

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 307  
Committee Substitute Favorable 4/15/25  
PROPOSED SENATE COMMITTEE SUBSTITUTE H307-PCS30506-SAa-38

Short Title: Iryna's Law.

(Public)

Sponsors:

Referred to:

March 6, 2025

A BILL TO BE ENTITLED

AN ACT TO ENACT IRYNA'S LAW; TO MODIFY THE LAW RELATED TO PRETRIAL  
RELEASE CONDITIONS; TO ADD AN AGGRAVATING SENTENCING FACTOR; TO  
MODIFY SUSPENSION OF MAGISTRATES; TO DIRECT THE COLLABORATORY  
TO STUDY MENTAL HEALTH AND THE JUSTICE SYSTEM; TO PROHIBIT  
CERTAIN TASK FORCES; TO MODIFY DEATH PENALTY PROCEEDINGS; TO  
MODIFY THE PROCEDURES FOR INVOLUNTARY COMMITMENT OF A  
DEFENDANT FOUND INCAPABLE OF PROCEEDING; TO EXTEND TERMS OF  
PROBATION AND POST-RELEASE SUPERVISION FOR YOUTH ADJUDICATED OF  
CERTAIN VIOLENT OFFENSES AND TO CLARIFY A VICTIM'S RIGHT TO BE  
NOTIFIED ABOUT TERMINATION OF PROBATION OR POST-RELEASE  
SUPERVISION; AND TO APPROPRIATE FUNDS FOR ADDITIONAL ASSISTANT  
DISTRICT ATTORNEYS AND LEGAL ASSISTANTS IN JUDICIAL DISTRICT 26.

The General Assembly of North Carolina enacts:

**MODIFY THE LAW RELATED TO PRETRIAL RELEASE CONDITIONS**

**SECTION 1.(a)** G.S. 15A-501 reads as rewritten:

**"§ 15A-501. Police processing and duties upon arrest generally.**

Upon the arrest of a person, with or without a warrant, but not necessarily in the order hereinafter listed, a law-enforcement officer:

- (1) Must inform the person arrested of the charge against him or the cause for his arrest.
- (2) Must, with respect to any person arrested without a warrant and, for purpose of setting bail, with respect to any person arrested upon a warrant or order for arrest, take the person arrested before a judicial official without unnecessary delay.
- (2a) Must inform any judicial official determining conditions of pretrial release pursuant to Article 26 of this Chapter of any relevant behavior of the defendant observed by the officer prior to, during, or after the arrest that may provide reasonable grounds for the judicial official to believe the defendant is a danger to themselves or others.
- (3) May, prior to taking the person before a judicial official, take the person arrested to some other place if the person so requests.



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- 1 (4) May, prior to taking the person before a judicial official, take the person  
 2 arrested to some other place if such action is reasonably necessary for the  
 3 purpose of having that person identified.  
 4 (5) Must without unnecessary delay advise the person arrested of his right to  
 5 communicate with counsel and friends and must allow him reasonable time  
 6 and reasonable opportunity to do so.  
 7 (6) Must make available to the State on a timely basis all materials and  
 8 information acquired in the course of all felony investigations. This  
 9 responsibility is a continuing affirmative duty."

10 **SECTION 1.(b)** G.S. 15A-531 reads as rewritten:

11 **"§ 15A-531. Definitions.**

12 As used in this Article the following definitions apply unless the context clearly requires  
 13 otherwise:

14 ...

15 (9) "Violent offense" means any of the following:

- 16 a. Any Class A through G felony that includes assault, the use of physical  
 17 force against a person, or the threat of physical force against a person,  
 18 as an essential element of the offense.  
 19 b. Any felony offense requiring registration pursuant to Article 27A of  
 20 Chapter 14 of the General Statutes, whether or not the person is  
 21 currently required to register.  
 22 c. An offense under G.S. 14-17, and any other offense listed in  
 23 G.S. 15A-533(b).  
 24 d. An offense under G.S. 14-18.4, 14-34.1, 14-51, 14-54(a1), 14-202.1,  
 25 14-277.3A, or 14-415.1, or an offense under G.S. 90-95(h)(4c) that  
 26 involves fentanyl.  
 27 e. Any offense that is an attempt to commit an offense described in this  
 28 subdivision."

29 **SECTION 1.(c)** G.S. 15A-533 reads as rewritten:

30 **"§ 15A-533. Right to pretrial release in capital and noncapital cases.**

31 (a) A defendant charged with any crime, whether capital or noncapital, who is alleged to  
 32 have committed this crime while still residing in or subsequent to his escape or during an  
 33 unauthorized absence from involuntary commitment in a mental health facility designated or  
 34 licensed by the Department of Health and Human Services, and whose commitment is determined  
 35 to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid,  
 36 has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned  
 37 to the treatment facility in which he was residing at the time of the alleged crime or from which  
 38 he escaped or absented himself for continuation of his treatment pending the additional  
 39 proceedings on the criminal offense.

40 (b) A judge shall determine in the judge's discretion whether a defendant charged with  
 41 any of the following crimes may be released before trial:

- 42 (1) G.S. 14-17 (First or second degree murder) or an attempt to commit first or  
 43 second degree murder.  
 44 (2) G.S. 14-27.21 (First degree forcible rape).  
 45 (3) G.S. 14-27.22 (Second degree forcible rape).  
 46 (4) G.S. 14-27.23 (Statutory rape of a child by an adult).  
 47 (5) G.S. 14-27.24 (First degree statutory rape).  
 48 (6) G.S. 14-27.25 (Statutory rape of person who is 15 years of age or younger).  
 49 (7) G.S. 14-27.26 (First degree forcible sexual offense).  
 50 (8) G.S. 14-27.27 (Second degree forcible sexual offense).  
 51 (9) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).

- 1 (10) G.S. 14-27.29 (First degree statutory sexual offense).
- 2 (11) G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age
- 3 or younger).
- 4 (12) G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting
- 5 serious injury).
- 6 (13) G.S.14-34.1 (Discharging certain barreled weapons or a firearm into occupied
- 7 property).
- 8 (14) G.S. 14-39 (First or second degree kidnapping).
- 9 (15) G.S. 14-43.11 (Human trafficking).
- 10 (16) First degree burglary pursuant to G.S. 14-51.
- 11 (17) First degree arson pursuant to G.S. 14-58.
- 12 (18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

13 ~~If~~ There shall be a rebuttable presumption that no condition of release will reasonably assure  
14 the appearance of the person as required and the safety of the community for a defendant charged  
15 with a crime listed under any of the subdivisions of this subsection. However, if the judge  
16 determines that release is warranted for a defendant charged with a crime listed under any of the  
17 subdivisions of this subsection, the judge shall set conditions of pretrial release in accordance  
18 with G.S. 15A-534.

19 A defendant charged with a noncapital offense that is not listed under any of the subdivisions  
20 of this subsection, must otherwise have conditions of pretrial release determined, in accordance  
21 with G.S. 15A-534.

