



# SENATE BILL 311: The Law and Order Act.

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

2025-2026 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 17, 2025
<b>Introduced by:</b>	Sens. Britt, Craven, Blue	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to Second Edition S311-CSSA-29		Staff Attorney

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for Senate Bill 311 would do the following:*

- *Increase the punishment for committing an assault against a utility or communications worker to a Class 1 misdemeanor.*
- *Amend Chapter 90 of the General Statutes to create new criminal offenses related to the unlawful sale of and possession of embalming fluid.*
- *Amend the Workplace Violence Prevention laws to include mass picketing and allow an employer who has suffered unlawful conduct at the workplace to obtain a temporary restraining order.*
- *Establish an offense for entering a part of a building not open to the public with the intent to commit an unlawful act.*
- *Establish the offense of larceny of gift cards, revise the organized retail theft offense to include offenses involving gift cards, and provide civil liability for larceny of gift cards.*
- *Create a new Class H felony for possession of an explosive or incendiary device or material under certain circumstances.*
- *Increase the penalties for reckless driving or street racing that causes serious injury or death and would increase penalties for hit and run offenses that result in death.*
- *Amend the current statute on possession of a firearm or weapon of mass death and destruction by a felon to create additional offenses.*
- *Enhance the punishment for larceny of mail.*
- *Revise the offenses of first and second degree burglary and create an enhancement for burglary when committed by a person in possession of a firearm or other deadly weapon, revise the offense of breaking out of a dwelling and create an enhancement when committed by a person in possession of a firearm or other deadly weapon, and create an enhancement for the offense of breaking or entering buildings generally when committed by a person in possession of a firearm or other deadly weapon.*
- *Establish a mitigating factor for certain persons charged with impaired driving who voluntarily equip and operate a motor vehicle with an ignition interlock system prior to trial.*

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## CURRENT LAW AND BILL ANALYSIS:

### **Section 1 – Assault Against Utility Worker**

Under G.S. 14-33(a), it is a Class 2 misdemeanor for a person to commit a simple assault, a simple assault and battery, or participate in a simple affray. Under G.S. 14-33(b), it is a Class 1 misdemeanor to commit an assault and battery against a sports official while the sports official is discharging or attempting to discharge official duties at a sports event, unless the defendant's conduct is covered under another provision of law providing greater punishment.

**Section 1** would make it a Class 1 misdemeanor to assault a utility or communications worker while the worker is (i) readily identifiable as a worker and (ii) discharging or attempting to discharge his or her duties, unless the defendant's conduct is covered under another provision of law providing greater punishment.

As used in this subdivision, "utility or communications worker" would be broadly defined to include any employee, agent, or contractor of an entity that provides electricity, natural gas, liquid petroleum, water, wastewater, telecommunications services, or internet access services. To be readily identifiable, the worker would need to be wearing, at the time of the assault, a uniform, hat, or other outerwear bearing the logo of the utility or communications company.

### **Section 2 – Embalming Fluid Offenses**

**Section 2** would create the following new criminal offense related to embalming fluid:

1. A Class I felony for a funeral director, embalmer, or resident trainee to knowingly give, sell, permit to be sold, offer for sale, or display for sale embalming fluid to another person with actual knowledge the person is not a funeral director, embalmer, or resident trainee.
2. Prohibit possession of embalming fluid for any purpose other than the lawful preservation of dead human bodies or wildlife.
3. Prohibit selling, delivering, or otherwise distributing embalming fluid to another person with knowledge the person intends to use the embalming fluid for any purpose other than the lawful preservation of dead human bodies or wildlife.

Punishment for the 2nd and 3rd offense described above would depend on the amount of embalming fluid involved as follows:

- Less than 28 grams is a Class I felony.
- 28 grams to 199 grams is a Class G felony.
- 200 grams to 399 grams is a Class F felony.
- 400 or more grams is a Class D felony.

This section would grant limited immunity from prosecution to overdose victims and people who seek medical attention for overdose victims where the embalming fluid violation is punishable as a Class I felony.

