice of
7 funeral directing or embalming as presently known, whether under these titles
8 or designations or otherwise. "Practice of funeral service" also means
9 engaging in making arrangements for funeral service, selling funeral supplies
10 to the public or making financial arrangements for the rendering of such
11 services or the sale of such supplies.

12 ~~(H)(16) "Resident trainee" means a~~ Resident trainee. – A person who is engaged in
13 preparing to become licensed for the practice of funeral directing, embalming
14 or funeral service under the personal supervision and instruction of a person
15 duly licensed for the practice of funeral directing, embalming or funeral
16 service in the State of North Carolina under the provisions of this Chapter, and
17 who is duly registered as a resident trainee with the Board."

18 **SECTION 2.(b)** Article 13A of Chapter 90 of the General Statutes is amended by
19 adding a new section to read:

20 **"§ 90-210.29C. Unlawful sale of embalming fluid.**

21 (a) Offense. – It is unlawful for a funeral director, embalmer, or resident trainee to
22 knowingly give, sell, permit to be sold, offer for sale, or display for sale, other than for purposes
23 within the general scope of their activities as a funeral director, embalmer, or resident trainee,
24 embalming fluid to another person with actual knowledge that the person is not a funeral director,
25 embalmer, or resident trainee.

26 (b) Punishment. – A person who violates subsection (a) of this section is guilty of a Class
27 I felony, including a fine of not less than one hundred dollars (\$100.00) and not more than five
28 hundred dollars (\$500.00)."

29 **SECTION 2.(c)** Chapter 90 of the General Statutes is amended by adding a new
30 Article to read:

31 "Article 5I.

32 "Miscellaneous Drug-Related Regulations.

33 **"§ 90-113.154. Criminal possession of embalming fluid.**

34 (a) Definition. – For purposes of this section, the following terms are as defined in
35 G.S. 90-210.20:

- 36 (1) Embalmer.
- 37 (2) Embalming.
- 38 (3) Embalming fluid.
- 39 (4) Funeral director.
- 40 (5) Resident trainee.

41 (b) Offense. – Both of the following are unlawful:

- 42 (1) Possessing embalming fluid for any purpose other than the lawful preservation
43 of dead human bodies by a person authorized by law to engage in such activity
44 or the lawful preservation of wildlife by a person licensed in taxidermy
45 pursuant to G.S. 113-273(k).
- 46 (2) Selling, delivering, or otherwise distributing embalming fluid to another
47 person with knowledge that the person intends to utilize the embalming fluid
48 for any purpose other than the lawful preservation of dead human bodies by a
49 person authorized by law to engage in such activity or the lawful preservation
50 of wildlife by a person licensed in taxidermy pursuant to G.S. 113-273(k).

(c) Punishment. – A person who commits a violation of subsection (b) of this section shall be punished as follows:

- (1) If the violation involves less than 28 grams, the violation shall be punished as a Class I felony.
- (2) If the violation involves 28 grams or more of embalming fluid, but less than 200 grams, the violation shall be punished as a Class G felony.
- (3) If the violation involves 200 grams or more of embalming fluid, but less than 400 grams, the violation shall be punished as a Class F felony.
- (4) If the violation involves 400 grams or more of embalming fluid, the violation shall be punished as a Class D felony.

(d) Construction. – Nothing in this section shall be construed as prohibiting possession of embalming fluid by, or selling, delivering, or otherwise distributing embalming fluid to, funeral directors, embalmers, resident trainees, or licensed taxidermists for the purposes of embalming."

SECTION 2.(d) G.S. 90-96.2(c3) reads as rewritten:

"(c3) Covered Offenses. – A person shall have limited immunity from prosecution under subsections (b) and (c) of this section for only the following offenses:

...

- (3a) A violation of G.S. 90-113.154 punishable as a Class I felony.
- (4) A violation of G.S. 90-113.22."

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

PART III. WORKPLACE VIOLENCE PREVENTION

SECTION 3.(a) Article 23 of Chapter 95 of the General Statutes reads as rewritten:
"Article 23.

"Workplace Violence Prevention.

"§ 95-260. Definitions.

The following definitions apply in this Article:

- (1) Civil no-contact order. – An order granted under this Article, which includes a remedy authorized by G.S. 95-264.
- (2) Employer. – Any person or entity that employs one or more employees. Employer also includes the State of North Carolina and its political subdivisions.
- (2a) Mass picketing. – Picketing, with or without signs, that constitutes an obstacle to the ingress and egress to and from the premises being picketed or any other premises, or upon the public roads, streets, highways, or other ways of travel or conveyance, either by obstructing by their persons or by placing of vehicles or other physical obstructions.
- (2b) Obstruction. – A sustained or deliberate physical blockage that substantially and materially prevents ingress or egress and causes demonstrable disruption to operations or public safety.
- (2c) Place of employment. – A building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile.
- (3) Unlawful conduct. – Unlawful conduct means the commission of one or more of the following acts upon an employer or employee, but does not include acts of self-defense or defense of others:
 - a. Attempting to cause bodily injury or intentionally causing bodily injury.
 - b. Willfully, and on more than one occasion, following, being in the presence of, or otherwise harassing, as defined in G.S. 14-277.3A,

without legal purpose and with the intent to place the employee or employer in reasonable fear for the employee's or employer's safety.

c. Willfully threatening, orally, in writing, or by any other means, to physically injure the employee or employer in a manner and under circumstances that would cause a reasonable person to believe that the threat is likely to be carried out and that actually causes the employee or employer to believe that the threat will be carried out.

d. Hindering or preventing, by mass picketing, unlawful threats, or force, the pursuit of any lawful work or employment.

e. Obstructing or interfering with the entrance to or egress from any place of employment by mass picketing.

f. Obstructing or interfering with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance by mass picketing.