22 (b1) If a defendant is (i) charged with a violent offense and, after a search of the court  
23 records for the defendant, the judicial official determines that the defendant has previously been  
24 subject to an order of involuntary commitment, pursuant to Article 5 of Chapter 122C of the  
25 General Statutes, within the prior three years, or (ii) charged with any offense and the judicial  
26 official has reasonable grounds to believe the defendant is a danger to themselves or others, the  
27 judicial official shall set conditions of pretrial release in accordance with this Article and shall  
28 issue an order that includes all of the following:

- 29 (1) Require the defendant to receive an initial examination by a commitment  
30 examiner, as defined in G.S. 122C-3, to determine if there are grounds to  
31 petition for involuntary commitment of the defendant pursuant to Article 5 of  
32 Chapter 122C of the General Statutes. This examination shall comply with  
33 and satisfy the requirements of the initial examination as provided in  
34 G.S. 122C-263(c).
- 35 (2) Require the arresting officer to immediately transport, or cause to be  
36 transported by an officer of the arresting officer's agency, the defendant to a  
37 hospital emergency department or other crisis facility with certified  
38 commitment examiners for the initial examination. If the defendant has met  
39 all other conditions of pretrial release, the transporting officer may release the  
40 defendant after the initial examination is conducted if one of the following  
41 criteria is met:
  - 42 a. No petition for involuntary commitment is filed pursuant to Article 5  
43 of Chapter 122C of the General Statutes.
  - 44 b. A petition for involuntary commitment is filed pursuant to Article 5 of  
45 Chapter 122C of the General Statutes, but no custody order is issued  
46 pursuant to G.S. 122C-261.
- 47 (3) Require the commitment examiner, after conducting the initial examination,  
48 to do one of the following:
  - 49 a. Petition for involuntary commitment of the defendant pursuant to  
50 Article 5 of Chapter 122C of the General Statutes, if there are grounds  
51 for that petition.

- 1                    b. Provide written notice to the judicial official that entered the order for  
2                    initial examination that there are no grounds to petition for involuntary  
3                    commitment of the defendant.
- 4                    (4) Provide that, except as provided in subdivision (5) of this subsection, whether  
5                    or not the defendant has met all other conditions of pretrial release, if a petition  
6                    for involuntary commitment is filed pursuant to Article 5 of Chapter 122C of  
7                    the General Statutes, the custody of the defendant shall be determined  
8                    pursuant to the provisions of that Article during the pendency of that petition  
9                    and any hearings and orders issued pursuant to that Article.
- 10                   (5) Provide that if a defendant has not met all other conditions of pretrial release,  
11                   if one of the following criteria is met, the defendant shall be transported to and  
12                   held in the local confinement facility of the county where the conditions of  
13                   pretrial release were set until all conditions of pretrial release have been met:
- 14                   a. A petition for involuntary commitment is not filed pursuant to Article  
15                   5 of Chapter 122C of the General Statutes.
- 16                   b. A custody order is not issued pursuant to G.S. 122C-261.
- 17                   c. At any other time, the provisions of Article 5 of Chapter 122C of the  
18                   General Statutes would result in the release of the defendant.
- 19                   (c) A judge may determine in his discretion whether a defendant charged with a capital  
20 offense may be released before trial. If he determines release is warranted, the judge must  
21 authorize release of the defendant in accordance with G.S. 15A-534.
- 22                   (d) There shall be a rebuttable presumption that no condition of release will reasonably  
23 assure the appearance of the person as required and the safety of the community if a judicial  
24 official finds the following:
- 25                   (1) There is reasonable cause to believe that the person committed an offense  
26 involving trafficking in a controlled substance;
- 27                   (2) The drug trafficking offense was committed while the person was on pretrial  
28 release for another offense; and
- 29                   (3) The person has been previously convicted of a Class A through E felony or an  
30 offense involving trafficking in a controlled substance and not more than five  
31 years has elapsed since the date of conviction or the person's release from  
32 prison for the offense, whichever is later.
- 33                   (e) There shall be a rebuttable presumption that no condition of release will reasonably  
34 assure the appearance of the person as required and the safety of the community, if a judicial  
35 official finds all of the following:
- 36                   (1) There is reasonable cause to believe that the person committed an offense for  
37 the benefit of, at the direction of, or in association with, any criminal gang, as  
38 defined in G.S. 14-50.16A(1).
- 39                   (2) The offense described in subdivision (1) of this subsection was committed  
40 while the person was on pretrial release for another offense.
- 41                   (3) The person (i) has been previously convicted of an offense described in  
42 G.S. 14-50.16 through G.S. 14-50.20 or (ii) has been convicted of a criminal  
43 offense and received an enhanced sentence for that offense pursuant to  
44 G.S. 15A-1340.16E, and not more than five years has elapsed since the date  
45 of conviction or the person's release for the offense, whichever is later.
- 46                   (f) There shall be a rebuttable presumption that no condition of release will reasonably  
47 assure the appearance of the person as required and the safety of the community, if a judicial  
48 official finds there is reasonable cause to believe that the person committed a felony or Class A1  
49 misdemeanor offense involving the illegal use, possession, or discharge of a firearm; and the  
50 judicial official also finds any of the following:

1 (1) The offense was committed while the person was on pretrial release for  
2 another felony or Class A1 misdemeanor offense involving the illegal use,  
3 possession, or discharge of a firearm.

4 (2) The person has previously been convicted of a felony or Class A1  
5 misdemeanor offense involving the illegal use, possession, or discharge of a  
6 firearm and not more than five years have elapsed since the date of conviction  
7 or the person's release for the offense, whichever is later.

8 (g) Persons who are considered for bond under the provisions of subsections (d), (e), and  
9 (f) of this section may only be released by a district or superior court judge upon a finding that  
10 there is a reasonable assurance that the person will appear and release does not pose an  
11 unreasonable risk of harm to the community.

12 (h) If a defendant is arrested for a new offense allegedly committed while the defendant  
13 was on pretrial release for another pending proceeding, the judicial official who determines the  
14 conditions of pretrial release for the new offense shall be a judge. The judge shall direct a law  
15 enforcement officer, pretrial services program, or a district attorney to provide a criminal history  
16 report and risk assessment, if available, for the defendant and shall consider the criminal history  
17 when setting conditions of pretrial release. After setting conditions of pretrial release, the judge  
18 shall return the report to the providing agency or department. No judge shall unreasonably delay  
19 the determination of conditions of pretrial release for the purpose of reviewing the defendant's  
20 criminal history report. Notwithstanding the provisions of this subsection, a magistrate or the  
21 clerk of superior court may set the conditions of pretrial release at any time if the new offense is  
22 a violation of Chapter 20 of the General Statutes, other than a violation of G.S. 20-138.1,  
23 20-138.2, 20-138.2A, 20-138.2B, 20-138.5, or 20-141.4.

24 A defendant may be retained in custody pursuant to this subsection not more than 48 hours  
25 from the time of arrest without a judge making a determination of conditions of pretrial release.  
26 If a judge has not acted pursuant to this subsection within 48 hours from the time of arrest of the  
27 defendant, the magistrate shall set conditions of pretrial release in accordance with  
28 G.S. 15A-534."

