HOUSE BILL 307:
Iryna's Law.

2025-2026 General Assembly

Committee:		**Date:**	September 23, 2025
Introduced by:	Rep. Stevens	**Prepared by:**	Robert Ryan
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: House Bill 307 would enact "Iryna's Law" and do the following:

- ***Provide for a new procedure to have defendants with suspected mental health issues to be evaluated for involuntary commitment.***
- ***Modify the laws related to pretrial release to provide stricter guidelines for defendants charged with violent offenses and defendants with extensive criminal histories.***
- ***Eliminate the condition to release a defendant on a written promise to appear.***
- ***Modify the laws related to aggravated factors considered at sentencing to provide that committing a crime in a public transit system is an aggravating factor to be considered.***
- ***Modify the laws related to oversight and discipline of magistrates to mandate new rules related to conflicts of interests and to allow oversight by the Chief Justice.***
- ***Direct the North Carolina Collaboratory to study mental health in the justice system, and certain other issues.***
- ***Prohibit the Task Force for Racial Equity in Criminal Justice from being recreated.***
- ***Modify death penalty proceedings to provide that appeals and post-conviction motions for appropriate relief must be heard within 24 months of the triggering events, and to provide that the venue for any proceeding related to a death penalty case must be in the county of conviction.***
- ***Modify the laws related to execution of a death sentence to allow of alternative methods of executing the sentence if lethal injection were declared unconstitutional or otherwise unavailable.***
- ***Modify certain procedures for involuntary commitment of a defendant found incapable of proceeding.***
- ***Extend the terms of probation and post-release supervision for youth adjudicated of certain violent offenses and clarity a victim's right to be notified about termination of probation or post-release supervision.***
- ***Provide for funding to allow the Mecklenburg County District Attorney (Prosecutorial District 26) to hire 10 additional full-time assistant district attorneys and 5 full-time legal assistants.***
- ***Require authorization for release of violent involuntary commitment respondents prior to hearing.***

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CURRENT LAW AND BILL ANALYSIS:

Pretrial Release

Defendants charged with any crime except first-degree murder are generally entitled to conditions of pre-trial release pursuant to G.S. 15A-533. The conditions of pretrial release are the following:

- Written promise to appear.
- Unsecured appearance bond.
- Custody of a designated person or organization to supervise the defendant.
- Secured appearance bond.
- House arrest with electronic monitoring. If this option is chosen, then a secured appearance bond is also required.

A law enforcement officer making an arrest must take the arrested person to a magistrate or other judicial official without unnecessary delay and the judicial official must determine bail or commitment conditions pending further proceedings. A judge is permitted, but not required, to set conditions of pre-trial release for charges of first-degree murder. The alternative is a denial of a defendant's bond motion and confinement until trial. Defendants charged with certain crimes listed in G.S. 15A-533(b) can only have conditions of pretrial release set by a judge and not a magistrate.

Before setting conditions of pretrial release a judicial official – either a magistrate or a judge – must consider the factors provided by G.S. 534(c), which include the nature of circumstances of the offense, the defendant's family ties, financial resources, and mental condition, and the defendant's record of convictions.

Section 1 would make several changes to the pretrial release laws.

G.S. 15A-501 would be amended to require law enforcement to share any relevant behaviors of a defendant the officer has observed with a judicial official determining conditions of pretrial release.

A new definition for a "violent offense" would be created in G.S. 15A-531(9). This definition would include all the offenses that under current law only a judge is authorized to set conditions of pretrial release for, in addition to certain other offenses, such as: sex offenses requiring registration, trafficking fentanyl, death by distribution of certain controlled substances, possession of a firearm by a felon, and any Class A through G felony that includes assault, or the use of physical force against a person as an essential element of the offense. The laws are further modified to give heightened scrutiny for pretrial release for defendants charged with a violent offense, or with a significant criminal history.

A new subsection would be created, G.S. 15A-533(b1), that would provide for a new procedure to address defendants with mental health concerns. If a defendant is: (i) charged with a violent offense and court records indicate that a defendant has been involuntarily committed within the prior three years, or (ii) charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others, the judicial official shall enter an order including all the following:

- Require the defendant to receive an initial examination by a commitment examiner.
- Require the arresting officer to transport the defendant to a hospital emergency room or other crisis facility with certified commitment examiners for the initial examination.
- Require the commitment examiner to either (i) petition for involuntary commitment, or (ii) provide written notice to the judicial official that there are no grounds to file a petition for involuntary commitment.

- Provide that, except as provided below, if a petition for involuntary commitment is filed, the custody of the defendant is determined by that process during the pendency of the petition, any hearings or involuntary commitment orders issued.
- Provide that if a defendant has not met all other conditions of pretrial release if no involuntary commitment petition is filed, no involuntary commitment custody order is issued, or at any time the involuntary commitment provisions would otherwise release the defendant, the defendant must be held in the local confinement facility in the county were pretrial release conditions were set until all conditions of pretrial release are met by the defendant.