"§ 95-261. Civil no-contact orders; persons protected.

An action for a civil no-contact order may be filed as a civil action in district court by an employer on behalf of an employee or by an employer who has suffered unlawful conduct from any individual or individuals that can reasonably be construed to be carried out, or to have been carried out, at the ~~employee's workplace.~~ place of employment. The employee or employer that is the subject of unlawful conduct shall be consulted prior to seeking an injunction under this Article in order to determine whether any safety concerns exist in relation to the employee's or employer's participation in the process. Employees or employers who are targets of unlawful conduct who are unwilling to participate in the process under this Article shall not face disciplinary action based on their level of participation or cooperation.

"§ 95-262. Commencement of action; venue.

(a) An action for a civil no-contact order is commenced by filing a verified complaint for a civil no-contact order in ~~any civil district court~~ the county where the unlawful conduct took place or by filing a motion in any existing civil action.

(b) A complaint or motion for a civil no-contact order shall be filed in the county where the unlawful conduct took place.

...

"§ 95-264. Civil no-contact order; remedy.

(a) Upon a finding that the employee or employer has suffered unlawful conduct committed by the respondent, the court may issue a temporary or permanent civil no-contact order. In determining whether or not to issue a civil no-contact order, the court shall not require physical injury to the employee or employer or injury to the employer's property.

(b) The court may grant one or more of the following forms of relief in its orders under this Article:

- (1) Order the respondent not to visit, assault, molest, or otherwise interfere with the employer or the employer's employee at the employer's workplace, or otherwise interfere with the employer's operations.
- (2) Order the respondent to cease stalking the employer or the employer's employee at the employer's workplace.
- (3) Order the respondent to cease harassment of the employer or the employer's employee at the employer's workplace.
- (4) Order the respondent not to abuse or injure the employer, including the employer's property, or the employer's employee at the employer's workplace.
- (5) Order the respondent not to contact by telephone, written communication, or electronic means the employer or the employer's employee at the employer's workplace.
- (6) Order other relief deemed necessary and appropriate by the court.

(c) A civil no-contact order shall include the following notice, printed in conspicuous type: "A knowing violation of a civil no-contact order shall be punishable as contempt of court which may result in a fine or imprisonment."

...

"§ 95-266. Permanent civil no-contact order.

Upon a finding that the employer or employee has suffered unlawful conduct committed by the respondent, a permanent civil no-contact order may issue if the court additionally finds that process was properly served on the respondent, the respondent has answered the complaint and notice of hearing was given, or the respondent is in default. No permanent civil no-contact order shall be issued without notice to the respondent.

...

"§ 95-271. Scope of Article; other remedies ~~available~~; severability.

(a) This Article does not expand, diminish, alter, or modify any duty of any employer to provide a safe workplace for employees and other persons. This Article does not limit the ability of an employer, employee, or victim to pursue any other civil or criminal remedy provided by law. This Article does not apply in circumstances where an employee or representative of employees is engaged in union organizing, union activity, a labor dispute, or any activity or action protected by the National Labor Relations Act, 29 U.S.C. § 151, et seq. and further provided such activity does not involve violence, threats, or intentional obstruction of any place of employment's access points. Nothing in this Article is intended to change the National Labor Relations Act's preemptive regulation of legally protected activities, nor to change the right of the State and its courts to regulate activities not protected by the National Labor Relations Act.

(b) Nothing in this Article is intended, or shall be construed, to conflict with, restrict, limit, or infringe upon rights protected by the North Carolina or United States Constitution.

(c) If any provision of this Article is held by a court of competent jurisdiction to be invalid, void, or unenforceable, in whole or in part, the decision shall not affect the validity, enforceability, or applicability of the remaining provisions of this Article, which shall remain in full force and effect as if the provision held invalid, void, or unenforceable had not been included.

(d) Nothing in this Article shall apply to peaceful demonstrations, informational picketing, or labor activity protected by the National Labor Relations Act or by the North Carolina Constitution, including the right to assemble and protest, provided such activity does not involve violence, threats, or intentional obstruction of any place of employment's access points. For purposes of this subsection, "peaceful demonstration" is defined as either or both of the following: (i) conduct which does not involve lawlessness or create a risk to property or the safety of others; (ii) speech that is not directed to inciting or producing imminent lawless action and is not likely to incite or produce such action."

SECTION 3.(b) This section is effective when it becomes law and applies to acts or omissions occurring on or after that date.