29 **SECTION 1.(d)** G.S. 15A-534 reads as rewritten:

30 **"§ 15A-534. Procedure for determining conditions of pretrial release.**

31 (a) In determining conditions of pretrial release a judicial official must impose at least  
32 one of the following conditions:

33 ~~(1) Release the defendant on his written promise to appear.~~

34 (2) Release the defendant upon his execution of an unsecured appearance bond in  
35 an amount specified by the judicial official.

36 (3) Place the defendant in the custody of a designated person or organization  
37 agreeing to supervise him.

38 (4) Require the execution of an appearance bond in a specified amount secured  
39 by a cash deposit of the full amount of the bond, by a mortgage pursuant to  
40 G.S. 58-74-5, or by at least one solvent surety.

41 (5) House arrest with electronic monitoring.

42 If condition (5) is imposed, the defendant must execute a secured appearance bond under  
43 subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect  
44 to execute an appearance bond under subdivision (4). If the defendant is required to provide  
45 fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to  
46 G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been  
47 taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial  
48 official shall make the collection of the fingerprints or DNA sample a condition of pretrial  
49 release. The judicial official may also place restrictions on the travel, associations, conduct, or  
50 place of abode of the defendant as conditions of pretrial release. The judicial official may include  
51 as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified

1 by the use of a continuous alcohol monitoring system, of a type approved by the Division of  
2 Community Supervision and Reentry of the Department of Adult Correction, and that any  
3 violation of this condition be reported by the monitoring provider to the district attorney.

4 (b) ~~The~~ Except for a defendant charged with a violent offense, a judicial official in  
5 granting pretrial release must impose condition (1), (2), (2) or (3) in subsection (a) above unless  
6 he determines that such release will not reasonably assure the appearance of the defendant as  
7 required; will pose a danger of injury to any person; or is likely to result in destruction of  
8 evidence, subornation of perjury, or intimidation of potential witnesses. Upon making the  
9 determination, the judicial official must then impose condition (4) or (5) in subsection (a) above  
10 instead of condition (1), (2), (2) or (3), and must record the reasons for so doing in writing to the  
11 extent provided in the policies or requirements issued by the senior resident superior court judge  
12 pursuant to G.S. 15A-535(a). However, if a defendant has been convicted of three or more  
13 offenses, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years,  
14 the judicial official must then impose condition (4) or (5) in subsection (a) of this section.

15 (b1) For a defendant charged with any violent offense, there shall be a rebuttable  
16 presumption that no condition of release will reasonably assure the appearance of the person as  
17 required and the safety of the community. However, if the judicial official determines that pretrial  
18 release is appropriate for a defendant, the judicial official must do one of the following:

19 (1) For a defendant charged with a first violent offense, impose condition (4) or  
20 (5) in subsection (a) of this section.

21 (2) For a defendant charged with a second or subsequent violent offense, after (i)  
22 being convicted of a prior violent offense, or (ii) being released on pretrial  
23 release conditions for a prior violent offense, impose condition (5) in  
24 subsection (a) of this section, if available.

25 (c) In determining which conditions of release to impose, the judicial official shall direct  
26 the arresting law enforcement officer, a pretrial services program, or a district attorney to provide  
27 a criminal history report for the defendant and shall consider the criminal history when setting  
28 conditions of pretrial release. Additionally, the judicial official must, on the basis of available  
29 information, take into account the nature and circumstances of the offense charged; the weight  
30 of the evidence against the defendant; the defendant's family ties, employment, financial  
31 resources, character, housing situation, and mental condition; whether the defendant is  
32 intoxicated to such a degree that he would be endangered by being released without supervision;  
33 the length of his residence in the community; ~~his record of convictions;~~ his history of flight to  
34 avoid prosecution or failure to appear at court proceedings; and any other evidence relevant to  
35 the issue of pretrial release.

36 (d) The judicial official authorizing pretrial release under this section must issue an  
37 appropriate order containing a statement of the conditions imposed, if any; inform the defendant  
38 in writing of the penalties applicable to violations of the conditions of his release; and advise him  
39 that his arrest will be ordered immediately upon any violation. In each and every order  
40 authorizing pretrial release for (i) a defendant who is charged with a violent offense or (ii) a  
41 defendant who has been convicted of three or more offenses, each of which is a Class 1  
42 misdemeanor or higher offense, within the previous 10 years, the judicial official must make  
43 written findings of fact explaining the reasons why the judicial official determined the conditions  
44 of release to be appropriate by applying the factors provided in subsection (c) of this section. The  
45 order of release must be filed with the clerk and a copy given the defendant and any surety, or  
46 the agent thereof who is executing the bond for the defendant's release pursuant to that order.

47 (d1) ~~When~~ Except for a defendant charged with a violent offense, when conditions of  
48 pretrial release are being imposed on a defendant who has failed on one or more prior occasions  
49 to appear to answer one or more of the charges to which the conditions apply, the judicial official  
50 shall at a minimum impose the conditions of pretrial release that are recommended in any order  
51 for the arrest of the defendant that was issued for the defendant's most recent failure to appear. If

1 no conditions are recommended in that order for arrest, the judicial official shall require the  
2 execution of a secured appearance bond in an amount at least double the amount of the most  
3 recent previous secured or unsecured bond for the charges or, if no bond has yet been required  
4 for the charges, in the amount of at least one thousand dollars (\$1,000). The judicial official shall  
5 also impose such restrictions on the travel, associations, conduct, or place of abode of the  
6 defendant as will assure that the defendant will not again fail to appear. The judicial official shall  
7 indicate on the release order that the defendant was arrested or surrendered after failing to appear  
8 as required under a prior release order. If the information available to the judicial official  
9 indicates that the defendant has failed on two or more prior occasions to appear to answer the  
10 charges, the judicial official shall indicate that fact on the release order.

11 (d2) ~~When~~ Except for a defendant charged with a violent offense, when conditions of  
12 pretrial release are being determined for a defendant who is charged with a felony offense and  
13 the defendant is currently on probation for a prior offense, a judicial official shall determine  
14 whether the defendant poses a danger to the public prior to imposing conditions of pretrial release  
15 and must record that determination in writing. This subsection shall apply to any judicial official  
16 authorized to determine or review the defendant's eligibility for release under any proceeding  
17 authorized by this Chapter. After making a determination pursuant to this subsection, the judicial  
18 official shall impose the following conditions:

- 19 (1) If the judicial official determines that the defendant poses a danger to the  
20 public, the judicial official must impose condition (4) or (5) in subsection (a)  
21 of this section instead of condition ~~(1), (2), (2)~~ or (3).
- 22 (2) If the judicial official finds that the defendant does not pose a danger to the  
23 public, then conditions of pretrial release shall be imposed as otherwise  
24 provided in this Article.
- 25 (3) If there is insufficient information to determine whether the defendant poses  
26 a danger to the public, then the defendant shall be retained in custody until a  
27 determination of pretrial release conditions is made pursuant to this  
28 subdivision. The judicial official that orders that the defendant be retained in  
29 custody shall set forth, in writing, the following at the time that the order is  
30 entered:
- 31 a. The defendant is being held pursuant to this subdivision.
- 32 b. The basis for the judicial official's decision that additional information  
33 is needed to determine whether the defendant poses a danger to the  
34 public and the nature of the necessary information.
- 35 c. A date, within 72 hours or 96 hours if the courthouse is closed for  
36 transactions for a period longer than 72 hours, of the time of arrest,  
37 when the defendant shall be brought before a judge for a first  
38 appearance pursuant to Article 29 of this Chapter. If the necessary  
39 information is provided to the court at any time prior to the first  
40 appearance, the first available judicial official shall set the conditions  
41 of pretrial release. The judge who reviews the defendant's eligibility  
42 for release at the first appearance shall determine the conditions of  
43 pretrial release as provided in this Article.

