



# SENATE BILL 855: Recodification of Criminal Laws.

2019-2020 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 9, 2020
<b>Introduced by:</b>	Sens. Wells, Daniel, Britt	<b>Prepared by:</b>	Shawn Middlebrooks Staff Attorney
<b>Analysis of:</b>	PCS to First Edition S855-CSBQ-45		

**OVERVIEW:** *Senate Bill 855 would create a Criminal Law Recodification Working Group to make recommendations for the recodification of North Carolina's Criminal Laws, and appropriate funds to the Criminal Justice Innovation Lab within the School of Government to assist the Working Group. The PCS would clarify when the Working Group must hold its first meeting.*

**CURRENT LAW:** S. L. 2018-69 required all State agencies, boards and commissions having power to define conduct as a crime to create and submit a list of all crimes defined by the entity to the Joint Legislative Administrative Procedure Oversight Committee (APO Oversight) and the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight). The act also directed the Administrative Office of the Courts (AOC) to compile a list of all common law and statutory criminal offenses, identify and list any offenses determined to be duplicative, unnecessary, or declared unconstitutional and submit the list to APO Oversight and JPS Oversight. Finally, the act directed every city, town or metropolitan sewerage district that enacted an ordinance punishable as a crime to create a list of the ordinances and submit the list to APO Oversight and JPS Oversight.

S.L. 2019-198 directed the General Statutes Commission (GSC) to study the reports received pursuant to S.L. 2018-69 and make recommendations to the General Assembly and the Joint Oversight Committee on General Government, by May 1, 2020, regarding whether conduct criminalized by ordinance or by administrative code should be criminalized by general statute. S.L. 2020-3 extended the date for the GSC to submit its recommendations to March 1, 2021.

**BILL ANALYSIS:** Senate Bill 855 does the following:

**Sections 1.(a) through (e)** would:

- Create a Bipartisan Criminal Law Recodification Working Group (Working Group), authorize the Working Group to make recommendations to the 2021 General Assembly regarding a modernized criminal code, and require the Working Group to oversee the work of the Criminal Justice Innovation Lab (CJIL).
- Establish the composition of members to the Working Group.
- Direct the Working Group to solicit comments and feedback from the public, including various State entities.
- Establish procedures for filling appointments and vacancies to the Working Group, and empower the Working Group to conduct hearings, collect data from State entities and subpoena witnesses.

Karen Cochrane-Brown  
Director



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- Establish meeting requirements for the Working Group, authorize per diem, subsistence and travel expenses for Working Group members, direct the Legislative Services Commission to provide professional and technical assistance to the Working Group, and terminate the Working Group.
- The PCS would clarify that the Working Group must hold its first meeting by November 16, 2020.

**Sections 2.(a) through (d)** would:

- Appropriate \$338,771 in nonrecurring funds for FY 2020-2021 to be allocated to the CJIL for the purposes specified in this section.
- Require the CJIL report to and take direction from the Working Group and direct the School of Government to provide meeting space to the Working Group.
- Require the Working Group to establish general principles for the CJIL to follow to create a modernized criminal code.
- Direct the CJIL to provide the following deliverables:
  - Create a database containing all statutory and common law crimes, ordinance offenses, and crimes created by administrative boards and bodies.
  - Report to the Working Group on common ordinance crimes, and on policy options for addressing regulatory crimes consistent with the Working Group's goals.
  - Submit draft legislation regarding the deliverables required by this section.

**EFFECTIVE DATE:** This act becomes effective July 1, 2020.