PART IV. UNLAWFUL BUSINESS ENTRY & GIFT CARD THEFT

SECTION 4.(a) G.S. 14-54 is amended by adding a new subsection to read:

"(b1) Offense Involving Unlawful Business Entry. – Any person who, with the intent to commit an unlawful act, enters any area of a building (i) that is commonly reserved for personnel of a commercial business where money or other property is kept or (ii) clearly marked with a sign that indicates to the public that entry is forbidden is guilty of a Class 1 misdemeanor for a first offense and a Class I felony for a second or subsequent offense."

SECTION 4.(b) Article 16 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-72.12. Larceny of gift cards.

(a) Definitions. – For purposes of this section, the terms "gift card," "gift card issuer," "gift card redemption information," and "gift card value" are as defined in G.S. 14-86.5.

(b) Offense. – A person commits the offense of larceny of gift cards if the person does any of the following:

- (1) Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- (2) Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
- (3) Alters or tampers with a gift card or its packaging with intent to defraud another.

(c) Punishment. – A violation of this section is a Class 1 misdemeanor if the value of the gift card acquired, retained, or for which the gift card redemption information is obtained, or is altered or tampered with, is not more than one thousand dollars (\$1,000). Any other violation of this section is a Class H felony."

SECTION 4.(c) G.S. 14-86.5 reads as rewritten:

"§ 14-86.5. Definitions.

The following definitions apply in this Article:

- (1) "Retail property."— Any article, product, commodity, item, or component intended to be sold in retail commerce.Gift card. – A record evidencing a promise, made for monetary consideration, by a seller or issuer that goods or services will be provided to the owner of the record to the value shown in the record. A gift card includes a record that contains a microprocessor chip, magnetic strip, or other storage medium that is prefunded and for which the value is adjusted upon each use, a gift certificate, a stored-value card or certificate, a store card, or a prepaid long-distance telephone service that is activated by a prepaid card that required dialing an access number or an access code in addition to dialing the phone number to which the user of the prepaid card seeks to connect.
- (2) Repealed by Session Laws 2024-22, s. 2(a), effective December 1, 2024, and applicable to offenses committed on or after that date.
- (3) "Theft."— To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.Gift card issuer. – Any person or entity that sells, distributes, or supplies a gift card.
- (4) "Value."— The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.Gift card redemption information. – Any information unique to a gift card that allows the cardholder to access, transfer, or spend the funds on that gift card.
- (5) Gift card value. – The maximum monetary value that can be applied to the card.
- (6) Retail property. – Any article, product, commodity, item, or component intended to be sold in retail commerce.
- (7) Theft. – To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.
- (8) Value. – The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes."

SECTION 4.(d) G.S. 14-86.6 reads as rewritten:

"§ 14-86.6. Organized retail theft.

(a) Offense. – A person commits the offense of organized retail theft if the person does any of the following:

- (1) Conspires with another person to commit theft of retail property from retail establishments with the intent to sell, transfer, or possess that retail property for monetary or other gain.
- (2) Receives or possesses any retail property that has been taken or stolen in violation of subdivision (1) of this subsection while knowing or having reasonable grounds to believe the property is stolen.
- (3) Conspires with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of property stolen from a merchant in violation of this section.
- (4) Conspires with another person to acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- (5) Devises a scheme with one or more persons to obtain a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
- (6) Conspires with another person to alter or tamper with a gift card or its packaging with intent to defraud another.

...
 (a2) Punishments. – The following classifications apply to the offense of organized retail theft:

- (1) An offense when the gift card value or the retail property has a value exceeding one thousand five hundred dollars (\$1,500) aggregated over a 90-day period is a Class H felony.
- (2) An offense when the gift card value or the retail property has a value exceeding twenty thousand dollars (\$20,000) aggregated over a 90-day period is a Class G felony.
- (3) An offense when the gift card value or the retail property has a value exceeding fifty thousand dollars (\$50,000) aggregated over a 90-day period is a Class F felony.
- (4) An offense when the gift card value or the retail property has a value exceeding one hundred thousand dollars (\$100,000) aggregated over a 90-day period is a Class C felony.

...
 (c) Multiple Thefts. – Thefts of gift cards, gift card redemption information, or retail property occurring in more than one county may be aggregated into an alleged violation of this section. Each county where a part of the charged offense occurs has concurrent venue as described in G.S. 15A-132."

SECTION 4.(e) G.S. 1-538.2 reads as rewritten:

"§ 1-538.2. Civil liability for larceny, shoplifting, theft by employee, organized retail theft, embezzlement, obtaining property by false pretense, and other offenses.

(a) Any person, other than an unemancipated minor, who commits an act that is punishable under G.S. 14-72, 14-72.1, 14-72.11, 14-72.12, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100 is liable for civil damages to the owner of the property. In any action brought by the owner of the property, the owner is entitled to recover the value of the goods or merchandise, if the goods or merchandise have been destroyed, or any loss of value to the goods or merchandise, if the goods or merchandise were recovered, or the amount of any money lost by reason of the theft or embezzlement or fraud of an employee. The owner of the property is also entitled to recover for loss to real or personal property caused in the commission of the act. In addition to the above, the owner of the property is entitled to recover any consequential damages, and punitive damages, together with reasonable attorneys' fees. The total consequential damages

awarded to a plaintiff against a defendant under this section shall not be less than one hundred fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000) except an act punishable under G.S. 14-74, 14-86.6, 14-86.7, or 14-90 shall have no maximum limit under this section.

