



# HOUSE BILL 307: Various Criminal Law Revisions.

2025-2026 General Assembly

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<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 15, 2025
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition H307-CSSA-12		Staff Attorney

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 307 would make various criminal law revisions as follows:*

- *Set limits for motions for appropriate relief in noncapital cases*
- *Create a new criminal offense for exposing a child to a controlled substance*
- *Require recordation of all criminal matters in district court*
- *Revise laws pertaining to the disclosure and release of autopsy information compiled or prepared by the Office of the Chief Medical Examiner*
- *Revise the law governing the granting of immunity to witnesses*
- *Repeal the filial responsibility crime*

## CURRENT LAW and BILL ANALYSIS:

**Section 1** of the PCS would the procedure for a motion for appropriate relief (MAR) to provide that in a noncapital case, a defendant may file a postconviction MAR based on any of the enumerated grounds within 2 years of one of the triggering events.

This section would also provide that a defendant may file an MAR based on one of the enumerated grounds at any time with the consent of the district attorney.

This section would become effective December 1, 2025, and apply to verdicts entered on or after that date.

**Section 2** would create new criminal offenses for exposing a child under the age of 16 to a controlled substance. The offense would provide a felony for any person who "knowingly, recklessly, or intentionally causes or permits a child to be exposed to a controlled substance.

The classification of offense would be determined by the degree of harm caused, as follows:

- Knowing, reckless, or intentional exposure – Class H felony.
- Knowing, reckless, or intentional exposure resulting in the child ingesting the controlled substance – Class E felony.
- If the ingestion results in serious physical injury – Class D felony.
  - Serious physical injury is physical injury that causes great pain and suffering, including serious mental injury.

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- If the ingestion results in serious bodily injury – Class C felony.
  - Serious bodily injury is bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.
- If the ingestion is the proximate cause of death – Class B1 felony.

The offense would not apply to a person that intentionally gives a child a controlled substance that has been prescribed for the child by a licensed medical professional when given to the child in the prescribed amount and manner.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 3** would require all criminal court proceedings in district court to be recorded. Recordings would be continuous unless stopped by the court for a legal reason that is stated on the recording. All recordings would be public record and a duplicate recording obtained upon payment of the cost of making the recording.

This section would become effective December 1, 2025, and apply to proceedings conducted on or after that date.

**Section 4** would amend the statutes relating to the availability of autopsy records.

## Autopsies Related to Criminal Investigation

Upon notice from the investigating law enforcement agency or prosecuting district attorney, records related to a death that is under criminal investigation would not be public record until the holder of the records is notified that the criminal investigation or prosecution has concluded or a determination has been made to terminate the criminal investigation. Records of criminal investigation would only be able to be released to the following persons or for the following purposes:

- To the personal representative of the decedent's estate to fulfill lawful duties, to a beneficiary of a benefit or claim related to the decedent's death for purposes of receiving the benefit, or to the decedent's spouse, child or stepchild, parent or stepparent, sibling, or legal guardian
- By the entity performing the autopsy as necessary to conduct a thorough and complete death investigation, to consult with outside physicians and other professionals, and to conduct necessary toxicological screenings.
- When disclosing information to the investigating public law enforcement agency or prosecuting district attorney.
- When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to comply with State or federal reporting requirements, or to comply with any duty imposed by law.

## Autopsies of Children Under 18 Years of Age

Records related to the death of a child under the age of 18 would not be public record and could only be released with the written consent of the deceased child's parent or guardian or a person standing in loco parentis. Without parental consent, records of a child autopsy would only be able to be released to the following persons or for the following purposes:

- To the personal representative of the decedent's estate to fulfill lawful duties.

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- When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to comply with State or federal reporting requirements, or to comply with any duty imposed by law.

## Interaction Between Provisions and Additional Procedures

If autopsy records are both criminal investigation records and records of the death of a child under the age of 18, the provisions related to criminal investigation records would prevail until the conclusion of the investigation or prosecution or until a determination is made to terminate the criminal investigation. When the records are no longer records of a criminal investigation, the provisions requiring parental consent would apply.

Persons who receive records under one of the exceptions are prohibited from disclosing them to the public unless otherwise authorized by law. Persons who disclose or release records in violation of the provisions or who willfully and knowingly possess those records would be guilty of a Class 1 misdemeanor.

Any person seeking disclosure of the records of a criminal investigation or of the death of a child under the age of 18 may commence a special proceeding in the superior court of the county where the death occurred.

This section also provides that for deaths occurring due to an injury received in the course of the decedent's employment, the Chief Medical Examiner shall provide the final autopsy report to the Department of Labor within 5 months of a written request.

This section would become effective October 1, 2025.

**Section 5** would amend the procedure for granting immunity to witnesses when they are compelled to testify by removing the requirement that the district attorney inform the Attorney General prior to applying to the judge for the granting of immunity.

This section would be effective when it becomes law and apply to applications made on or after that date.

**Section 6** would repeal G.S. 14-326.1 which makes it a crime for a person to fail to maintain and support their parents if the parents are sick or not able to work and not able to support themselves. The offense is a Class 2 misdemeanor generally, and a Class 1 misdemeanor for a second or subsequent offense.

This section would be effective when it becomes law.

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