44 (d3) When conditions of pretrial release are being determined for a defendant who is  
45 charged with an offense and the defendant is currently on pretrial release for a prior offense, the  
46 judicial official may require the execution of a secured appearance bond in an amount at least  
47 double the amount of the most recent previous secured or unsecured bond for the charges or, if  
48 no bond has yet been required for the charges, in the amount of at least one thousand dollars  
49 (\$1,000).

50 (d4) When conditions of pretrial release are being determined for a defendant charged with  
51 any felony, a Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of Chapter 14 of

1 the General Statutes, any violation of G.S. 50B-4.1, or any offense involving impaired driving as  
2 defined in G.S. 20-4.01, the judicial official shall attempt to determine if the defendant is a legal  
3 resident or citizen of the United States by an inquiry of the defendant, or by examination of any  
4 relevant documents, or both. If the judicial official is unable to determine if the defendant is a  
5 legal resident or citizen of the United States, the judicial official shall set conditions of pretrial  
6 release pursuant to this Article and shall commit the defendant to an appropriate detention facility  
7 pursuant to G.S. 15A-521 to be fingerprinted, for a query of Immigration and Customs  
8 Enforcement of the United States Department of Homeland Security, and to be held for a period  
9 of two hours from the query of Immigration and Customs Enforcement of the United States  
10 Department of Homeland Security.

11 If by the end of this two-hour period no detainer and administrative warrant have been issued  
12 by Immigration and Customs Enforcement of the United States Department of Homeland  
13 Security, the defendant shall be released pursuant to the terms and conditions of the release order.  
14 If before the end of this two-hour period a detainer and administrative warrant issued by  
15 Immigration and Customs Enforcement of the United States Department of Homeland Security  
16 have been received by the facility, the defendant shall be processed pursuant to G.S. 162-62(b1).

17 (e) A magistrate or a clerk may modify his pretrial release order at any time prior to the  
18 first appearance before the district court judge. At or after such first appearance, except when the  
19 conditions of pretrial release have been reviewed by the superior court pursuant to G.S. 15A-539,  
20 a district court judge may modify a pretrial release order of the magistrate or clerk or any pretrial  
21 release order entered by him at any time prior to:

- 22 (1) In a misdemeanor case tried in the district court, the noting of an appeal; and
- 23 (2) In a case in the original trial jurisdiction of the superior court, the binding of  
24 the defendant over to superior court after the holding, or waiver, of a  
25 probable-cause hearing.

26 After a case is before the superior court, a superior court judge may modify the pretrial release  
27 order of a magistrate, clerk, or district court judge, or any such order entered by him, at any time  
28 prior to the time set out in G.S. 15A-536(a).

29 (f) For good cause shown any judge may at any time revoke an order of pretrial release.  
30 Upon application of any defendant whose order of pretrial release has been revoked, the judge  
31 must set new conditions of pretrial release in accordance with this Article.

32 (g) In imposing conditions of pretrial release and in modifying and revoking orders of  
33 release under this section, the judicial official must take into account all evidence available to  
34 him which he considers reliable and is not strictly bound by the rules of evidence applicable to  
35 criminal trials.

36 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor  
37 throughout all stages of the proceeding in the trial division of the General Court of Justice until  
38 the entry of judgment in the district court from which no appeal is taken or the entry of judgment  
39 in the superior court. The obligation of an obligor, however, is terminated at an earlier time upon  
40 the occurrence of any of the following:

- 41 (1) A judge authorized to do so releases the obligor from the bond.
- 42 (2) The principal is surrendered by a surety in accordance with G.S. 15A-540.
- 43 (3) The proceeding is terminated by voluntary dismissal by the State before  
44 forfeiture is ordered under G.S. 15A-544.3.
- 45 (4) Prayer for judgment has been continued indefinitely in the district court.
- 46 (5) The court has placed the defendant on probation pursuant to a deferred  
47 prosecution or conditional discharge.
- 48 (6) The court's review of a juvenile's secure or nonsecure custody status pursuant  
49 to remand under G.S. 7B-2603 or the removal under G.S. 15A-960 for  
50 disposition as a juvenile case.

51 (i) Repealed by Session Laws 2012-146, s. 1(b), effective December 1, 2012."



1           **SECTION 1.(e)** G.S. 15A-535(b) reads as rewritten:

2           "(b) In any county in which there is a pretrial release program, the senior resident superior  
3 court judge may, after consultation with the chief district court judge, order that defendants  
4 accepted by such program for supervision shall, with their consent, be released by judicial  
5 officials to supervision of such programs, and subject to its rules and regulations, in lieu of  
6 releasing the defendants on conditions ~~(1), (2), (2)~~ or (3) of G.S. 15A-534(a)."

7           **SECTION 1.(f)** G.S. 122C-54(d) reads as rewritten:

8           "(d) Except as otherwise provided in this section, any individual seeking confidential  
9 information contained in the court files or the court records of a proceeding made pursuant to  
10 Article 5 of this Chapter may file a written motion in the cause setting out why the information  
11 is needed. A district court judge may issue an order to disclose the confidential information  
12 sought if he finds the order is appropriate under the circumstances and if he finds that it is in the  
13 best interest of the individual admitted or committed or of the public to have the information  
14 disclosed.

15           Counsel for the respondent and counsel for the State in the commitment hearing may receive  
16 access to the court file without filing a motion or obtaining a court order. A judge presiding over  
17 a criminal case that initiated the Article 5 proceeding may have access to the file without filing a  
18 motion.

19           Judicial officials determining whether a criminal defendant may be released before trial  
20 pursuant to G.S. 15A-533 may have access to the defendant's records of proceedings made  
21 pursuant to Article 5 of this Chapter for the purposes of determining whether a criminal defendant  
22 has been involuntarily committed within the previous three years."

23           **SECTION 1.(g)** No later than the effective date of subsections (a) through (e) of this  
24 section, each judicial district that does not already have the capability of imposing house arrest  
25 with electronic monitoring under G.S. 15A-534(a)(5) shall enter into a Memorandum of  
26 Agreement with a qualified vendor to provide such services. A defendant released with the  
27 condition of house arrest with electronic monitoring shall be responsible for paying for the  
28 services provided by the qualified vendor.