(b) The parent or legal guardian, having the care, custody and control of an unemancipated minor who commits an act punishable under G.S. 14-72, 14-72.1, 14-72.11, 14-72.12, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100, is civilly liable to the owner of the property obtained by the act if such parent or legal guardian knew or should have known of the propensity of the child to commit such an act; and had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child. In an action brought against the parent or legal guardian by the owner, the owner is entitled to recover the amounts specified in subsection (a) except punitive damages. The total consequential damages awarded to a plaintiff against the parent or legal guardian shall not be less than one hundred fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000).

...."

SECTION 4.(f) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PART V. ESTABLISH OFFENSE FOR POSSESSION OF EXPLOSIVES

SECTION 5.(a) G.S. 14-49 reads as rewritten:

"§ 14-49. Malicious use of explosive or incendiary; punishment.

(a) Any person who willfully and maliciously injures another by the use of any explosive or incendiary device or material is guilty of a Class D felony.

(b) Any person who willfully and maliciously damages any real or personal property of any kind or nature belonging to another by the use of any explosive or incendiary device or material is guilty of a Class G felony.

(b1) Any person who willfully and maliciously damages, aids, counsels, or procures the damaging of any church, chapel, synagogue, mosque, masjid, or other building of worship by the use of any explosive or incendiary device or material is guilty of a Class E felony.

(b2) Any person who willfully and maliciously damages, aids, counsels, or procures the damaging of the State Capitol, the Legislative Building, the Justice Building, or any building owned or occupied by the State or any of its agencies, institutions, or subdivisions or by any county, incorporated city or town, or other governmental entity by the use of any explosive or incendiary device or material is guilty of a Class E felony.

(c) Repealed by Session Laws 1993, c. 539, s. 1149, effective October 1, 1994.

(d) Any person who possesses any explosive or incendiary device or material with the intent to violate this section is guilty of a Class H felony."

SECTION 5.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PART VI. INCREASE THE PENALTIES FOR RECKLESS DRIVING THAT CAUSES SERIOUS INJURY

SECTION 6.(a) G.S. 20-140 reads as rewritten:

"§ 20-140. Reckless driving.

...

(g) Any person who violates this section is guilty of a Class 1 misdemeanor if the reckless driving causes serious injury.

(h) Any person who violates this section is guilty of a Class A1 misdemeanor if the reckless driving causes serious bodily injury as defined in G.S. 14-32.4."

SECTION 6.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PART VII. INCREASE THE PENALTIES FOR UNLAWFUL RACING OR HIT AND RUN OFFENSES THAT RESULT IN INJURY OR DEATH

SECTION 7.(a) G.S. 20-17(a)(4) is repealed.

SECTION 7.(b) G.S. 20-141.3 reads as rewritten:

"§ 20-141.3. Unlawful racing on streets and highways.

...

(c) It shall be unlawful for any person to authorize or knowingly permit a motor vehicle owned by ~~him~~ the person or under ~~his~~ the person's control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor ~~vehicle, or to place or receive any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare.~~ vehicle. Any person violating the provisions of this subsection ~~shall be~~ is guilty of a Class 1 misdemeanor.

(c1) It shall be unlawful for any person to place or receive any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare. Any person who violates this subsection is guilty of a Class 1 misdemeanor.

(c2) Any person who violates subsection (a), (b), or (c) of this section is guilty of a Class H felony if the speed competition causes serious injury.

(c3) Any person who violates subsection (a), (b), or (c) of this section is guilty of a Class G felony if the speed competition causes serious bodily injury or death.

(d) The Commissioner of Motor Vehicles shall revoke the driver's license or privilege to drive of every person convicted of violating ~~the provisions of subsection (a) or subsection (c) of this section, said revocation to be for three years; provided any person whose license has been revoked under this section may apply for a new license after 18 months from revocation. Upon filing of such application the Division may issue a new license upon satisfactory proof that the former licensee has been of good behavior for the past 18 months and that his conduct and attitude are such as to entitle him to favorable consideration and upon such terms and conditions which the Division may see fit to impose for the balance of the three-year revocation period, which period shall be computed from the date of the original revocation.~~ section as follows:

(1) If the violation is punishable under subsection (c2) of this section, for four years. Any person whose license has been revoked under this subdivision may apply for a new license after three years from revocation.

(2) If the violation is punishable under subsection (c3) of this section, permanently. Any person whose license has been revoked under this subdivision may apply for a new license after seven years from revocation.

(3) For any other violation, three years. Any person whose license has been revoked under this subdivision may apply for a new license after 18 months from revocation.

(d1) Upon filing of an application for a new license pursuant to subsection (d) of this section, the Division may issue a new license upon satisfactory proof that the former licensee has been of good behavior during the revocation period and that the applicant's conduct and attitude entitle the applicant to favorable consideration. The Division may impose terms and conditions upon the new license for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years.

...

(g) The following provisions apply to this section:

...

