



2025-2026 General Assembly

SENATE BILL 429: 2025 Public Safety Act, Sec. 17: Clarifying Changes Regarding Misdemeanor Crime of Domestic Violence

Analysis of: S.L. 2025-70, Sec. 17

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Section 17 of S.L. 2025-70 (Senate Bill 429) makes the following clarifying changes regarding a misdemeanor crime of domestic violence:

- Misdemeanor assaults, batteries, and affrays (G.S. 14-33) must 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) commits a misdemeanor crime of domestic violence, and (ii) has two or more prior convictions for misdemeanor assault, felony assault, or a violation of a misdemeanor crime of violence, 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 a misdemeanor crime of violence, the judicial official who determines the conditions of pretrial release shall be a judge.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

Kara McCraw
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