### **Section 3 – Workplace Violence Prevention**

**Section 3** would amend Article 23 of Chapter 95 contains the Workplace Violence Prevention laws, which allow an employer to obtain a temporary restraining order and an injunction on behalf of an employee who has suffered unlawful conduct at the workplace.

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This section would add new definitions for *mass picketing*, *obstruction*, and *place of employment*, and add three additional acts to the list of unlawful conduct:

- Hindering or preventing the pursuit of any lawful work or employment by picketing, unlawful threats, or force.
- Obstructing or interfering with the entrance to or egress from any place of employment by mass picketing.
- Obstructing or interfering with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or convenience by mass picketing.

This section would also modify the Workplace Prevention laws to allow an action for a civil no-contact order to be filed by either an employer on behalf of an employee or by an employer who has suffered unlawful conduct at the workplace.

The scope of the Article would be amended as follows:

- To clarify that it does not apply to peaceful demonstrations, informational picketing, or labor activity protected by the National Labor Relations Act or by the North Carolina Constitution, including the right to assemble and protest, provided such activity does not involve violence, threats, or intentional obstruction of any place of employment's access points.
- To provide a severability clause.

This section would be effective when it becomes law and apply to acts or omissions occurring on or after that date.

## **Section 4 –Unlawful Business Entry & Gift Card Theft**

**Section 4(a)** would amend G.S. 14-54 (Breaking or entering buildings generally) to create a new offense of entering a portion of a building that is not open to the public with the intent to commit an unlawful act. A first offense would be a Class 1 misdemeanor and a second or subsequent offense would be a Class I felony.

**Section 4(b)** would enact a new offense of larceny of gift cards if a person does any of the following:

- Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
- Alters or tampers with a gift card or its packaging with the intent to defraud another.

Larceny of gift cards would be a Class 1 misdemeanor if the value of the gift card is not more than \$1,000. Any other offense would be a Class H felony.

**Section 4(c) and 4(d)** would amend the organized retail theft statute to add new definitions related to gift cards and provide that the following conduct would be punishable as organized retail theft:

- Conspiring with another person to acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- Devising a scheme with one or more persons to obtain a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.

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- Conspiring with another person to alter or tamper with a gift card or its packaging with intent to defraud another.

Punishment for organized retail theft ranges from a Class H felony to a Class C felony depending on the aggregate value of gift cards or property stolen.

**Section 4(e)** would amend G.S. 1-538.2, which provides civil liability for larceny and similar offenses, to include the new larceny of gift cards offense created in Section 2.

## **Section 5 – Offense for Possession of Explosives**

**Section 5** would create a Class H felony for possession of any explosive or incendiary device or material under certain circumstances. Specifically, the bill would create a new subsection in G.S. 14-49 to provide the following: "Any person who possesses any explosive or incendiary device or material with the intent to violate this section is guilty of a Class H felony."

## **Section 6 – Increase Penalty Reckless Driving Causing Serious Injury**

**Section 6** would increase the penalty for reckless driving from a Class 2 misdemeanor to a Class 1 misdemeanor if the reckless driving causes serious injury and a Class A1 misdemeanor if the reckless driving causes serious bodily injury.

## **Section 7 – Increase Penalty Injury or Death Caused by Unlawful Racing or Hit and Run**

**Section 7** would increase the penalty for unlawful racing on streets and highways to a Class H felony if the speed competition causes serious injury and a Class G felony if the speed competition causes serious bodily injury or death. The penalty for placing or receiving a bet, wager, or other thing of value from the outcome of any prearranged speed competition would remain a Class 1 misdemeanor.

Mandatory license revocations would be required for convictions of unlawful racing on streets and highways as follows:

- If the speed competition causes serious injury, four years.
- If the speed competition causes serious bodily injury or death, permanently.
- For any other violation, three years.