(3) Upon conviction of the operator of said motor vehicle of a violation of subsection (a) of this section or in violation of G.S. 20-141.10, the court shall order a sale at public auction of said motor vehicle and the officer making the sale, after deducting the expenses of keeping the motor vehicle, the fee for the

seizure, and the costs of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise, at said hearing or in other proceeding brought for said purpose, as being bona fide, and shall pay the balance of the proceeds to the proper officer of the county who receives fines and forfeitures to be used for the school fund of the county. All liens against a motor vehicle sold under the provisions of this section shall be transferred from the motor vehicle to the proceeds of its sale. If, at the time of hearing, or other proceeding in which the matter is considered, the owner of the vehicle can establish to the satisfaction of the court that said motor vehicle was used in a prearranged speed competition with another motor vehicle on a street or highway or in a street takeover without the knowledge or consent of the owner, and that the owner had no reasonable grounds to believe that the motor vehicle would be used for such purpose, the court shall not order a sale of the vehicle but shall restore it to the owner, and the said owner shall, at his upon request, be entitled to a trial by jury upon such issues.

...."

SECTION 7.(c) G.S. 20-166 reads as rewritten:

"§ 20-166. Duty to stop in event of a crash; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.

(a) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he or she is operating is involved in a crash; and
- (2) That the crash has resulted in serious bodily injury, as defined in G.S. 14-32.4, or death to any person;

shall immediately stop ~~his or her~~ the driver's vehicle at the scene of the crash. The driver shall remain with the vehicle at the scene of the crash until a law-enforcement officer completes the investigation of the crash or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the crash by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection shall be punished as a Class F felony. Notwithstanding the provisions of G.S. 15A-1340.17, if the crash results in the death of another person, the court shall sentence the defendant in the aggravated range of the appropriate prior record level.

(a1) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he or she is operating is involved in a crash; and
- (2) That the crash has resulted in injury;

shall immediately stop ~~his or her~~ the driver's vehicle at the scene of the crash. The driver shall remain with the vehicle at the scene of the crash until a law enforcement officer completes the investigation of the crash or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the crash by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the crash scene within

1 a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful
2 violation of this subsection shall be punished as a Class H felony.

3 (b) ~~In addition to complying with the requirements of subsections (a) and (a1) of this~~
4 ~~section, the driver as set forth in subsections (a) and (a1) Any driver required to stop at the scene~~
5 ~~of a crash pursuant to subsection (a) or (a1) of this section shall give his or her additionally~~
6 ~~provide the following information to the person struck and the driver or occupants of any vehicle~~
7 ~~collided with, unless those individuals are physically or mentally incapable of receiving~~
8 ~~information: (i) the driver's name, address, driver's license number and (ii) the license plate~~
9 ~~number of the vehicle to the person struck or the driver or occupants of any vehicle collided with,~~
10 ~~provided that the person or persons are physically and mentally capable of receiving such~~
11 ~~information, and shall driver's vehicle. The driver shall also render reasonable assistance to any~~
12 ~~person injured in such crash reasonable assistance, including the injured person. Reasonable~~
13 ~~assistance includes calling for medical assistance if it is apparent that such assistance is necessary~~
14 ~~or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor.~~

15 (c) The driver of any vehicle, when the driver knows or reasonably should know that the
16 vehicle which the driver is operating is involved in a crash which results:

17 (1) Only in damage to property; or

18 (2) In injury or death to any person, but only if the operator of the vehicle did not
19 know and did not have reason to know of the death or injury;

20 shall immediately stop the vehicle at the scene of the crash. If the crash is a reportable crash, the
21 driver shall remain with the vehicle at the scene of the crash until a law enforcement officer
22 completes the investigation of the crash or authorizes the driver to leave and the vehicle to be
23 removed, unless remaining at the scene places the driver or others at significant risk of injury.

24 Prior to the completion of the investigation of the crash by a law enforcement officer, or the
25 consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the
26 vehicle from the scene, for any purpose other than to call for a law enforcement officer, to call
27 for medical assistance or medical treatment, or to remove oneself or others from significant risk
28 of injury. If the driver does leave for a reason permitted by this subsection, then the driver must
29 return with the vehicle to the accident scene within a reasonable period of time, unless otherwise
30 instructed by a law enforcement officer. A willful violation of this subsection is a Class 1
31 misdemeanor.

32 (c1) ~~In addition to complying with the requirement of subsection (c) of this section, the~~
33 ~~driver as set forth in subsection (c) Any driver required to stop at the scene of a crash pursuant~~
34 ~~to subsection (c) of this section shall give his or her additionally provide the following~~
35 ~~information to the driver or occupants of any other vehicle involved in the crash or to any person~~
36 ~~whose property is damaged in the crash: (i) the driver's name, address, driver's license number~~
37 ~~and (ii) the license plate number of his vehicle to the driver or occupants of any other vehicle~~
38 ~~involved in the crash or to any person whose property is damaged in the crash. the driver's~~
39 ~~vehicle. If the damaged property is a parked and unattended vehicle and the name and location~~
40 ~~of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the~~
41 ~~driver shall furnish the information required by this subsection to the nearest available peace~~
42 ~~officer, or, in the alternative, and provided the driver thereafter within 48 hours fully complies~~
43 ~~with G.S. 20-166.1(c), shall immediately place a paper-writing containing the information in a~~
44 ~~conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility~~
45 ~~pole, or other fixed object owned by the Department of Transportation, a public utility, or other~~
46 ~~public service corporation to which report cannot readily be made at the scene, it shall be~~
47 ~~sufficient if the responsible driver shall furnish the information required to the nearest peace~~
48 ~~officer or make written report thereof containing the information by U.S. certified mail, return~~
49 ~~receipt requested, to the North Carolina Division of Motor Vehicles within five days following~~
50 ~~the collision. A violation of this subsection is a Class 1 misdemeanor.~~

51 ...

