



2023-2024 General Assembly

SENATE BILL 382: Disaster Relief-3/Budget/Various Law Changes, Sec. 2D.1: Modify Statute Shielding Individuals from Prosecution Related to Certain Local Ordinances

Committee:		Date:	December 16, 2024
Introduced by:		Prepared by:	Michael Johnston Staff Attorney
Analysis of:	Sec. 2D.1 of S.L. 2024-57		

OVERVIEW: Section 2D.1 of S.L. 2024-57 modifies the requirements for an individual to avoid criminal prosecution for violations of certain local government ordinances. This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. Section 2D.1 of S.L. 2024-57 became effective January 1, 2025, and applies to offenses committed on or after that date.

CURRENT LAW AND BILL ANALYSIS:

Under G.S. 14-4(a), it is a Class 3 misdemeanor for any person to violate an ordinance of a county, city, town, or metropolitan sewerage district. G.S. 14-4(a) does not apply to parking ordinance violations. Pursuant to G.S. 14-4(c), a person cannot be found responsible or guilty of a local ordinance violation under G.S. 14-4(a) if the person produces proof of compliance with the local ordinance by showing either (i) no new alleged violations of the local ordinance, or (ii) proof of a good faith effort to seek assistance addressing any underlying factors that might impact the person's ability to comply with the ordinance.

Section 2D.1 modifies the requirements for proof of compliance under G.S. 14-4(c) as follows:

- Increases the period of time in which there must be no new alleged violations of the ordinance from within 30 days of the initial alleged violation to within 12 months of the initial alleged violation.
- Adds a requirement that proof of a good faith effort to seek assistance be documented.

EFFECTIVE DATE: This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. Section 2D.1 of S.L. 2024-57 became effective January 1, 2025, and applies to offenses committed on or after that date.

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