29           **SECTION 1.(h)** No later than the effective date of subsections (a) through (e) of this  
30 section, the Administrative Office of the Courts shall provide a method for judicial officials to  
31 determine if a defendant has a prior order of involuntary commitment, pursuant to Article 5 of  
32 Chapter 122C of the General Statutes, for purposes of complying with subsections (a) through  
33 (e) of this section.

34           **SECTION 1.(i)** No later than the effective date of subsections (a) through (e) of this  
35 section, the Administrative Office of the Courts shall develop or modify any forms necessary to  
36 implement this section. For any provision where a written finding of fact may be required, the  
37 form, whether physical or electronic, shall provide a blank area for that written finding to be  
38 entered.

39           **SECTION 1.(j)** Subsections (a) through (e) of this section become effective  
40 December 1, 2025, and apply to persons appearing before a judicial official for the determination  
41 of pretrial release conditions on or after that date. The remainder of this section is effective when  
42 it becomes law.

#### 43 44 **ADD AN AGGRAVATING SENTENCING FACTOR**

45           **SECTION 2.(a)** G.S. 15A-1340.16(d) reads as rewritten:

46           "(d) Aggravating Factors. – The following are aggravating factors:

47           ...

48           (19c) The offense was committed by the defendant while the victim was using a  
49 public transportation system as defined in G.S. 160A-601.

50           (20) Any other aggravating factor reasonably related to the purposes of sentencing.

1 Evidence necessary to prove an element of the offense shall not be used to prove any factor  
2 in aggravation, and the same item of evidence shall not be used to prove more than one factor in  
3 aggravation. Evidence necessary to establish that an enhanced sentence is required under  
4 G.S. 15A-1340.16A may not be used to prove any factor in aggravation.

5 The judge shall not consider as an aggravating factor the fact that the defendant exercised the  
6 right to a jury trial.

7 Notwithstanding the provisions of subsection (a1) of this section, the determination that an  
8 aggravating factor under G.S. 15A-1340.16(d)(18a) is present in a case shall be made by the  
9 court, and not by the jury. That determination shall be made in the sentencing hearing."

10 **SECTION 2.(b)** G.S. 15A-2000(e) reads as rewritten:

11 "(e) Aggravating Circumstances. – Aggravating circumstances that may be considered are  
12 limited to the following:

- 13 (1) The capital felony was committed by a person lawfully incarcerated.
- 14 (2) The defendant had been previously convicted of another capital felony or had  
15 been previously adjudicated delinquent in a juvenile proceeding for  
16 committing an offense that would be a capital felony if committed by an adult.
- 17 (3) The defendant had been previously convicted of a felony involving the use or  
18 threat of violence to the person or had been previously adjudicated delinquent  
19 in a juvenile proceeding for committing an offense that would be a Class A,  
20 B1, B2, C, D, or E felony involving the use or threat of violence to the person  
21 if the offense had been committed by an adult.
- 22 (4) The capital felony was committed for the purpose of avoiding or preventing a  
23 lawful arrest or effecting an escape from custody.
- 24 (5) The capital felony was committed while the defendant was engaged, or was  
25 an aider or abettor, in the commission of, or an attempt to commit, or flight  
26 after committing or attempting to commit, any homicide, robbery, rape or a  
27 sex offense, arson, burglary, kidnapping, or aircraft piracy or the unlawful  
28 throwing, placing, or discharging of a destructive device or bomb.
- 29 (6) The capital felony was committed for pecuniary gain.
- 30 (7) The capital felony was committed to disrupt or hinder the lawful exercise of  
31 any governmental function or the enforcement of laws.
- 32 (8) The capital felony was committed against a law-enforcement officer,  
33 employee of the Department of Adult Correction, an employee of the Division  
34 of Juvenile Justice of the Department of Public Safety, jailer, fireman, judge  
35 or justice, former judge or justice, prosecutor or former prosecutor, juror or  
36 former juror, or witness or former witness against the defendant, while  
37 engaged in the performance of official duties or because of the exercise of  
38 official duty.
- 39 (9) The capital felony was especially heinous, atrocious, or cruel.
- 40 (10) The defendant knowingly created a great risk of death to more than one person  
41 by means of a weapon or device that would normally be hazardous to the lives  
42 of more than one person.
- 43 (11) The murder for which the defendant stands convicted was part of a course of  
44 conduct in which the defendant engaged and that included the commission by  
45 the defendant of other crimes of violence against another person or persons.
- 46 (12) The capital felony was committed by the defendant while the victim was using  
47 a public transportation system as defined in G.S. 160A-601."

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

50  
51 **MODIFY SUSPENSION OF MAGISTRATES**

1           **SECTION 3.(a)** G.S. 7A-171.3 reads as rewritten:

2   "**§ 7A-171.3. Magistrate rules of conduct.**

3       The Administrative Office of the Courts shall prescribe rules of conduct for all magistrates  
4 not inconsistent with the Constitution of the United States or inconsistent with the Constitution  
5 of the State of North Carolina. The rules of conduct shall apply to all magistrates and shall include  
6 rules governing the following:

- 7           (1) Standards of professional ~~conduct and timeliness.~~conduct, timeliness, and  
8                 conflicts of interest.  
9           (2) Required duties and responsibilities.  
10          (3) Methods for ethical decision making.  
11          (4) Any other topic deemed relevant by the Administrative Office of the Courts."

12           **SECTION 3.(b)** G.S. 7A-173 reads as rewritten:

13   "**§ 7A-173. Suspension; removal; reinstatement.**

14          (a) A magistrate may be suspended from performing the duties of the magistrate's office  
15 by the chief district judge of the district court district in which the magistrate's county of  
16 appointment is ~~located.~~located, or upon order of the Chief Justice. A magistrate may be removed  
17 from office by the senior regular resident superior court judge of, or any regular superior court  
18 judge holding court in, the district or set of districts as defined in G.S. 7A-41.1(a) in which the  
19 magistrate's county of appointment is located. Grounds for suspension or removal are the same  
20 as for a judge of the General Court of ~~Justice.~~Justice and also include the failure of a magistrate  
21 to make statutorily required written findings.

22          (b) ~~Suspension~~Except as provided in subsection (b1) of this section, suspension from  
23 performing the duties of the office may be ordered upon filing of sworn written charges in the  
24 office of clerk of superior court for the county in which the magistrate was appointed. If the chief  
25 district judge, upon examination of the sworn charges, finds that the charges, if true, constitute  
26 grounds for removal, the chief district judge may enter an order suspending the magistrate from  
27 performing the duties of the magistrate's office until a final determination of the charges on the  
28 merits. During suspension the salary of the magistrate continues.

29          **(b1)** If the Chief Justice orders suspension, the order shall include the charges alleged that  
30 constitute grounds for removal and shall be filed with the office of the clerk of superior court for  
31 the county in which the magistrate was appointed. Upon receipt of the order, the clerk shall notify  
32 the chief district judge who shall implement the suspension of the magistrate until a final  
33 determination of the charges on the merits under subsection (c) of this section. During suspension  
34 the salary of the magistrate continues.