(e) The Division of Motor Vehicles ~~shall revoke~~ shall:

(1) Revoke the drivers license of a person convicted of violating subsection (a) of this section for a period of four years unless the crash results in the death of another person. Any person whose license has been revoked under this subdivision may apply for a new license after three years from revocation.

(2) Revoke the drivers license of a person convicted of violating subsection (a) of this section permanently if the crash results in the death of another person. Any person whose license has been revoked under this subdivision may apply for a new license after seven years from revocation.

(3) Revoke the drivers license of a person convicted of violating subsection (a) or (a1) or (b) of this section for a period of one year, unless the court makes a finding that a longer period of revocation is appropriate under the circumstances of the case. If the court makes this finding, the Division of Motor Vehicles shall revoke that person's drivers license for two years. Upon a first conviction only for a violation of subsection (a1) or (b) of this section, a trial judge may allow limited driving privileges in the manner set forth in G.S. 20-179.3(b)(2) during any period of time during which the drivers license is revoked. Any person whose license has been revoked under this subdivision may apply for a new license after a year from revocation.

(e1) Upon filing of an application for a new license pursuant to subsection (e) of this section, the Division may issue a new license upon satisfactory proof that the former licensee has been of good behavior during the revocation period and that the applicant's conduct and attitude entitle the applicant to favorable consideration. The Division may impose terms and conditions upon the new license for the balance of the revocation period. When the revocation period is permanent, the restrictions and conditions imposed by the Division may not exceed three years."

SECTION 7.(d) G.S. 20-179.3(b)(2) reads as rewritten:

"(2) Any person whose licensing privileges are forfeited pursuant to ~~G.S. 15A-1331.1~~ G.S. 15A-1331.1, 20-166(a1), or 20-166(b) is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid drivers license or a drivers license that had been expired for less than one year and either of the following requirements is met:
...."

SECTION 7.(e) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PART VIII. GUN VIOLENCE PREVENTION

SECTION 8.(a) G.S. 14-415.1 reads as rewritten:

"§ 14-415.1. Possession of firearms, etc., by felon prohibited.

(a) It ~~shall be~~ is unlawful for any person who has been convicted of a felony to purchase, own, possess, or have in ~~his~~ the person's custody, care, or control any firearm or any weapon of mass death and destruction as defined in G.S. 14-288.8(c). For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or (ii) any firearm muffler or firearm silencer. This section does not apply to an antique firearm, as defined in G.S. 14-409.11.

Every person violating the provisions of this ~~section shall be punished as~~ subsection is guilty of a Class G ~~felon~~ felony.

(a1) A person who violates subsection (a) of this section during the commission or attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a Class F felony.

(a2) A person who violates subsection (a) of this section and brandishes a firearm or a weapon of mass death and destruction during the commission or attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a Class D felony. For the purposes of this subsection, to brandish is to display all or part of the firearm or weapon of mass death and destruction or otherwise make the presence of the firearm or weapon of mass death and destruction known to another person.

(a3) A person who violates subsection (a) of this section and discharges a firearm or a weapon of mass death and destruction during the commission or attempted commission of a felony under (i) this Chapter or (ii) Article 5 of Chapter 90 of the General Statutes is guilty of a Class C felony.

(b) Prior convictions which cause disentitlement under this section shall only include:

- (1) Felony convictions in North Carolina that occur before, on, or after December 1, 1995; and
- (2) Repealed by Session Laws 1995, c. 487, s. 3, effective December 1, 1995.
- (3) Violations of criminal laws of other states or of the United States that occur before, on, or after December 1, 1995, and that are substantially similar to the crimes covered in subdivision (1) which are punishable where committed by imprisonment for a term exceeding one year.

When a person is charged under this section, records of prior convictions of any offense, whether in the courts of this State, or in the courts of any other state or of the United States, shall be admissible in evidence for the purpose of proving a violation of this section. The term "conviction" is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is authorized, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the custodian of records of any state or federal court shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein.

(d) This section does not apply to a person who, pursuant to the law of the jurisdiction in which the conviction occurred, has been pardoned or has had his or her firearms rights restored if such restoration of rights could also be granted under North Carolina law.

(e) This section does not apply and there is no disentitlement under this section if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to antitrust violations, unfair trade practices, or restraints of trade."

