



# SENATE BILL 429: 2025 Public Safety Act.

2025-2026 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	April 29, 2025
<b>Introduced by:</b>	Sens. Britt, B. Newton, Daniel	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	Second Edition		Staff Attorney

*Senate Bill 429 would make various criminal law revisions as follows:*

- *Create a new criminal offense for exposing a child to a controlled substance*
- *Create new offenses for possession of a firearm by a felon during the commission of a felony.*
- *Revise laws pertaining to the disclosure and release of autopsy information compiled or prepared by the Office of the Chief Medical Examiner*
- *Increase the punishment for committing the offense of solicitation of minors by computer*
- *Remove the requirement that the district attorney inform the Attorney General of the district attorney's decision to give a witness immunity*
- *Modify the law related to requests to terminate sex offender registration by requiring the clerk of court upon receipt of the petition from the petitioner to collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney*
- *Modify the law related to domestic violence protective orders so that a person who resides outside of North Carolina may seek a protective order under certain conditions*
- *Amend the reporting requirement under the Crime Victim's Compensation Act to allow a victim six months to report the injurious conduct and still be eligible for benefits*
- *Modify the criminal law related to secretly peeping into a room occupied by another person by updating certain definitions and modifying certain offenses*
- *Modify the criminal law prohibiting sexual activity by a substitute parent or custodian to include religious organizations or institutions*
- *Create the new offense of larceny of gift cards and revise the laws related to organized retail theft to reflect the creation of this new law*
- *Modify the law prohibiting breaking or entering buildings by creating a new offense for entering a part of a building that is not open to the public with the intent to commit a crime*
- *Allow unlicensed law school graduates to practice law under supervision*
- *Create an alternative for storing biological evidence during a criminal proceeding by allowing the evidence to be stored by the collecting agency*
- *Modify the law related to the recording of court proceedings to require that arguments of counsel on questions of law be recorded upon motion of a party or upon the judge's own motion*

Kara McCraw  
Director



Legislative Analysis  
Division  
919-733-2578

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- *Increase the penalties related to certain vehicular failure to yield laws*
- *Modify the North Carolina Controlled Substances Act to provide for increased penalties related to the possession and sale of fentanyl and carfentanil*

## CURRENT LAW AND BILL ANALYSIS:

**Section 1** would create new criminal offenses for exposing a child under the age of 16 to a controlled substance. The offense would provide a felony for any person who "knowingly, intentionally, or with reckless disregard for human life" causes or permits a child to be exposed to a controlled substance.

The classification of offense would be determined by the degree of harm caused, as follows:

- Causing exposure – Class H felony.
- Causing exposure resulting in the child ingesting the controlled substance – Class E felony.
- If the ingestion results in serious physical injury – Class D felony.
  - Serious physical injury is physical injury that causes great pain and suffering, including serious mental injury.
- If the ingestion results in serious bodily injury – Class C felony.
  - Serious bodily injury is bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.
- If the ingestion is the proximate cause of death – Class B1 felony.

The offense would not apply to a person that intentionally gives a child a controlled substance that has been prescribed for the child by a licensed medical professional when given to the child in the prescribed amount and manner.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 2** would create new offenses for possession of a firearm by a felon during the commission of a felony. A person convicted of a felony is prohibited from possessing a firearm by G.S. 14-415.1, and violation is punished as a Class G felony. Section 3 would create the following new offenses if a felon possessed a firearm:

- Possession of a firearm during the commission of a felony would be a Class F felony.
- Brandishing a firearm during the commission of a felony would be a Class D felony.
- Discharging a firearm during the commission of a felony would be a Class C felony.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 3** would amend the statutes relating to the availability of autopsy records.

