



# HOUSE BILL 308: Criminal Law Changes.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2025-2026 General Assembly

**Committee:** House Judiciary 2  
**Introduced by:** Rep. Stevens  
**Analysis of:** PCS to Second Edition  
H308-CSCV-12

**Date:** April 1, 2025  
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Staff Attorney

**OVERVIEW:** 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 remove concurrent sentencing default.

The PCS removes the concurrent sentencing default and requires the court to make findings stating its reasoning for a concurrent or consecutive sentence.

### BILL ANALYSIS:

House Bill 308 would make various criminal law changes.

**Section 1** 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 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:

Kara McCraw  
Director



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# House 308 PCS

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- Two or more convictions under G.S. 14-32.5.
- 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 remove the default of a concurrent sentence if not expressly stated by the court and would require the court to make a finding on the record stating its reasoning for determining whether sentences shall run concurrently or consecutively.

**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.