



HOUSE BILL 307: Iryna's Law.

2025-2026 General Assembly

Analysis of: S.L. 2025-93

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S.L. 2025-93 (House Bill 307) enacts "Iryna's Law" and makes changes to various criminal and court procedures.

Pretrial Release

The act makes several changes to the pretrial release laws as follows:

- Requires law enforcement to share any relevant behaviors of a defendant the officer has observed with a judicial official determining conditions of pretrial release.
- Creates a new definition of "violent offense" and provides additional requirements for pretrial release of defendants charged with a violent offense or who have a significant criminal history.
- Provides 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 the 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 where pretrial release conditions were set until all conditions of pretrial release are met by the defendant.
- Creates a rebuttable presumption that no condition of release will reasonably assure the appearance of a defendant and the safety of the community if the defendant is charged with a violent offense, and requires that if conditions of pretrial release are set, a secured bond, and in some instances

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house arrest, must be ordered. Judicial districts that do not currently have house arrest available are directed to enter into a Memorandum of Agreement with a vendor to provide this service.

- Provides that if a defendant has been convicted of 3 or more offenses (Class 1 misdemeanor or higher) 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.
- Directs judicial officials to make written findings of fact in all cases where pretrial release is authorized for defendants subject to these new pretrial release conditions.
- Removes a written promise to appear from the options for pretrial release conditions.

These provisions become effective December 1, 2025, and apply to persons appearing before a judicial official for the determination of pretrial release conditions on or after that date.

Aggravating Factor

The act provides that the commission of the offense by the defendant while the victim was using a public transportation system is an aggravating factor to be considered in felony sentencing and capital sentencing.

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

Modify Suspension of Magistrates

The act makes changes to rules governing magistrates as follows:

- Requires that rules of conduct for magistrates include rules regarding conflicts of interest.
- Authorizes the Chief Justice to suspend a magistrate.
- Expressly provides that failure of a magistrate to make written findings of fact that are required by statute is grounds for suspension and removal. However, a magistrate may not be removed from office for the first incident of failure to make written findings.

Direct the Collaboratory to Study Mental Health and the Justice System

The act directs 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.

Additionally, the North Carolina Collaboratory is authorized to reallocate up to \$1,000,000 of funds previously appropriated to the Collaboratory to conduct the studies required.

Prohibit the Task Force for Racial Equity in Criminal Justice

The act provides 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

The act modifies the timing and venue of proceedings in death penalty cases as follows:

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- Requires automatic review by the North Carolina Supreme Court and any post-conviction motions for appropriate relief be heard within 24 months of filing or entry of judgment. Any extension beyond that time must include a written finding of extraordinary circumstances that provide good cause for the extension of time. These provisions apply: (i) to motions filed and judgments entered on or after December 1, 2025, and (ii) to motions filed or judgments entered prior to, and any motions pending on, December 1, 2025, except that any motion filed or judgment entered more than 24 months prior to December 1, 2025 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.
- Modifies the venue for post-conviction proceedings in capital cases to 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 is in the county of conviction. This provision applies to any filings made and any proceedings or hearings held on or after December 1, 2025.

The act also provides that lethal injection is the default method of execution in North Carolina; however, it allows for the use of other methods of execution if lethal injection is found to be unconstitutional or is not available for another reason. Upon such an event, the Secretary of the Department of Adult Correction is 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 have been declared unconstitutional are subject to direct appeal to the North Carolina Supreme Court. These provisions are effective when they become law.

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

The act modifies laws governing the custody of a person found incapable of proceeding in a criminal trial and their underlying charges as follows:

- Authorizes 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 of the General Statutes for involuntary commitment.
- Provides that criminal charges dismissed due to incapacity to proceed are not expunged by operation of law.
- Requires notice to additional parties for actions regarding a defendant found incapable to proceed as follows:
 - Requires the clerk to provide notice of any inpatient commitment hearing for a defendant found incapable to proceed 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.
 - Requires a facility to notify the district attorney in the county in which the defendant was found incapable of proceeding before the defendant is discharged or conditionally released.
 - Provides that if the district attorney elects to represent the State's interest in either of these matters, upon motion of the district attorney, the venue for the hearings, rehearings, and supplemental rehearings is the county in which the respondent was found incapable of proceeding.

These provisions become effective December 1, 2025, and apply to dismissals and proceedings occurring or commitment proceedings initiated on or after that date.

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Extend Terms of Probation and Post-Release Supervision for Certain Juvenile Offenders and Clarify Victim's Notification Rights

The act makes the following changes to probation and post-release supervision of a juvenile adjudicated delinquent:

- Authorizes an additional 1 year extension of probation, not to exceed a total of 3 years, for a juvenile adjudicated of an offense that would be a Class A, B1, or B2 felony if committed by an adult.
- Requires the term of post-release supervision be 3 years for a juvenile adjudicated of an offense that would be a Class A, B1, B2, or C felony if committed by an adult.
- Requires notification to any victim that has requested notification, and an opportunity to be heard, for any termination of probation or post-release supervision for a juvenile.

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

Additional Assistant District Attorneys and Legal Assistants in Mecklenburg County

The act appropriates funds for 10 additional full-time assistant district attorneys and 5 full-time legal assistants in Mecklenburg County beginning fiscal year 2025-2026.

This provision became effective retroactively to July 1, 2025.

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

The act modifies 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 provision becomes effective December 1, 2027, and applies to custody orders issued on or after that date.

Except as otherwise provided above, this act became effective October 3, 2025.