Failure to stop in the event of a crash would remain a Class F felony, but if the crash results in the death of another person, the court would be required to sentence the defendant in the aggravated range of the appropriate Prior Record Level. Additionally, any person required to stop at the scene of a crash would be required to provide the driver's name, address, driver's license number and license plate to the driver or occupants of the other vehicle.

Mandatory revocations would be required for failure to stop as follows:

- If the crash caused serious bodily injury, four years.
- If the crash resulted in the death of another person, permanently.
- If the crash results in injury, or if the driver fails to provide the person's name, address, driver's license number, and license plate number to the other driver or occupants of any vehicle, one year.

## **Section 8 – Gun Violence Prevention**

**Section 8** would increase the penalty for the possession of a firearm by a felon, which is generally a Class G felony, if the firearm is possessed during the commission or attempted commission of a felony under Chapter 14 of the General Statutes or Article 5 of Chapter 90 of the General Statutes as follows:

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- Possession of a firearm or weapon of mass death and destruction by a felon during the commission of a felony - Class F felony.
- Possession and brandishing of a firearm or weapon of mass death and destruction by a felon during the commission of a felony - Class D felony.
- Possession and discharge of a firearm or weapon of mass death and destruction by a felon during the commission of a felony - Class C felony.

## **Section 9 – Larceny of Mail**

**Section 9** would require a person convicted of larceny to be sentenced at one class level higher than the principal offense if the larceny is of mail.

Larceny is a Class 1 misdemeanor generally, or a Class H felony if the property has a value of \$1,000 or more, or if the larceny is any of the following:

- From a person.
- Committed pursuant to a violation of G.S. 14-51, G.S. 14-53, G.S. 14-54, G.S. 14-54.1, or G.S. 14-57.
- Of any explosive or incendiary device or substance.
- Of any firearm.
- Of any record or paper in the custody of the North Carolina State Archives.
- Committed after the defendant has been convicted of larceny or a substantially similar offense at least four times.

Mail would be defined as "a letter, package, bag, or other item of value sent or delivered to another by any method of delivery."

## **Section 10 – Burglary/B&E Sentence Enhancement**

G.S. 14-51 provides punishment for the common law offenses of burglary and defines first and second degree burglary. Common law burglary occurs when an offender enters a dwelling place at night with the intent to commit a felony therein. It is burglary in the first degree if any person occupies of any part of the dwelling house at the time of commission of the offense. It is burglary in the second degree if the dwelling house is not occupied.

**Section 10** would do the following:

- Revise the offenses of first and second degree burglary and create an enhancement for burglary when committed by a person in possession of a firearm or other deadly weapon.
- Revise the offense of breaking out of a dwelling and create an enhancement when committed by a person in possession of a firearm or other deadly weapon.
- Create an enhancement for the offense of breaking or entering buildings generally when committed by a person in possession of a firearm or other deadly weapon.

## **Section 11 – Pretrial Use of Ignition Interlock Mitigating Factor**

**Section 11** would provide that installation and use of an ignition interlock device on a designated motor vehicle, and operation of only that vehicle, for at least 6 months prior to trial for an impaired driving

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offense is a mitigating factor. This mitigating factor would only be applicable if the defendant meets the following criteria:

- Is charged with a violation of G.S. 20-138.1.
- The offense did not involve a crash resulting in serious injury or death of a person.
- The defendant held a valid drivers' license or one that had expired less than one year at the time of the offense.
- At the time of the offense, the defendant did not have any pending impaired driving charges, or convictions of impaired driving within 5 years.
- The defendant did not have a BAC of 0.15 or more.
- The defendant installed the ignition interlock within 45 days of the offense.
- The defendant only operated the vehicle with a valid limited driving privilege or when the defendant's license was not revoked or suspended.

**EFFECTIVE DATE:** Section 3 (workplace violence prevention) and Section 13 (savings clause and the effective date) would be effective when they become law. The remainder of the sections would become effective December 1, 2025, and apply to offenses committed on or after that date.

*\*Amy Darden, Michael Johnston, Hannah Kendrick, and Rob Ryan, Staff Attorneys, contributed substantially to this summary.*