If a defendant is charged with any violent offense there would be a rebuttable presumption that no condition of release would reasonably assure the appearance of the defendant and the safety of the community. However, for a first violent offense a judicial official could determine to release a defendant on a secured bond, or on house arrest with electronic monitoring (which would also require a secured bond.) For a second or subsequent violent offense or if the defendant was on pretrial release for a violent offense at the time of the current offense, a judicial official could only release a defendant on house arrest with electronic monitoring, if available. (Counties that do not have this capability would be directed to enter into Memorandums of Agreement with vendors to provide this service.)

Additionally, if a defendant has been convicted of 3 or more offenses (higher than a Class 1 misdemeanor) within the prior 10 years, a judicial official may only release the defendant under the conditions of a secured bond, or with house arrest with electronic monitoring.

Judicial officials would be directed to make written findings of fact in all cases where pretrial release is authorized for defendants subject to these new pretrial release conditions.

Finally, this section would delete the condition of releasing a defendant on a written promise to appear as an option for pretrial release.

This section becomes effective December 1, 2025.

Aggravating Factor

G.S. 15A-1340.16(d) contains the aggravating factors to be considered when determining a defendant's sentence under structured sentencing and G.S. 15A-2000(e) contains the aggravating factors to be considered when determining a defendant's sentence for a capital offense.

Section 2 would modify these subsections to provide a new aggravating factor that the offense was committed by the defendant while in a public transportation system.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

Modify Suspension of Magistrates

G.S. 7A-171.3 provides that the Administrative Office of the Courts shall create rules of conduct for magistrates that include rules governing standards of professional conduct and timeliness. Section 3 would modify this law to add that rules be created to address conflicts of interest.

G.S. 7A-173 provides the grounds and procedures for suspension and removal of magistrates. Section 3 would modify this law to provide that in addition to the chief district judge of the district in which the magistrate is appointed, the Chief Justice can also suspend a magistrate. Additionally, the law would be modified to expressly provide that failure to make written findings of fact that are required by statute, including those a magistrate must make when determining whether to release a person charged with a violent offense, would be grounds for suspension and removal. However, a magistrate would not be removed from office for the first incident of failure to make the written findings.

Direct the Collaboratory to Study Mental Health and the Justice System

Section 4 would direct the North Carolina Collaboratory to study the following:

- The intersection of mental health in the justice system for both adults and juveniles in North Carolina.
- The availability of house arrest as a condition of pretrial release in each county or judicial district.
- Methods of execution other than those currently authorized by State law.

This section would also direct the North Carolina Collaboratory to reallocate up to $1,000,000 of funds previously appropriated to the Collaboratory to conduct the studies required by this section.

Prohibit the Task Force for Racial Equity in Criminal Justice

Section 5 would provide that the Task Force for Racial Equity in Criminal Justice, created by the Governor's Executive Order No. 145, and extended by Executive Order No. 273, which has expired, may not be recreated except by act of the General Assembly.

Modify Death Penalty Proceedings

G.S. 15A-1415 provides that in a capital case a defendant must file a post-conviction motion for appropriate relief within 120 days of certain listed events. There is no deadline by which a court must hear the motion under current law. Section 6(a) would modify this law to provide that a court must hold a hearing on the motion within 24 months of the motion being filed. A court can continue the hearing beyond 24 months upon making a written finding of extraordinary circumstances.

G.S. 15A-2000 provides that after a conviction and sentence of death, the conviction is subject to automatic review by the Supreme Court of North Carolina. Section 6(b) would modify this law to provide that this review must occur within 24 months of entry of judgement, unless the Chief Justice makes a written finding of extraordinary circumstances.

Section 6(c) would create a new statute to govern the venue for post-convictions proceedings in capital cases. This law would provide that any filing, claim, or proceeding related to the conviction, sentencing, treatment, housing, or execution of a defendant that has been convicted of a capital offense and sentenced to death would be in the county of conviction.

Subsections (a) and (b) of this section become effective December 1, 2025, and apply: (i) to motions filed and judgments entered on or after that date, and (ii) to motions filed or judgments entered prior to that date, and any motions pending on that date, except that any motion filed or judgment entered more than 24 months prior to that date shall be heard or reviewed no later than December 1, 2027, and shall be scheduled for hearing or review no later than December 1, 2026. Subsection (c) of this section becomes effective December 1, 2025, and applies to any filings made and any proceedings or hearings held on or after that date.

G.S. 15-187 provides that lethal injection is the only mode of execution in the State of North Carolina for a defendant who has been convicted of a capital crime and sentenced to death.

G.S. 15-188 provides the procedure to implement a lethal injection for a defendant sentenced to death.

Section 6.5 would modify G.S. 15-187 to provide that lethal injection is the default method of execution in North Carolina; however, it would allow for the use of other methods of execution if lethal injection was found to be unconstitutional or was not available for another reason.