### Autopsies Related to Criminal Investigation

Upon notice from the investigating law enforcement agency or prosecuting district attorney, records related to a death that is under criminal investigation would not be public record until the holder of the records is notified that the criminal investigation or prosecution has concluded or a determination has been made to terminate the criminal investigation. Records of criminal investigation would only be able to be released to the following persons or for the following purposes:

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- To the personal representative of the decedent's estate to fulfill lawful duties, to a beneficiary of a benefit or claim related to the decedent's death for purposes of receiving the benefit, or to the decedent's spouse, child or stepchild, parent or stepparent, sibling, or legal guardian
- By the entity performing the autopsy as necessary to conduct a thorough and complete death investigation, to consult with outside physicians and other professionals, and to conduct necessary toxicological screenings.
- When disclosing information to the investigating public law enforcement agency or prosecuting district attorney.
- When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to comply with State or federal reporting requirements, or to comply with any duty imposed by law.

## Autopsies of Children Under 18 Years of Age

Records related to the death of a child under the age of 18 would not be public record and could only be released with the written consent of the deceased child's parent or guardian or a person standing in loco parentis. Without parental consent, records of a child autopsy would only be able to be released to the following persons or for the following purposes:

- To the personal representative of the decedent's estate to fulfill lawful duties.
- When necessary to address public health or safety concerns, for public health purposes, to facilitate research, to comply with State or federal reporting requirements, or to comply with any duty imposed by law.

## Interaction Between Provisions and Additional Procedures

If autopsy records are both criminal investigation records and records of the death of a child under the age of 18, the provisions related to criminal investigation records would prevail until the conclusion of the investigation or prosecution or until a determination is made to terminate the criminal investigation. When the records are no longer records of a criminal investigation, the provisions requiring parental consent would apply.

Persons who receive records under one of the exceptions are prohibited from disclosing them to the public unless otherwise authorized by law. Persons who disclose or release records in violation of the provisions or who willfully and knowingly possess those records would be guilty of a Class 1 misdemeanor.

Any person seeking disclosure of the records of a criminal investigation or of the death of a child under the age of 18 may commence a special proceeding in the superior court of the county where the death occurred.

This section also provides that for deaths occurring due to an injury received in the course of the decedent's employment, the Chief Medical Examiner shall provide the final autopsy report to the Department of Labor within 5 months of a written request.

This section would become effective October 1, 2025.

**Section 4** would increase the punishment for committing the offense of solicitation of minors by computer by modifying G.S. 14-202.3 to provide for the following increases in punishment:

- A first violation would increase from a Class H felony to a Class G felony.
- A new offense would be created for a person who had a prior conviction for this type of crime to punish the offense as a Class E felony.

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- The punishment for an offender who actually appears at the meeting location with the minor would be increased from a Class G felony to a Class D felony.

This section would become effective when it becomes law.

**Section 5** would remove the requirement that the district attorney inform the Attorney General of the district attorney's decision to give a witness immunity for the witness to testify because the witness might otherwise assert a privilege against self-incrimination.

**Section 6** would modify the law related to requests to terminate sex offender registration by requiring the clerk of court upon receipt of the petition from the petitioner to collect the applicable filing fee and place the petition on the criminal docket to be calendared by the district attorney.

This section would become effective December 1, 2025, and apply to petitions filed on or after that date.

**Section 7** would modify the law related to domestic violence protective orders so that a person who resides outside of North Carolina may seek a protective order under certain conditions. Under current law any person who resides in North Carolina may seek a domestic violence protective order pursuant to Chapter 50B of the General Statutes. The bill would modify the law so that in addition to a person who resides in North Carolina, a person who resides outside of North Carolina could also seek a 50B protective order for acts that have occurred in the state if the defendant resides in the state.

This section would become effective December 1, 2025 and apply to motions filed on or after that date.

**Section 8** would amend the reporting requirement under the Crime Victim's Compensation Act to allow a victim six months to report the injurious conduct and still be eligible for benefits under the act. Under current law if a crime victim does not report the injurious conduct to law enforcement within 72 hours, the victim is not eligible for benefits under the Crime Victim's Compensation Act. The bill would expand this reporting period from 72 hours to six months.

This section would be effective when it becomes law and apply to applications filed on or after that date.