35          (c) If a hearing, with or without suspension, is ordered, the magistrate against whom the  
36 charges have been made shall be given immediate written notice of the proceedings and a true  
37 copy of the charges, and the matter shall be set by the chief district judge for hearing before the  
38 senior regular resident superior court judge or a regular superior court judge holding court in the  
39 district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of  
40 appointment is located. The hearing shall be held in a county within the district or set of districts  
41 not less than 10 days nor more than 30 days after the magistrate has received a copy of the  
42 charges. The hearing shall be open to the public. All testimony offered shall be recorded. At the  
43 hearing the superior court judge shall receive evidence, and make findings of fact and conclusions  
44 of law. If the judge finds that grounds for removal exist, the judge shall enter an order  
45 permanently removing the magistrate from office, and terminating the magistrate's salary. If the  
46 judge finds that no such grounds exist, he shall terminate the suspension, if any. Notwithstanding  
47 the provisions of this subsection, if the judge finds that the only grounds for removal are the  
48 failure of the magistrate to make statutorily required written findings, and the magistrate has no  
49 prior charges of or suspensions for failure to make statutorily required written findings, the judge  
50 shall not permanently remove the magistrate from office.

1 (d) A magistrate may appeal from an order of removal to the Court of Appeals on the  
2 basis of error of law by the superior court judge. Pending decision of the case on appeal, the  
3 magistrate shall not perform any of the duties of the magistrate's office. If, upon final  
4 determination, the magistrate is ordered reinstated, either by the appellate division or by the  
5 superior court on remand, the magistrate's salary shall be restored from the date of the original  
6 order of removal."  
7

## 8 **DIRECT THE COLLABORATORY TO STUDY MENTAL HEALTH AND THE** 9 **JUSTICE SYSTEM**

10 **SECTION 4.** The North Carolina Collaboratory (Collaboratory) shall study the  
11 following:

- 12 (1) The intersection of mental health in the justice system for both adults and  
13 juveniles in North Carolina, including initial response, mental health  
14 evaluation, inpatient and outpatient involuntary commitment, incarceration,  
15 post-release monitoring and treatment, and any other items the Collaboratory  
16 deems relevant.
- 17 (2) The availability of house arrest as a condition of pretrial release in each county  
18 or judicial district.
- 19 (3) Methods of execution other than those currently authorized by State law.

20 This study may include the issuance of one or more research awards to provide, as  
21 necessary, planning grants for a preliminary investigation to (i) identify, obtain, and analyze  
22 existing data, (ii) identify other critical data that could be acquired and analyzed, (iii) identify  
23 appropriate stakeholder groups for engagement, (iv) develop a holistic and longer-term research  
24 team and plan with a formal scope of work, time line, and deliverables, and (v) any other items  
25 the Collaboratory deems relevant. The Collaboratory may also utilize these preliminary findings  
26 to fund one or more awards for additional research to support this study.

27 Any unit of State or local government that receives a written request from the  
28 Collaboratory, including an electronically transmitted request, shall cooperate and assist the  
29 Collaboratory with this study by providing full access to personnel and data within 30 calendar  
30 days of the request. Any information or data received that is confidential or not public record  
31 shall remain confidential, shall be withheld from public inspection, shall be used only for the  
32 purposes this study, and may not be publicly disclosed except as deidentified, aggregated  
33 information or data.

34 The Collaboratory shall provide a preliminary report of its findings to the Joint  
35 Legislative Commission on Governmental Operations no later than April 1, 2026, and a final  
36 report of its findings, including any policy or funding recommendations, no later than March 1,  
37 2027.

38 Notwithstanding any provision of law to the contrary, of the funds appropriated to  
39 The University of North Carolina (Budget Code 16020) for the North Carolina Policy  
40 Collaboratory (Collaboratory) for the purposes described in Item 188 on Page B-56 of the  
41 Committee Report referenced in Section 43.2 of S.L. 2021-180, the Collaboratory shall reallocate  
42 up to one million dollars (\$1,000,000) for the study required under this section, including  
43 consultants or faculty, staff, or students affiliated with institutions of higher education.  
44

## 45 **RESCIND/PROHIBIT TASK FORCE**

46 **SECTION 5.** The Task Force for Racial Equity in Criminal Justice, created by the  
47 Governor's Executive Order No. 145, and extended by Executive Order No. 273, has expired and  
48 that task force may not be recreated except by act of the General Assembly.  
49

## 50 **MODIFY DEATH PENALTY PROCEEDINGS**

51 **SECTION 6.(a)** G.S. 15A-1415(a) reads as rewritten:

1       "(a) In a capital case, a defendant may file a postconviction motion for appropriate relief  
2 based on any of the grounds enumerated in this section within 120 days from the latest of any of  
3 the following:

- 4           (1) The court's judgment has been filed, but the defendant failed to perfect a  
5 timely appeal.
- 6           (2) The mandate issued by a court of the appellate division on direct appeal  
7 pursuant to N.C.R. App. P. 32(b) and the time for filing a petition for writ of  
8 certiorari to the United States Supreme Court has expired without a petition  
9 being filed.
- 10          (3) The United States Supreme Court denied a timely petition for writ of certiorari  
11 of the decision on direct appeal by the Supreme Court of North Carolina.
- 12          (4) Following the denial of discretionary review by the Supreme Court of North  
13 Carolina, the United States Supreme Court denied a timely petition for writ of  
14 certiorari seeking review of the decision on direct appeal by the North  
15 Carolina Court of Appeals.
- 16          (5) The United States Supreme Court granted the defendant's or the State's timely  
17 petition for writ of certiorari of the decision on direct appeal by the Supreme  
18 Court of North Carolina or North Carolina Court of Appeals, but subsequently  
19 left the defendant's conviction and sentence undisturbed.
- 20          (6) The appointment of postconviction counsel for an indigent capital defendant.

21       A hearing for a motion for appropriate relief based on grounds in this section shall be heard  
22 by the court within 24 months of the motion being filed. If the court continues the hearing beyond  
23 24 months, it must make a written finding of extraordinary circumstances that provide good cause  
24 for a delay."

25       **SECTION 6.(b)** G.S. 15A-2000(d) reads as rewritten:

26       "(d) Review of Judgment and Sentence. –

- 27           (1) The judgment of conviction and sentence of death is subject to automatic  
28 review by the Supreme Court of North Carolina pursuant to procedures  
29 established by the Rules of Appellate Procedure. In its review, the Supreme  
30 Court shall consider the punishment imposed as well as any arguments raised  
31 on appeal. The review shall occur within 24 months of entry of judgment  
32 unless the Chief Justice of the Supreme Court makes a written finding of  
33 extraordinary circumstances that provide good cause for a delay.

34       ...."