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

PART IX. LARCENY OF MAIL

SECTION 9.(a) G.S. 14-72 is amended by adding a new subsection to read:

"(c1) Notwithstanding the provision of subsection (a) of this section, where the larceny or receiving or possession of stolen goods is of mail, the person shall be sentenced at one class level higher than the principal offense for which the person was convicted. For the purposes of this section, the term "mail" means a letter, package, bag, or other item of value sent or delivered to another by any method of delivery, including through a common carrier, commercial delivery service, or private delivery."

1 **SECTION 9.(b)** This section becomes effective December 1, 2025, and applies to
2 offenses committed on or after that date.

3
4 **PART X. BURGLARY/B&E SENTENCE ENHANCEMENT**

5 **SECTION 10.(a)** G.S. 14-51 reads as rewritten:

6 **"§ 14-51. First and second degree burglary.**

7 ~~There shall be two degrees in the crime of burglary as defined at the common law. If the~~
8 ~~crime be committed in a dwelling house, or in a room used as a sleeping apartment in any~~
9 ~~building, and any person is in the actual occupation of any part of said dwelling house or sleeping~~
10 ~~apartment at the time of the commission of such crime, it shall be burglary in the first degree. If~~
11 ~~such crime be committed in a dwelling house or sleeping apartment not actually occupied by~~
12 ~~anyone at the time of the commission of the crime, or if it be committed in any house within the~~
13 ~~curtilage of a dwelling house or in any building not a dwelling house, but in which is a room used~~
14 ~~as a sleeping apartment and not actually occupied as such at the time of the commission of the~~
15 ~~crime, it shall be burglary in the second degree.~~

16 ~~For the purposes of defining the crime of burglary, larceny shall be deemed a felony without~~
17 ~~regard to the value of the property in question.~~

18 (a) Burglary in the First Degree. – Any person who shall break and enter the dwelling
19 house or room used as a sleeping apartment of another with the intent to commit any felony or
20 larceny therein and any person is in the actual occupation of any part of said dwelling house or
21 sleeping apartment at the time of the commission of such crime, it shall be burglary in the first
22 degree.

23 (b) Burglary in the Second Degree. – Any person who shall break and enter the dwelling
24 house or room used as a sleeping apartment of another with the intent to commit any felony or
25 larceny therein and the property was not actually occupied at the time of the commission of the
26 crime, it shall be burglary in the second degree."

27 **SECTION 10.(b)** G.S. 14-52 reads as rewritten:

28 **"§ 14-52. Punishment for burglary.**

29 (a) Punishment. – Burglary in the first degree shall be punishable as a Class D felony,
30 and burglary in the second degree shall be punishable as a Class G felony.

31 (b) Enhancement. – If a person possessed a firearm about his or her person during the
32 commission of an offense under G.S. 14-51, in addition to any other sentence enhancement
33 required by law, the person shall be sentenced at a felony class level one class higher than the
34 principal felony for which the person was convicted. An indictment or information for the felony
35 shall allege in that indictment or information the facts that qualify the offense for an enhancement
36 under this subsection. One pleading is sufficient for all felonies that are tried at a single trial."

37 **SECTION 10.(c)** G.S. 14-53 reads as rewritten:

38 **"§ 14-53. Breaking out of dwelling house burglary.**

39 (a) Offense and Punishment. – If any person shall enter the dwelling house of another
40 with intent to commit any felony or larceny therein, or being in such dwelling house, shall commit
41 any felony or larceny therein, and shall, in either case, break out of such dwelling house in the
42 nighttime, house, such person shall be punished as a Class D felon.

43 (b) Enhancement. – If a person possessed a firearm about his or her person during the
44 commission of an offense under subsection (a) of this section, in addition to any other sentence
45 enhancement required by law, the person shall be sentenced at a felony class level one class
46 higher than the principal felony for which the person was convicted. An indictment or
47 information for the felony shall allege in that indictment or information the facts that qualify the
48 offense for an enhancement under this subsection. One pleading is sufficient for all felonies that
49 are tried at a single trial."

50 **SECTION 10.(d)** G.S. 14-54 reads as rewritten:

51 **"§ 14-54. Breaking or entering buildings generally.**

(a) Offense with Intent to Commit Felony or Larceny; Punishment. – Any person who breaks or enters any building with intent to commit any felony or larceny therein shall be punished as a Class H felon.

(a1) Offense with Intent to Terrorize or Injure; Punishment. – Any person who breaks or enters any building with intent to terrorize or injure an occupant of the building is guilty of a Class H felony.

(b) Offense Generally; Punishment. – Any person who wrongfully breaks or enters any building is guilty of a Class 1 misdemeanor.

(b2) Enhancement. – If a person possessed a firearm about his or her person during the commission of an offense under this section, in addition to any other sentence enhancement required by law, the person shall be sentenced at a class level one class higher than the principal offense for which the person was convicted. An indictment or information for the offense shall allege in that indictment or information the facts that qualify the offense for an enhancement under this subsection. One pleading is sufficient for all offenses that are tried at a single trial.

(c) Definition. – As used in this section, "building" shall be construed to include any dwelling, dwelling house, uninhabited house, building under construction, building within the curtilage of a dwelling house, and any other structure designed to house or secure within it any activity or property."

