



HOUSE BILL 308: Criminal Law Changes.

2025-2026 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 18, 2025
Introduced by:	Rep. Stevens	Prepared by:	Hannah Kendrick
Analysis of:	PCS to First Edition H308-CSCV-7		Susan Sitze Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 308 would amend strangulation penalties, make clarifying changes regarding the misdemeanor crime of domestic violence, create a felony crime of habitual domestic violence, clarify expunction provisions, and require sentences to run consecutively if not specified by the court.*

BILL ANALYSIS:

The PCS to House Bill 308 would make various criminal law changes.

Section 1 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 punishable as a Class H felony. It would increase the punishment for strangulation that inflicts physical injury from a Class H felony to a Class G felony.

Section 2 would make the following clarifying changes regarding misdemeanor crime of domestic violence:

- Misdemeanor assaults, batteries, and affrays (G.S. 14-33) shall not be a lesser included offense of misdemeanor crime of domestic violence (G.S. 14-32.5).
- A person is guilty of habitual misdemeanor assault if that person (i) violates G.S. 14-32.5, and (ii) has two or more prior convictions for misdemeanor assault, felony assault, or a violation of G.S. 14-32.5, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation.
- An officer may make an arrest without a warrant if the officer has probable cause to believe that a person has committed a misdemeanor crime of domestic violence.
- In a case where a defendant is charged with a violation of G.S. 14-32.5, the judicial official who determines the conditions of pretrial release shall be a judge.

Section 3 would create the felony crime of habitual domestic violence. A person would be guilty of habitual domestic violence if that person committed an offense under G.S. 14-32.5, or committed an assault where the person is related to the victim by a relationship described in G.S. 32.5, and has two or more prior convictions that include either of the following combination of offenses, with the earlier of the prior convictions occurring no more than 15 years prior to the date of the current violation:

- Two or more convictions under G.S. 14-32.5.

Kara McCraw
Director



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- One prior conviction under G.S. 14-32.5 and at least one prior conviction involving assault where the person is related to the victim by a relationship set forth in G.S. 32.5.

A person convicted of this offense would be guilty of a Class H felony. Subsequent convictions would be punished at one level higher than the most recent prior conviction, not to exceed a Class C felony.

Section 4 and **Section 5** would clarify that a petitioner may not obtain an expungement if the court finds that the petitioner has outstanding warrants or pending criminal cases, and that an attorney representing a person may request confirmation of the person's expungement.

Section 6 would require multiple sentences to run consecutively when not specifically ordered by the court to run concurrently.

EFFECTIVE DATE: Section 1, 2, 3, and 6 of this act would become effective December 1, 2025, and would apply to offenses committed on or after that date. Section 4 of this act would become effective December 1, 2025, and would apply to petitions filed on or after that date. Section 5 of this act would become effective when it becomes law, and would apply to requests made on or after that date. The remainder of this act would become effective when it becomes law.