**Section 9** would modify the criminal law related to secretly peeping into a room occupied by another person by updating certain definitions and modifying certain offenses. G.S. 14-202 generally provides that it is a Class 1 misdemeanor to "peep secretly" into any room occupied by another person or underneath the clothing of another person. Higher penalties attach to certain aggravating conduct. For example, subsection (e) provides that "Any person who secretly or surreptitiously uses any device to create a photographic image of another person underneath or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person without their consent shall be guilty of a Class I felony." The bill would delete this language and replace it with the following: " Unless covered under some other provision of law providing greater punishment, any person who, with the intent to create a photographic image of a private area of an individual without the individual's consent, knowingly does so under circumstances in which the individual has a reasonable expectation of privacy shall be guilty of a Class I felony." The bill also makes conforming and technical changes.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 10** would modify the criminal law prohibiting sexual activity by a substitute parent or custodian to include religious organizations or institutions. G.S. 14-27.31(b) prohibits a person having custody of a victim of any age or a person who works for an institution having custody over a person from engaging in sexual activity with the person. The bill would modify this law to provide that an institution having custody over a person would include a "religious organization or institution." The bill would also create a new definition of "custody" to clarify that definition.

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This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 11** would create the new offense of larceny of gift cards and revise the laws related to organized retail theft to reflect the creation of this new law. Section 11 would create a new criminal offense: G.S. 14-72.12, Larceny of gift cards. A person would commit this offense if the person did 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 intent to defraud another.

Violation of the above would be a Class 1 misdemeanor if the value stolen is not more than \$1,000. If the value stolen is more than \$1,000 then a violation would be a Class H felony.

Section 11 would also revise the laws related to organized retail theft to make conforming changes to reflect the creation of this new offense.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 12** would modify the law prohibiting breaking or entering buildings by creating a new offense for entering a part of a building that is not open to the public with the intent to commit a crime. Specifically, G.S. 14-54, Breaking or entering building generally, would be modified by adding a new subsection prohibiting any person who, with the intent to commit an unlawful act to enter any area of a building (i) that is commonly reserved for personnel of a commercial business where money or other property is kept or (ii) clearly marked with a sign that indicates to the public that entry is forbidden. A first violation would be a Class 1 misdemeanor and a second or subsequent offense would be a Class I felony.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 13** would allow unlicensed law school graduates to practice law under supervision.

**Section 14** would modify G.S. 7B-3101 to clarify that all school notifications are limited to Class A through E felonies, consistent with the recent changes enacted by S.L. 2024-17. Last session, the General Assembly passed S.L. 2024-17 (H834), which among other changes to the juvenile justice system, modified G.S. 7B-3101, Notification of schools when juveniles are alleged or found to be delinquent, to require a juvenile court counselor to notify the juvenile's school only if the juvenile committed what would be a Class A through E felony, if committed by an adult.

**Section 15** would create an alternative for storing biological evidence during a criminal proceeding by allowing the evidence to be stored by the collecting agency if the district attorney, clerk, and collecting agency all agree to the request.

**Section 16** would modify the law related to recording of court proceedings to require that arguments of counsel on questions of law be recorded upon motion of a party or upon the judge's own motion.

**Sections 17** would make failure to yield that results in serious bodily injury but not death a Class 2 misdemeanor, punishable by a \$500 fine and revocation of the driver's license for 90 days. The current penalty is a fine and suspension of the driver's license. This section would become effective December 1, 2025, and apply to offenses on or after that date.

**Section 18** would create a Class 2 misdemeanor to fail to yield to a blind or partially blind pedestrian. This section would become effective December 1, 2025, and apply to offenses on or after that date.

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**Section 19** would modify the North Carolina Controlled Substances Act to provide for increased penalties related to the possession and sale of fentanyl and carfentanil. The punishment would be increased as provided below:

- Possession of fentanyl and carfentanil would be increased from a Class I felony to a Class H felony.
- Sale, delivery, and possession with intent to sell or deliver fentanyl and carfentanil would be increased from a Class G felony to a Class F felony.
- Trafficking offenses for possession of fentanyl and carfentanil would be increased as provided below:
  - Four grams or more, but less than 14 grams would be increased from a Class F felony to a Class E felony.
  - 14 grams or more, but less than 28 grams would be increased from a Class E felony to a Class D felony.
  - 28 grams or more would remain a Class C felony as is under current law.

This section would become effective December 1, 2025, and apply to offenses on or after that date.

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