SECTION 10.(e) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PART XI. PRETRIAL USE OF IGNITION INTERLOCK MITIGATING FACTOR

SECTION 11.(a) G.S. 20-179(e) reads as rewritten:

"(e) **Mitigating Factors to Be Weighed.** – The judge shall also determine before sentencing under subsection (f) of this section whether any of the mitigating factors listed below apply to the defendant. The judge shall weigh the degree of mitigation of each factor in light of the particular circumstances of the case. The factors are:

...

(6a) Completion of a substance abuse assessment, compliance with its recommendations, and simultaneously maintaining 60 days of continuous abstinence from alcohol consumption, as proven by a continuous alcohol monitoring system. The continuous alcohol monitoring system shall be of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction.

(6b) Prior to trial, the defendant voluntarily equipped a designated motor vehicle with a functioning ignition interlock system of a type approved by the Commissioner, operated only the designated vehicle with the ignition interlock system for a minimum of six months, and produced evidence satisfactory to the judge that the defendant did not start the vehicle with an alcohol concentration greater than 0.02 or commit any other acts that would be considered violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A. The factor set forth in this subdivision only applies to a defendant who meets all of the following requirements:

a. The defendant was charged with an offense under G.S. 20-138.1.

b. The vehicle being operated by the defendant was not involved at the time of the offense in a crash resulting in the serious injury or death of a person.

c. At the time of the offense, the defendant held either a valid driver's license or a license that had been expired for less than one year.

- d. At the time of the offense, the defendant did not have an additional unresolved pending charge involving impaired driving, or an additional conviction of an offense involving impaired driving within the five years preceding the date of the offense.
- e. At the time of the offense the person did not have an alcohol concentration of 0.15 or more.
- f. The defendant equipped the designated motor vehicle with an ignition interlock system no later than 45 days after being charged with the offense.
- g. The defendant only operated the designated motor vehicle with a limited driving privilege that is valid in this State or during a time when the defendant's driver's license was not revoked or suspended.

(7) Any other factor that mitigates the seriousness of the offense.

Except for the factors in subdivisions (4), (6), (6a), (6b), and (7) of this subsection, the conduct constituting the mitigating factor shall occur during the same transaction or occurrence as the impaired driving offense."

SECTION 11.(b) G.S. 20-179.5 reads as rewritten:

"§ 20-179.5. Affordability of ignition interlock system.

(a) Payment of Costs. – The costs incurred in order to comply with the ignition interlock requirements imposed by the court or the Division pursuant to this Chapter, including costs for installation and monitoring of the ignition interlock system, shall be paid by the person ordered to install the system. The costs incurred from voluntarily installing an ignition interlock system, including costs for monitoring the ignition interlock system, shall be paid by the person voluntarily installing the system. Costs for installation and monitoring of the ignition interlock system shall be collected under terms agreed upon by the ignition interlock system vendor and the person required to ~~install~~ install, or voluntarily installing, the ignition interlock system.

(b) Waiver. – A person who is ordered by a court, or required by statute, to install an ignition interlock system in order to lawfully operate a motor vehicle, but who is unable to afford the cost of an ignition interlock system, may apply to an authorized vendor for a waiver of a portion of the costs of an ignition interlock system. Additionally, a person meeting the requirements set forth in sub-subdivisions a. through f. of subdivision (6b) of subsection (e) of G.S. 20-179 who is unable to afford the cost of an ignition interlock system may apply to an authorized vendor for a waiver of a portion of the costs of an ignition interlock system.

...."

SECTION 11.(c) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

SECTION 11.5.(a) Article 7 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-219.3A. Commercial booting.

A commercial motor vehicle shall not be immobilized using a device such as a boot or any other device for the purposes of parking enforcement. Using an immobilization device on a commercial vehicle in violation of this section is a Class 2 misdemeanor."

SECTION 11.5.(b) Article 7A of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-219.15. Return of commercial cargo.

Notwithstanding G.S. 20-219.10(a) to the contrary, a tower of a nonconsensual tow or tow pursuant to the direction of a law enforcement officer shall promptly return any commercial cargo towed by the tower to the owner of the commercial cargo, or to a designee of the owner, upon request. In the case of a trailer containing commercial cargo, the tower shall allow the trailer containing the commercial cargo to be exchanged with a trailer of similar type that is in working

condition and was manufactured within five years of the manufacturing date of the original trailer, or newer, as arranged by the commercial cargo owner."

SECTION 11.5.(c) Subsection (a) of this section becomes effective December 1, 2025, and applies to offenses committed on or after that date. The remainder of this section is effective when it becomes law.

PART XII. MODIFY MISDEMEANOR EXPUNCTION

SECTION 12.(a) G.S. 15A-145.5(c)(1)a. reads as rewritten:

"a. For expunction of one nonviolent misdemeanor, ~~five~~three years after the date of the conviction or when any active sentence, period of probation, or post-release supervision has been served, whichever occurs later."

SECTION 12.(b) This section is effective when it becomes law and applies to petitions filed on or after that date.

PART XIII. SAVINGS CLAUSE AND EFFECTIVE DATE

SECTION 13.(a) 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.

SECTION 13.(b) Except as otherwise provided, this act is effective when it becomes law.