



# HOUSE BILL 308: 2026 Criminal Law Changes.

2025-2026 General Assembly

<b>Committee:</b>		<b>Date:</b>	June 30, 2026
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	Fifth Edition		Staff Attorney

## **OVERVIEW:** *House Bill 308 would do the following:*

- *Amend the offense of assault inflicting serious bodily injury and strangulation.*
- *Create a new offense for approaching a first responder after a warning and under certain conditions.*
- *Modify the laws related to pretrial release and certain riot-related offenses.*
- *Create a new offense for possession of theft tools with intent to commit larceny from a merchant.*
- *Modify the laws related to the offense of indecent exposure.*
- *Modify the law related to access for children's advocacy center records.*
- *Modify the law related to out-of-state convictions and ignition interlock devices.*
- *Modify certain laws related to the offense of obtaining property by false pretenses.*
- *Specifically prohibit sex offenders from seasonal child care camps.*
- *Create additional rights for victims of sexual assault.*
- *Modify the laws related to theft of nonferrous metals and certain critical infrastructure.*
- *Make certain changes related to the North Carolina Sentencing and Policy Advisory Commission.*
- *Create new indecent liberties with children offenses.*
- *Create a new offense for escape from a juvenile detention facility.*
- *Prohibit the creation and distribution of fictitious license plates.*
- *Make modifications to the expunction laws governing certification of law enforcement officers.*

## **CURRENT LAW AND BILL ANALYSIS:**

**Section 6 – Amend strangulation penalties.** G.S. 14-32.4 (Assault inflicting serious bodily injury; strangulation) provides that it is a Class F felony to assault another person and cause serious bodily injury. Additionally, it is a Class H felony to assault a person and inflict physical injury by strangulation.

Section 6 would increase the punishment for assault with serious bodily injury from a Class F felony to a Class E felony. It would define strangulation as "impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of the person or by obstructing the nose and mouth of the person." This section would make assault by strangulation (with no injury) punishable as a

Kara McCraw  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 308

Page 2

Class H felony. It would increase the punishment for strangulation that inflicts physical injury from a Class H felony to a Class G felony.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 6.1 – The HALO Act.** This section creates a new offense, G.S. 14-233.1 (Approaching a first responder with specified intent after a warning.) It would be a Class 2 misdemeanor to approach within 25 feet of a first responder, after receiving a warning not to, with the intent to do any of the following:

- Impeded the first responder's ability to perform his or her duty.
- Threaten the first responder.
- Harass the first responder.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 7 – Riot law changes.** G.S. 15A-534.8 provides specific laws regarding pretrial release conditions when a defendant is charged with a violation of G.S. 14-288.2 (Riot) or G.S. 14-288.6 (Looting). Generally, only a judge (and not a magistrate) is authorized to set conditions of pretrial release if a defendant is charged with one of these offenses. However, if a judge has not acted within 24 hours, a magistrate is then authorized to set the conditions of pretrial release. Additionally, there is a provision which provides that a judge "may" order the defendant to stay away from the location where the offense occurred.

Section 7 would modify G.S. 15A-534.8 by making the following modification: the exclusive period where only a judge could set conditions of pretrial release would be changed from 24 hours to 48 hours.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 8 – Theft tools offense.** Article 16 of Chapter 14 contains numerous criminal laws related to larceny. The specific offense charged in a particular case would depend on the facts of each individual case. G.S. 14-72.11, Larceny from a merchant, provides that it is a Class H felony to commit larceny against a merchant under certain listed circumstances, including by moving, destroying, or deactivating a component of an antishoplifting device.

Section 8 would create a new criminal offense, G.S. 14-72.13, Possession of theft tools with intent to commit larceny from a merchant. A person would commit a violation of this offense if the person is located in an area of a retail establishment where goods are stored or sold while the person knowingly possesses a "theft tool" with the intent to use the theft tool to commit larceny from a merchant. A violation of this offense would be a Class I felony. A theft tool is a defined term in the bill, but generally means an item used to defeat a theft controlled device.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 9 – Indecent exposure offense.** G.S. 14-190.9, Indecent exposure, generally provides that it is a Class 2 misdemeanor to commit the offense of indecent exposure. However, subsection (a1) "felonious indecent exposure" provides that if a person is 18 or older and exposes themselves to a minor that offense is a Class H felony. Additionally, that person would be required to register as a sex offender since that offense is listed as a sexually violent offense in G.S. 14-208.6 (although this is not currently reflected on the face of G.S. 14-190.9).

