

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 738
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10336-MM-62

Short Title: Recodification of Criminal Laws. (Public)

Sponsors: Representative Riddell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE BIPARTISAN NORTH CAROLINA LEGISLATIVE
3 WORKING GROUP TO MAKE RECOMMENDATIONS FOR THE RECODIFICATION
4 OF NORTH CAROLINA'S CRIMINAL LAWS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** There is created the Bipartisan North Carolina Legislative Working
7 Group on Criminal Law Recodification (Working Group). The purpose of the Working Group is
8 to make recommendations to the General Assembly regarding a streamlined, comprehensive,
9 orderly, and principled criminal code which includes all common law, statutory, regulatory, and
10 ordinance crimes.

11 **SECTION 1.(b)** The Working Group shall be comprised of nine members selected
12 as follows:

- 13 (1) Two senators who are members of the majority party appointed by the
14 President Pro Tempore of the Senate.
- 15 (2) Two senators who are members of the minority party appointed by the
16 Minority Leader of the Senate.
- 17 (3) Two representatives who are members of the majority party appointed by the
18 Speaker of the House of Representatives.
- 19 (4) Two representatives who are members of the minority party appointed by the
20 Minority Leader of the House of Representatives.
- 21 (5) One individual appointed jointly by the President Pro Tempore of the Senate
22 and the Speaker of the House of Representatives. This individual shall have
23 served at least six years as a member of the General Assembly and shall serve
24 as the chair of the Working Group.

25 **SECTION 1.(c)** The Working Group shall solicit comments and feedback from the
26 public, as well as from all of the following:

- 27 (1) The Chief Justice of the Supreme Court.
- 28 (2) The Attorney General.
- 29 (3) The Conference of District Attorneys.
- 30 (4) Indigent Defense Services.
- 31 (5) The North Carolina Sheriffs' Association.
- 32 (6) The North Carolina Association of Chiefs of Police.
- 33 (7) The North Carolina Police Benevolent Association.
- 34 (8) The North Carolina League of Municipalities.
- 35 (9) The North Carolina Association of County Commissioners.



1 **SECTION 1.(d)** All appointments to the Working Group shall be made no later than
2 30 days after this act becomes law. Vacancies on the Working Group shall be filled by the
3 appointing authority. The Working Group, while in the discharge of its official duties, may
4 exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through
5 G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of
6 the State to provide any information, data, or documents within their possession, ascertainable
7 from their records, or otherwise available to them and the power to subpoena witnesses.

8 **SECTION 1.(e)** The Working Group shall meet upon the call of the chair, but at
9 least monthly beginning no later than August 15, 2021. A majority of the voting members shall
10 constitute a quorum. Members shall receive per diem, subsistence, and travel allowances in
11 accordance with G.S. 120-3.1 or G.S. 138-5, as appropriate. The Legislative Services
12 Commission, through the Legislative Services Officer, shall assign professional staff to monitor
13 and provide technical assistance to the Working Group; provided, however, legislative staff shall
14 not be made available at times when the 2021 General Assembly is in session. Upon the direction
15 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House
16 of Representatives shall assign clerical staff to the Working Group. The Working Group shall
17 terminate on December 31, 2022.

18 **SECTION 2.(a)** The Working Group shall establish general principles which shall,
19 at a minimum, provide for all of the following:

- 20 (1) Incorporate existing statutory and common law offenses into Chapter 14 of
21 the General Statutes, harmonizing additions with current Chapter content.
- 22 (2) Apply consistent terminology across statutes and define all terminology.
- 23 (3) Specify the required mental state or that an offense is a strict liability crime.
- 24 (4) Eliminate redundant crimes and multiple punishment for the same conduct.
- 25 (5) Simplify offense numbering.
- 26 (6) Eliminate or modify unconstitutional provisions to ensure lawfulness.
- 27 (7) Eliminate outdated laws.
- 28 (8) Apply consistent, logical offense grading, with advice from the North
29 Carolina Sentencing Policy and Advisory Commission.

30 **SECTION 2.(b)** The Working Group shall provide the following deliverables:

- 31 (1) For common law crimes and crimes included in the North Carolina General
32 Statutes:
 - 33 a. Create a database of all statutory and common law crimes, including
34 statute number or common law designation; offense short title;
35 elements; link to the statute; punishment; special and key features;
36 frequency of charging, if available; and any proposed changes and the
37 status of those changes in order to track decisions by the Working
38 Group.
 - 39 b. Draft legislation amending, recodifying, or proposing changes to
40 North Carolina criminal statutes using a format that is consistent with
41 drafting conventions used by the North Carolina General Assembly,
42 as directed by the Working Group.
- 43 (2) For crimes created by local ordinances:
 - 44 a. Create a database of ordinance offenses, including ordinance title,
45 general description, elements, punishment, and key feature coding.
46 The Working Group will sample ordinances from diverse jurisdictions
47 or review all, as time allows.
 - 48 b. Report on common ordinance crimes, including charging data, if
49 available, and including presentation of a range of policy options for
50 addressing ordinance crimes consistent with the Working Group's
51 goals.

- 1 c. Draft legislation using a format that is consistent with drafting
2 conventions used by the North Carolina General Assembly, as directed
3 by the Working Group.
4 (3) For crimes created by administrative boards and bodies:
5 a. Create a database of all crimes created by administrative boards and
6 bodies that make it a crime to violate any regulation created by an
7 administrative board or body, with exemplary regulations and
8 punishment levels.
9 b. Report on policy options for addressing regulatory crimes consistent
10 with the Working Group's goals.
11 c. Draft legislation using a format that is consistent with drafting
12 conventions used by the North Carolina General Assembly, as directed
13 by the Working Group.

14 **SECTION 3.** This act becomes effective July 1, 2021.