35       **SECTION 6.(c)** Article 100 of Chapter 15A of the General Statutes is amended by  
36 adding a new section to read:

37       "**§ 15A-2007. Postconviction venue for capital defendants.**

38       Notwithstanding any other provision of law, the venue for any filing, claim, or proceeding  
39 related to the conviction, sentencing, treatment, housing, or execution of a defendant that has  
40 been convicted of a capital offense and sentenced to death shall be in the county of conviction.  
41 This section does not apply to matters that are authorized by law to be filed directly with the  
42 Supreme Court of North Carolina."

43       **SECTION 6.(d)** No later than the effective date of subsections (a) through (c) of this  
44 section, the Administrative Office of the Courts shall develop or modify any forms necessary to  
45 implement this section. For any provision where a written finding of fact may be required, the  
46 form, whether physical or electronic, shall provide a blank area for that written finding to be  
47 entered.

48       **SECTION 6.(e)** Subsections (a) and (b) of this section become effective December  
49 1, 2025, and apply (i) to motions filed and judgments entered on or after that date and (ii) to  
50 motions filed or judgments entered prior to that date, and any motions pending on that date,  
51 except that any motion filed or judgment entered more than 24 months prior to that date shall be

1 heard or reviewed no later than December 1, 2027, and shall be scheduled for hearing or review  
2 no later than December 1, 2026. Subsection (c) of this section becomes effective December 1,  
3 2025, and applies to any filings made and any proceedings or hearings held on or after that date.  
4 The remainder of this section is effective when it becomes law.

5  
6 **MODIFY THE PROCEDURES FOR INVOLUNTARY COMMITMENT OF A**  
7 **DEFENDANT FOUND INCAPABLE OF PROCEEDING**

8 **SECTION 7.(a)** G.S. 15A-1003 reads as rewritten:

9 **"§ 15A-1003. Referral of incapable defendant for civil commitment proceedings.**

10 (a) When a defendant is found to be incapable of proceeding, the presiding judge, upon  
11 such additional hearing, if any, as he determines to be necessary, shall determine whether there  
12 are reasonable grounds to believe the defendant meets the criteria for involuntary commitment  
13 under Part 7 of Article 5 of Chapter 122C of the General Statutes. If the presiding judge finds  
14 reasonable grounds to believe that the defendant meets the criteria, he shall make findings of fact  
15 and issue a custody order in the same manner, upon the same grounds and with the same effect  
16 as an order issued by a clerk or magistrate pursuant to G.S. 122C-261. Proceedings thereafter are  
17 in accordance with Part 7 of Article 5 of Chapter 122C of the General Statutes. If the defendant  
18 was charged with a violent crime, including a crime involving assault with a deadly weapon, the  
19 judge's custody order shall require a law-enforcement officer to take the defendant directly to a  
20 24-hour facility as described in G.S. 122C-252; and the order must indicate that the defendant  
21 was charged with a violent crime and that he was found incapable of proceeding.

22 (a1) Prior to the dismissal of any charges pursuant to G.S. 15A-1008, if the defendant is  
23 not subject to an involuntary commitment order issued pursuant to Part 7 of Article 5 of Chapter  
24 122C of the General Statutes, the court shall make the determinations and findings required by  
25 subsection (a) of this section upon motion of the district attorney.

26 (b) The court may make appropriate orders for the temporary detention of the defendant  
27 pending that proceeding.

28 (c) Evidence used at the hearing with regard to capacity to proceed is admissible in the  
29 involuntary civil commitment proceedings."

30 **SECTION 7.(b)** G.S. 15A-1008 reads as rewritten:

31 **"§ 15A-1008. Dismissal of charges.**

32 (a) When a defendant lacks capacity to proceed, the court shall dismiss the charges upon  
33 the earliest of the following occurrences:

34 (1) When it appears to the satisfaction of the court that the defendant will not gain  
35 capacity to proceed.

36 (2) When as a result of incarceration, involuntary commitment to an inpatient  
37 facility, or other court-ordered confinement, the defendant has been  
38 substantially deprived of his liberty for a period of time equal to or in excess  
39 of the maximum term of imprisonment permissible for prior record Level VI  
40 for felonies or prior conviction Level III for misdemeanors for the most  
41 serious offense charged.

42 (3) Upon the expiration of a period of five years from the date of determination  
43 of incapacity to proceed in the case of misdemeanor charges and a period of  
44 10 years in the case of felony charges.

45 (b) A dismissal entered pursuant to subdivision (2) of subsection (a) of this section shall  
46 be without leave.

47 (c) A dismissal entered pursuant to subdivision (1) or (3) of subsection (a) of this section  
48 shall be issued without prejudice to the refile of the charges. ~~Upon the defendant becoming~~  
49 ~~capable of proceeding, the prosecutor may reinstitute proceedings dismissed pursuant to~~  
50 ~~subdivision (1) or (3) of subsection (a) of this section by filing written notice with the clerk, with~~  
51 ~~the defendant, and with the defendant's attorney of record.~~

1 (d) Dismissal of criminal charges pursuant to this section shall be upon motion of the  
2 prosecutor or the defendant or upon the court's own ~~motion~~ motion and shall not be expunged  
3 pursuant to G.S. 15A-146."

4 **SECTION 7.(c)** G.S. 122C-268(c) reads as rewritten:

5 "(c) If the respondent's custody order indicates that ~~he~~ the respondent was charged with a  
6 violent crime, including a crime involving an assault with a deadly weapon, and that ~~he~~ the  
7 respondent was found incapable of proceeding, the clerk shall give notice of the time and place  
8 of the hearing to the chief district judge and the district attorney in the county in which the  
9 defendant was found incapable of proceeding as provided in G.S. 122C-264(d). The district  
10 attorney in the county in which the respondent was found incapable of proceeding may represent  
11 the State's interest at the hearing. Notwithstanding the provisions of G.S. 122C-269, if the district  
12 attorney elects to represent the State's interest, upon motion of the district attorney, the venue for  
13 the hearing, rehearings, and supplemental rehearings shall be the county in which the respondent  
14 was found incapable of proceeding."

15 **SECTION 7.(d)** G.S. 122C-277(b) reads as rewritten:

16 "(b) If the respondent was initially committed as the result of conduct resulting in ~~his~~ the  
17 respondent being charged with a violent crime, including a crime involving an assault with a  
18 deadly weapon, and respondent was found incapable of proceeding, 15 days before the  
19 respondent's discharge or conditional release the ~~attending physician shall notify~~ facility shall  
20 notify the district attorney of the district where the respondent was found incapable of proceeding  
21 and the clerk of superior court of the county in which the facility is located of his the attending  
22 physician's determination regarding the proposed discharge or conditional release. The clerk shall  
23 then schedule a rehearing to determine the appropriateness of respondent's release under the  
24 standards of commitment set forth in G.S. 122C-271(b). The clerk shall give notice as provided  
25 in G.S. 122C-264(d). The district attorney of the district where respondent was found incapable  
26 of proceeding may represent the State's interest at the hearing. Notwithstanding the provisions of  
27 G.S. 122C-269, if the district attorney elects to represent the State's interest, upon motion of the  
28 district attorney, the venue for the hearing, rehearings, and supplemental rehearings shall be the  
29 county in which the respondent was found incapable of proceeding."