Section 9 would create two new offenses within G.S. 14-190.9: Habitual Indecent Exposure and Aggravated Habitual Indecent Exposure.

# House Bill 308

Page 3

A person commits Habitual Indecent Exposure when the person commits a violation of an indecent exposure offense, *other than* felonious indecent exposure, after having been previously convicted of any indecent exposure offense. A violation of this offense would be a Class F felony and subject the person to register as a sex offender.

A person commits Aggravated Habitual Indecent Exposure when the person commits a violation of felonious indecent exposure, after having been previously convicted of any indecent exposure offense. A violation of this offense would be a Class E felony and subject the person to register as a sex offender.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 10 – Access for children's advocacy center records.** G.S. 108A-77.4 governs access to children's advocacy center (CAC) records. These records are generally protected from disclosure to the public, but depending on the status of the child's case the records may be released to certain parties, with or without a court order in a particular case. Currently, law enforcement agencies, district attorneys, and other listed entities, must obtain a court order before being allowed access to CAC records related to a child referred to a CAC by law enforcement action.

Section 10 would allow disclosure of CAC records related to a child referred to a CAC by law enforcement action to law enforcement agencies, district attorney, and other listed entities without the need to first obtain a court order. However, the release of these records would be subject to a protective order restricting further disclosure of those records without court order.

This section becomes effective December 1, 2026.

**Section 10.1 – Ignition interlock change.** G.S. 20-17.8 provides that when a person's drivers license is restored after being revoked for certain impaired driving violations, an ignition interlock must be installed on the driver's vehicle for a set period after restoration. (The length of time the ignition interlock must be installed would depend on the length of time of the revocation.) However, under current law if a person obtained a limited driving privilege during the revocation period and had an ignition interlock installed, then that person would get credit for that period after the license was restored. Section 10.1 would create a similar provision for a person who had an ignition interlock installed pursuant to an out of state court conviction – that person would receive credit for that period after the person's driver's license was restored.

This section is effective when it becomes law.

**Section 10.2 – False presences change.** Article 7 of Chapter 42 provides a process for the expedited eviction of drug traffickers and other criminals. These laws allow for the expedited removal of people engaged in certain criminal activity, which is defined in G.S. 42-59(2). This definition would be expanded to also include a person who obtained rental property by use of fraud or false pretenses.

G.S. 14-100 provides that it is unlawful to obtain money, goods, property, services, or other thing of value by false pretense. The level of the offense is determined by the value of the property that is unlawfully obtained. This statute would be modified to add rental housing or lodging as express items that would be subject to this law if obtained by false pretenses.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 11 – Prohibit sex offender from seasonal child care camps.** G.S. 14-208.18 prohibits registered sex offenders from being present at certain locations where children can be present. Specifically, registered sex offenders are prohibited from being on the premises of any place intended primarily for the use, care, or supervision of minors, including schools, children's museums, child care centers, nurseries and seasonal child care camps. Registered sex offenders are also generally prohibited from being at any place where minors frequently congregate.

# House Bill 308

Page 4

Section 11 would modify G.S. 14-208.18 to expressly provide that registered sex offenders are prohibited from being present at seasonal child care camps when operating as a seasonal child care camp.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 11.1 – Sexual assault victim rights.** Section 11.1 would create a new law, G.S. 114-66, providing express additional rights for victims of sexual assault. Specially, the law would provide that a person for whom a sexual assault evidence collection kit has been completed has the following rights:

- The right to information of the testing status and location of the kit.
- The right to receive written notifications at least 60 days before the kit is destroyed.
- The right to further preservation of the kit.

The Attorney General is directed to prepare and publish a list of the rights of victims of sexual assault as provided in this section and other applicable laws.

Subsection (a) of this section becomes effective December 1, 2026, and applies to sexual assault evidence collection kits in the possession of any hospital, law enforcement agency, or the Department of Public Safety on or after that date. The remainder of this section is effective when it becomes law.

**Section 11.2 – Critical infrastructure theft.** G.S. 14-159.4 provides that it is unlawful for a person to willfully and wantonly cut, mutilate, deface, or otherwise injure any personal or real property of another, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount.

Violating this law while damaging certain critical infrastructure is currently a Class 1 misdemeanor. There is no provided definition for critical infrastructure. Section 11.2 would modify this law by creating a definition for critical infrastructure and provide that violating this law while damaging critical infrastructure would be a Class C felony. The section would also add a new provision providing for mandatory restitution against a defendant who caused damage while committing this offense.

