



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 455: Decriminalize Non-Statutory Offenses.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 28, 2021
Introduced by:	Sens. Britt, Mohammed, Lee	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 455 would decriminalize non-statutory criminal offenses, and centralize criminal offenses within the law.

BILL ANALYSIS AND CURRENT LAW:

G.S. 14-4 makes the violation of a local ordinance generally, a Class 3 misdemeanor with a fine of not more than \$500.00.

Section 1 of Senate Bill 455 would reduce the criminal penalty for the violation of a local ordinance from, to an infraction with a maximum fine of \$50.00. (Similar to parking violations under current law.)

Section 2 of Senate Bill 455 would add a new section to the Criminal Code which would limit criminal offenses to those listed in the following:

- Chapter 14, the Criminal Code.
- Chapter 20, the Motor Vehicle laws.
- Article 5 of Chapter 90, the Controlled Substance Act.

Section 2 would continue to allow for criminal offenses which originated in the common law. (North Carolina recognizes a number of offenses that are not codified except by reference in sentencing provisions.)

Section 2 would also allow crimes where a person has *actual knowledge* that the behavior constitutes a crime.

EFFECTIVE DATE: Section 1 of this bill would become effective December 1, 2021, and apply to violations on or after that date.

BACKGROUND:

S. L. 2018-69 required all State agencies, boards and commissions having power to define conduct as a crime to create a list of all of ordinances, and submit the list to the General Assembly.

S.L. 2019-198 directed the General Statutes Commission (GSC) to study the reports received and make recommendations to the General Assembly 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.

Jessica Smith, the Director of the School of Government's Criminal Justice Innovation, has published on the need for a comprehensive streamlining of crimes in North Carolina through recodification: <https://www.sog.unc.edu/uploads/criminal-code-recodification-north-carolina.pdf>

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