



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

HOUSE BILL 250: Med Exam/ IDS/ Ignition Interlock Changes.

2023-2024 General Assembly

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| Committee: | Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate | Date: | June 4, 2024 |
| Introduced by: | Reps. Arp, K. Baker, Wray, Carson Smith | Prepared by: | Robert Ryan |
| Analysis of: | PCS to Second Edition H250-CSCE-41 | | Kristen Harris Committee Co-Counsel |

OVERVIEW: The Proposed Committee Substitute (PCS) for House Bill 250 does the following:

- *Makes certain revisions pertaining to death investigations under the jurisdiction of the office of the Chief Medical Examiner.*
- *Modifies the membership of the Indigent Defense Services Commission.*
- *Makes certain changes related to ignition interlock device violations.*

CURRENT LAW AND BILL ANALYSIS:

Revisions pertaining to death investigations under the jurisdiction of the office of the Chief Medical Examiner

Section 1.(a). G.S. 130A-382 contains the continuing education training requirements for county medical examiners. Under current law county medical examiners must complete continuing education training as directed by the Office of the Chief Medical Examiner based upon established and published guidelines for conducting death investigations. This continuing education training must include training regarding sudden unexpected death in epilepsy. Section 1.(a) would modify the training requirement to require that county medical examiners receive training on the duties of medical examiners contained in G.S. 130A-385, and the requirements related to autopsies contained in G.S. 130A-389. (Both statutes are further modified by this PCS as noted below.)

Section 1.(b). G.S. 130A-385 contains the duties of a medical examiner upon receipt of a notice of certain types of death. A medical examiner is authorized to inspect all physical evidence and documents which may be relevant to determining the cause and manner of death of the person whose death is under investigation, including personal possessions associated with the death, clothing, weapons, tissue and blood samples, cultures, medical equipment, X rays and other medical images. Section 1.(b) would expressly provide that G.S. 130A-385 must not be construed as allowing any medical examiners to conduct an investigation without complying with the search and seizures requirements of the United States and North Carolina constitutions.

Section 1.(c). G.S. 130A-389 contains the laws related to autopsies. An autopsy must be performed if: 1) the Chief Medical Examiner believes it is advisable and in the public interest, 2) an autopsy is requested by the district attorney of the county or by any superior court judge, or 3) in any case in which the district attorney of the county asserts that there is probable cause to believe that a violation of G.S. 14-18.4 (death by distribution) has occurred. Section 1.(c) would provide that the district attorney has up to 72 weekday hours after pronouncement of death to make a request for an autopsy on the basis of probable cause for a

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violation of G.S. 14-18.4. It is further provided that the district attorney is not required to assert to the Chief Medical Examiner the facts supporting probable cause that a violation of G.S. 14-18.4 has occurred.

Section 1.(d) G.S. 130A-389.1 contains the laws related to protecting the use of photographs, video, or audio recordings made pursuant to an autopsy. Under current law, any person may generally inspect and examine photographs, video, or audio recordings of an autopsy at reasonable times and under reasonable supervision of the custodian of the photographs or recordings. Certain listed public officials may obtain copies of autopsy photographs, videos, and audio recording for official use only. These officials are generally not allowed to disclose these items to the public. The listed officials are the following: 1) Chief Medical Examiner, 2) investigating medical examiner, 3) district attorney, 4) superior court judge, and 5) investigating law enforcement officials. Section 1.(d) would delete the provision in G.S. 130A-389.1 allowing any person to inspect and examine photographs, video, or audio recording of an autopsy at reasonable times and under reasonable supervision of the custodian of the photographs or recordings. Section 1.(d) would also delete "district attorney" from the listed officials contained in G.S. 130A-389.1.

Section 1.(e) G.S. 132-1.4 provides that "records of criminal investigations" are not public records. Records of criminal investigations may be released by order of a court of competent jurisdiction. Records of criminal investigations is defined to mean all records or any information that pertains to a person or group of persons that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law. The term expressly includes any records, worksheets, reports, or analysis prepared or conducted by the North Carolina State Crime Laboratory at the request of any public law enforcement agency in connection with a criminal investigation. Section 1.(e) would expressly add records, reports, photographs, and other items prepared by the Chief Medical Examiner to the definition of records of criminal investigations.

Modify Indigent Defense Services Commission

Section 2.(a) would decrease the number of members on the Commission on Indigent Defense Services from 13 to nine and change the appointments as follows:

- Instead of one member, who would be a former or active member of the judiciary. the Chief Justice of the Supreme Court would appoint three members, two attorneys and one non-attorney.
- Instead of one attorney member, the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, would appoint three members, two attorneys and one non-attorney.
- Instead of one attorney member, the General Assembly, upon the recommendation of the Speaker of the House, would appoint three members, two attorneys and one non-attorney.
- The Governor, the North Carolina Public Defenders Association, the North Carolina State Bar, the North Carolina Bar Association, the North Carolina Academy of Trial Lawyers, the North Carolina Association of Black Lawyers, and the North Carolina Association of Women Lawyers would no longer appoint one attorney member each.
- The Commission itself would no longer appoint three members residing in different judicial districts from one another. One would be required to be a non-attorney, and one required to be Native American. The third appointee could be an active member of the North Carolina judiciary.

Section 2.(b) This section would become effective October 1, 2024. Notwithstanding any provision of law to the contrary, the terms of the Commission members appointed prior to October 1, 2024, would expire as follows:

- Members appointed by the North Carolina State Bar and the Commission would expire on October 1, 2024.

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- Members appointed by the North Carolina Academy of Trial Lawyers, the North Carolina Association of Black Lawyers, and the North Carolina Association of Women Lawyers would expire with the appointment of the members by the Chief Justice of the North Carolina Supreme Court.
- Members appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, the North Carolina Public Defenders Association, and the North Carolina Bar Association would expire with the appointment of members by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate.
- Members appointed by the Chief Justice of the North Carolina Supreme Court, the Governor, and by the General Assembly, upon the recommendation of the Speaker of the House, would expire with the appointment of members by General Assembly, upon the recommendation of the Speaker of the House.

Ignition interlock changes

Connected to a vehicle's ignition system, an ignition interlock system requires an individual to breathe into the system, which prevents the vehicle from starting if the individual's breath alcohol concentration is outside the acceptable range.

G.S. 20-179.3 (Limited driving privilege) allows a court to grant a limited driving privilege to authorize an eligible person with a revoked drivers license to drive for certain essential purposes, including: employment, education, and medical care. Subsection (g3) allows the court to order an ignition interlock system as a requirement of any limited driving privilege. Subsection (g5) requires that if a person's license was revoked for driving while impaired and the person had an alcohol concentration of 0.15 or more, then the court must order the use of an ignition interlock system as a requirement of the limited driving privilege.

G.S. 20-17.8 (Restoration of license after certain driving while impaired convictions; ignition interlock) requires a person whose drivers license was revoked because of a conviction for a specified impaired driving offense (including impaired driving with an alcohol concentration of 0.15 or more and impaired driving with a prior conviction within 7 years) to only operate a vehicle equipped with an ignition interlock system as a condition of restoration of the license.

Section 3.(a) and **Section 3.(b)** amend G.S. 20-179.3 and G.S. 20-17.8 by adding provisions that provide that a person who commits an ignition interlock system violation during the 90 days immediately preceding the date on which the person's initial compliance with the ignition interlock system is to end must have the period of compliance extended for an additional period of 90 days or until the person has been violation free for such extended period. These sections become effective July 1, 2024.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.