Section 11.2 would also create a new offense for unlawfully possessing nonferrous metals used, or intended to be used, in the provision of critical infrastructure, knowing the materials were unlawfully obtained. A first violation would be a Class 1 misdemeanor, and a second or subsequent violation would be a Class H felony.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 12 – Sentencing commission changes.** Article 4 of Chapter 164 contains the laws establishing and governing the North Carolina Sentencing and Policy Advisory Commission (the Commission). The Commission is tasked generally to make recommendations to the General Assembly for the modification of sentencing laws and policies to further the policies stated in G.S. 164-36.

G.S. 164-37 contains the membership make up of the Commission. The Commission consists of 29 members – each with a specific eligibility criteria. One of the criteria is that a member of the Commission be "a rehabilitated former prison inmate."

Section 12(a) changes this member criteria to be "a previously justice-involved individual."

G.S. 164-38 contains provisions regarding the reimbursement of expenses for Commission members. Currently, the reimbursement rate for travel is set by each Commission member's employing agency, which may be different amounts for the same travel distances.

Section 12(b) would set the travel rate as determined by the Judicial Branch as the travel rate of reimbursement for all Commission members.

# House Bill 308

Page 5

Sections 12(c) and (d) make technical changes.

**Section 13 – Modify taking indecent liberties with children offense.** G.S. 14-202.1, Taking indecent liberties with children, provides that it is a Class F for a person 16 or older, and at least five years older than the child in question, to do either of the following:

- Willfully take or attempt to take any immoral, improper, or indecent liberties with any child of either sex for the purpose of arousing or gratifying sexual desire.
- Willfully commit or attempt to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex.

Section 13 would modify the single indecent liberties offense and create four distinct offenses instead. The offenses would increase in severity based on the age of the victim and the conduct engaged in by the defendant. In all cases the defendant would have to be at least 16 years old and five years older than the victim, then the additional criteria would be as follows:

- Taking indecent liberties in the first degree – Class C felony:
  - Willfully commits any lewd or lascivious act upon or with the body of any child.
  - The child is less than 13 years old.
- Taking indecent liberties in the second degree – Class D felony:
  - Willfully commits any lewd or lascivious act upon or with the body of any child.
  - The child is 13, 14, or 15 years old.
- Taking indecent liberties in the third degree – Class E felony:
  - Willfully takes any immoral, improper, or indecent liberties with any child.
  - The child is less than 13 years old.
- Taking indecent liberties with the fourth degree – Class F felony:
  - Willfully takes any immoral, improper, or indecent liberties with any child.
  - The child is 13, 14, or 15 years old.
- Repeat offender of taking indecent liberties – Class B1 felony:
  - Has previously been convicted of an offense requiring registration as a sex offender.
  - Commits one of the above offenses.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 14 – Escape from juvenile detention facility offense.** G.S. 14-256, provides that it is a criminal offense to "break any prison, jail or lockup" or "escape" the "lawful custody of any superintendent, guard or officer of such prison, jail or lockup." Generally, violation of G.S. 14-256 is a Class 1 misdemeanor, but violation becomes a Class H felony upon the violator meeting certain listed criteria. There is no criminal offense for escaping from a juvenile justice facility.

Section 14 would create a new criminal offense, G.S. 14-256.2, Escape from juvenile detention facilities or officers. This new offense would prohibit escape from any detention facility, holdover facility, or youth development center and escape from any employee, guard or officer of the Division. Generally, violation would be a Class 1 misdemeanor, but violation would become a Class H felony upon the violator meeting

# House Bill 308

Page 6

certain listed criteria, such as being charged with a felony offense or an offense that would be a felony if committed by an adult.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 15 – Prohibit creation and distribution of fictitious license plates.** G.S. 20-111 provides certain restrictions about the deceptive use of license plates and registrations. Section 15 would create an offense providing that it is a Class 3 misdemeanor for any person to manufacture, create, sell, or give to another without consideration, a fictitious license plate. A "fictitious license plate" means a license plate of a size, shape, color, and design which is identical to that of a license plate issued by the Division.

This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

**Section 16 – Expunctions related to law enforcement certifications.**

G.S. 17C-13 and G.S. 17E-12 govern the treatment of expunctions for certified law enforcement officers. Sheriffs are governed by Chapter 17E, and other law enforcement officers are governed by Chapter 17C. Both laws would be modified to provide that law enforcement certification can be denied, suspended, or revoked based upon the commission of a crime regardless of whether the charge or conviction was expunged.

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