G.S. 15-188 would be modified by adding a new subsection, G.S. 15-188(b), which would only apply if lethal injection were not available because lethal injection was found to be unconstitutional or was unavailable for another reason. Upon such an event, the Secretary of the Department of Adult Correction would be required to select another method of execution that has been adopted by another state that has

not been declared unconstitutional by the United States Supreme Court. All challenges to a method of execution that has been declared unconstitutional would be subject to direct appeal to the North Carolina Supreme Court. This section also creates certain reporting requirements for the Department of Adult Correction and the Attorney General related to death penalty proceedings.

Modify the Procedures for Involuntary Commitment of a Defendant Found Incapable of Proceeding

Section 7(a) would modify G.S. 15A-1003, which governs the referral of a defendant for involuntary commitment proceeding when the defendant is found to be incapable of proceeding, to authorize the district attorney to make a motion prior to the dismissal of criminal charges for the court to determine whether the defendant should be evaluated pursuant to Chapter 122C for involuntary commitment.

Section 7(b) would modify G.S. 15A-1008, which governs the dismissal of criminal charges for a defendant who has been found to lack capacity to proceed, to provide that the criminal charges are not expunged by operation of law and to remove the ability of a district attorney to reinstitute proceeding for certain cases.

Section 7(c) would do the following:

- Modify G.S. 122C-268, which governs district court hearings for inpatient commitments, to require the clerk to provide notice of the hearing to the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding if the defendant's custody order indicates that the defendant was charged with a violent crime.
- Provide that if the district attorney elects to represent the State's interest at the hearing, the district attorney can request that the venue for the hearing be the county in which the defendant was found incapable of proceeding.

Section 7(d) would do the following:

- Modify G.S. 122C-277, which governs release from involuntary inpatient commitment, to require the inpatient facility to notify the district attorney of the district where the defendant was found incapable of proceeding if the facility intends to release a defendant who was initially charged with a violent crime.
- Provide that if the district attorney elects to represent the State's interest at a hearing pursuant to G.S. 122C-277(b), the district attorney can request that the venue for the hearing be the county in which the defendant was found incapable of proceeding.

This section becomes effective December 1, 2025.

Extend Terms of Probation and Post-Release Supervision and Clarify Victim's Notification Rights

G.S. 7B-2510, provides the laws governing juveniles who are placed on probation after adjudication of an offense. The court may impose conditions of probation that are related to the needs of the juvenile and are reasonably necessary to ensure that the juvenile lead a law-abiding life. The initial term of probation is one year, however the term can be extended to an additional one year, after notice and a hearing, if the court finds that the extension is necessary.

G.S. 7B-2511, provides that at any time a juvenile is on probation the court may terminate probation by written order upon finding that there is no further need for supervision. The court may make this finding while the juvenile is present or not present, at the discretion of the court. There is no express requirement that a victim is notified about this action.

G.S. 7B-2514, provides the laws governing juveniles placed on post-release supervision after serving a term of confinement. The post release supervision plan developed must require a minimum of 90 days on post-release supervision, but cannot require more than one year of post-release supervision.

Section 8(a) would modify G.S. 7B-2510 to allow a court, after notice and a hearing, to extend the term of probation for a juvenile adjudicated of an offense that would be a Class A, B1, or B2 felony if committed by an adult, for additional periods, not to exceed a total of three years.

Section 8(b) would modify G.S. 7B-2511 to require that if a case involved a victim who has requested to be notified of court proceedings, then the court must provide notice to the victim and an opportunity to be heard before entering an order terminating the period of probation.

Section 8(c) would modify G.S. 7B-2514 to require that if a juvenile was adjudicated of an offense that would be a Class A, B1, B2, or C felony if committed by an adult, then the term of post-release supervision must be three years. G.S. 7B-2514 would also be modified to clarify that a victim of a Class A, B1, B2, or C felony must be notified before a court issues an order terminating the period of post-release supervision.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

Additional Assistant District Attorneys and Legal Assistants in Mecklenburg County

Section 9 would provide for funding to allow the Mecklenburg County District Attorney (Prosecutorial District 26) to hire 10 additional full-time assistant district attorneys and 5 full-time legal assistants.

This section is effective July 1, 2025.

Require Authorization for Release of Violent Involuntary Commitment Respondents Prior to Hearing

Section 9.5 would modify the procedure for involuntary commitment to provide that if the custody order directing a respondent be taken to a 24-hour facility for examination states that the respondent has had a conviction for a violent offense within the previous 10 years and has been subject to an involuntary commitment order within the previous 5 years, the respondent may not be released from the 24-hour facility until one of the following occur:

- The court orders the respondent's release following the district court hearing.
- The physician has provided written certification to the court of several factors, and a district court judge has issued an order authorizing the respondent's release prior to the district court hearing.

This section would become effective December 1, 2027.

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