



# SENATE BILL 455: Decriminalize Non-Statutory Offenses.

2021-2022 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	April 28, 2021
<b>Introduced by:</b>	Sens. Britt, Mohammed, Lee	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	PCS to First Edition S455-CSTT-12		Staff Attorney

**OVERVIEW:** *The PCS for Senate Bill 455 would decriminalize certain local ordinances, and provide compliance as a defense to an ordinance violation.*

### CURRENT LAW:

**G.S. 153A-123 and G.S. 160A-175** allow local municipalities to create local ordinances which impose criminal penalties.

**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.

### BILL ANALYSIS: Sections 1(a) and (b) would:

- Prohibit any criminal penalty for certain regulatory ordinances.
- Bar a local municipality from creating a criminal penalty in the first meeting it is introduced.

**Section 1(c)** would create a compliance defense for alleged ordinance violations.

**EFFECTIVE DATE:** This bill would become effective December 1, 2021, and applies to offenses and violations committed 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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