30 **SECTION 7.(e)** This section becomes effective December 1, 2025. Subsections (a)  
31 and (b) of this section apply to dismissals and proceedings occurring on or after that date.  
32 Subsections (c) and (d) of this section apply to commitment proceedings initiated on or after that  
33 date.

34  
35 **EXTEND TERMS OF PROBATION AND POST-RELEASE SUPERVISION FOR**  
36 **YOUTH ADJUDICATED OF CERTAIN VIOLENT OFFENSES AND CLARIFY A**  
37 **VICTIM'S RIGHT TO BE NOTIFIED ABOUT TERMINATION OF PROBATION OR**  
38 **POST-RELEASE SUPERVISION**

39 **SECTION 8.(a)** G.S. 7B-2510 reads as rewritten:

40 "**§ 7B-2510. Conditions of probation; violation of probation.**

41 ...

42 (c) An order of probation shall remain in force for a period not to exceed one year from  
43 the date entered. ~~Prior~~ Except as otherwise provided in subsection (c1) of this section, prior to  
44 expiration of an order of probation, the court may extend it for an additional period of one year  
45 after notice and a hearing, if the court finds that the extension is necessary to protect the  
46 community or to safeguard the welfare of the juvenile. At the discretion of the court, the hearing  
47 to determine to extend probation may occur after the expiration of an order of probation at the  
48 next regularly scheduled court date or if the juvenile fails to appear in court.

49 (c1) Prior to expiration of an order of probation entered for an adjudication of an offense  
50 that would be a Class A, B1, or B2 felony if committed by an adult, the court may extend the  
51 term of probation for additional periods of up to one year after notice and a hearing, if the court

1 finds that the extension is necessary to protect the community or to safeguard the welfare of the  
2 juvenile. The total period of probation entered for an adjudication of an offense that would be a  
3 Class A, B1, or B2 felony if committed by an adult shall not exceed three years. At the discretion  
4 of the court, the hearing to determine to extend probation may occur after the expiration of an  
5 order of probation at the next regularly scheduled court date or if the juvenile fails to appear in  
6 court.

7 (d) On motion of the juvenile court ~~counselor or~~ counselor, the juvenile, the prosecutor,  
8 or on the court's own motion, the court may review the progress of any juvenile on probation at  
9 any time during the period of probation or at the end of probation. The conditions or duration of  
10 probation may be modified only as provided in this Subchapter and only after notice and a  
11 hearing.

12 ...."

13 **SECTION 8.(b)** G.S. 7B-2511 reads as rewritten:

14 "**§ 7B-2511. Termination of probation.**

15 At the end of or at any time during probation, the court may terminate probation by written  
16 order upon finding that there is no further need for supervision. ~~The~~ Except for cases that involve  
17 a victim as defined in Article 20A of this Chapter, the finding and order terminating probation  
18 may be entered in chambers in the absence of the juvenile and may be based on a report from the  
19 juvenile court counselor or, at the election of the court, the order may be entered with the juvenile  
20 present after notice and a hearing. In cases involving a victim as defined in Article 20A of this  
21 Chapter, the order may be entered with the juvenile present after notice and a hearing. If a victim  
22 has requested to be notified of court proceedings pursuant to G.S. 7B-2053, the Division of  
23 Juvenile Justice shall provide notice to the victim, and the court shall provide the prosecutor, the  
24 victim, or the person who may assert the victim's rights as set forth in Article 20A of this Chapter  
25 the opportunity to be heard at the hearing."

26 **SECTION 8.(c)** G.S. 7B-2514 reads as rewritten:

27 "**§ 7B-2514. Post-release supervision planning; release.**

28 ...

29 (b) The Division shall develop the plan in writing and base the terms on the needs of the  
30 juvenile and the protection of the public. ~~Every~~ Except as otherwise provided in subsection (b1)  
31 of this section, every plan shall require the juvenile to complete at least 90 days, but not more  
32 than one year, of post-release supervision.

33 (b1) Every plan developed for an offense that would be a Class A, B1, B2, or C felony if  
34 committed by an adult shall require the juvenile to complete three years of post-release  
35 supervision. The Division shall develop the plan in writing and base the terms on the needs of  
36 the juvenile and the protection of the public.

37 ...

38 (g) A juvenile on post-release supervision shall be supervised by a juvenile court  
39 counselor. Post-release supervision shall be terminated by order of the court. For plans developed  
40 pursuant to subsection (b1) of this section, post-release supervision may be terminated with the  
41 juvenile present after notice and a hearing. If a victim has requested to be notified of court  
42 proceedings pursuant to G.S. 7B-2053, the Division of Juvenile Justice shall provide notice to  
43 the victim, and the court shall provide the prosecutor, the victim, or the person who may assert  
44 the victim's rights as set forth in Article 20A of this Chapter the opportunity to be heard at the  
45 hearing."

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

48  
49 **ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND LEGAL ASSISTANTS IN**  
50 **MECKLENBURG COUNTY**

51 **SECTION 9.(a)** G.S. 7A-60(a1) reads as rewritten:



1       "(a1) The counties of the State are organized into prosecutorial districts, and each district  
 2 has the counties and the number of full-time assistant district attorneys set forth in the following  
 3 table:

| Prosecutorial<br>District | Counties    | No. of Full-Time<br>Asst. District<br>Attorneys |
|---------------------------|-------------|---|
| ...                       |             |   |
| 26                        | Mecklenburg | <del>64</del> 71                                |
| ...."                     |             |   |

10       **SECTION 9.(b)** There is appropriated from the General Fund to the Administrative  
 11 Office of the Courts the sum of one million six hundred twenty-three thousand five hundred ten  
 12 dollars (\$1,623,510) in recurring funds beginning in the 2025-2026 fiscal year and thirty-seven  
 13 thousand five hundred twenty dollars (\$37,520) in nonrecurring funds in the 2025-2026 fiscal  
 14 year to be used to hire 10 full-time assistant district attorneys in Prosecutorial District 26,  
 15 Mecklenburg County.

16       **SECTION 9.(c)** There is appropriated from the General Fund to the Administrative  
 17 Office of the Courts the sum of four hundred thirty-three thousand dollars (\$433,000) in recurring  
 18 funds beginning in the 2025-2026 fiscal year and twenty thousand nine hundred ninety dollars  
 19 (\$20,990) in nonrecurring funds in the 2025-2026 fiscal year to be used to hire five full-time  
 20 legal assistant positions in Prosecutorial District 26, Mecklenburg County.

21       **SECTION 9.(d)** This section is effective retroactively to July 1, 2025.

22  
 23 **EFFECTIVE DATE AND SEVERABILITY**

24       **SECTION 10.(a)** If any provision of this act or its application is held invalid, the  
 25 invalidity does not affect other provisions or applications of this act that can be given effect  
 26 without the invalid provisions or application and, to this end, the provisions of this act are  
 27 severable.

28       **SECTION 10.(b)** Except as otherwise provided, this act is effective when it becomes  
 29 law.