

2009 Legislation 'Effective December 1, 2009'

S.L. 2009-37 (HB 616) OFFENSE FOR PORTABLE TOILETS/PUMPER TRUCKS.

An Act To Create The Offense Of Larceny, Destruction, Defacement, Or Vandalism Of Portable Toilets Or Pumper Trucks. [Entire Act]

S.L. 2009-93 (HB 1327) SCHOOLS NOTIFIED OF CRIMINAL INTELLIGENCE INFORMATION.

An Act Authorizing Law Enforcement Agencies To Disseminate An Assessment Of Criminal Intelligence Information To A School Principal Pursuant To Federal Law. [Entire Act]

S.L. 2009-107 (HB 43) SCHOOL BOARD MEMBERS/FAILURE TO DISCHARGE DUTY.

An Act Making It Unlawful For A School Board Member To Willfully Fail To Discharge The Duties Of The Office. [Entire Act]

S.L. 2009-128 (SB 1000) MOTOR VEHICLE SIZE AND WEIGHT LAW CHANGES.

An Act To Restrict The Overall Length Of A Single Vehicle With Two Or More Axles To Forty Feet, To Require That Vehicles Transporting Equipment Or Poles For Emergency Utility Repair At Night Have Trailers That Are No Longer Than Fifty-Three Feet, To Increase The Maximum Length For A Combination Of A House Trailer Used As A Mobile Home With Its Towing Vehicle, And To Require Certain Farm Vehicles To Be Self-Propelled When Operating On A Highway. [Entire Act]

S.L. 2009-135 (HB 9) NO TEXTING WHILE DRIVING.

An Act To Make It Unlawful To Use A Mobile Telephone For E-Mail Or Text Messaging While Operating A Vehicle On A Public Street Or Highway Or Public Vehicular Area. [Entire Act]

S.L. 2009-147 (HB 440) THE NICHOLAS ADKINS SCHOOL BUS SAFETY ACT.

An Act To Provide For The Use Of Automated Camera Or Video Recording Systems To Detect And Prosecute Individuals Who Pass Stopped School Buses, As Recommended By The Child Fatality Task Force, And To Increase The Penalty For Striking And Causing The Death Of A Person When Passing A Stopped School Bus. [Entire Act]

S.L. 2009-179 (HB 315) PLEA BARGAIN DISCLOSURE.

An Act To Provide That Rejection Of A Plea Arrangement By A Judge In Superior Court Shall Be Noted On The Plea Transcript And Be Made Part Of The Court Record. [Entire Act]

S.L. 2009-203 (HB 1190) PRESERVATION OF DNA & BIOLOGICAL EVIDENCE.

An Act To Clarify And Strengthen The Law Regarding The Preservation Of Dna And Biological Evidence That Is Related To A Criminal Offense And A Defendant's Access To That Evidence. [See Secs. 1-6 & 8]

S.L. 2009-204 (HB 787) INCREASE PENALTY/REMOVE SERIAL NUMBER FROM GUN.

An Act To Increase The Criminal Penalty For Altering, Destroying, Or Removing The Permanent Serial Number Of A Firearm And For Possessing A Firearm With The Serial Number Removed. [Entire Act]

S.L. 2009-205 (HB 722) PARAPHERNALIA CONTROL ACT.

An Act To Provide For The Regulation Of Certain Devices That May Be Used As Drug Paraphernalia. [Entire Act]

S.L. 2009-234 (SB 649) MODIFY SPEED ZONE RESTRICTIONS.

An Act To Prevent Speed Limits In Areas Newly Annexed By A Municipality From Automatically Becoming Thirty-Five Mile-Per-Hour Speed Zones And To Allow Flexibility In The Designation Of Segments Of Work Zones Subject To Additional Penalties. [See Secs. 2 & 3]

S.L. 2009-300 (HB 885) TARGETED PICKETING.

An Act To Prohibit Persons From Picketing Directed At A Single Residence In A Manner That Would Cause Fear Or Substantial Emotional Distress. [Entire Act]

S.L. 2009-319 (HB 882) MOTOR VEHICLE INSPECTION PROGRAM CHANGES.

An Act To Allow The Division Of Motor Vehicles To Refuse To Register A Vehicle If The Vehicle Is Not In Compliance With The Inspections Requirements, To Require Proof Of Financial Responsibility For A Three-Day Trip Permit, And To Make Technical Changes To The Inspection Program Statutes. [See Secs. 5 & 6]

S.L. 2009-333 (HB 1105) AMEND LAWS/REFRIGERATION CONTRACTORS.

An Act To Amend The Laws Regulating Refrigeration Contractors. [See Secs. 5 & 9]

S.L. 2009-335 (SB 817) INCREASE CHILD SUPPORT COLLECTIONS.

An Act To Increase Child Support Collections By Permitting Greater Sentencing Flexibility For A Person Who Commits Criminal Contempt By Failing To Comply With An Order To Pay Child Support. [Entire Act]

S.L. 2009-336 (SB 65) AMEND COMPUTER SOLICITATION OF CHILD.

An Act To Amend The Law Regarding Solicitation Of A Child By Computer To Commit An Unlawful Sex Act To Include Solicitations By Other Electronic Devices As Well As Computers. [Entire Act]

S.L. 2009-344 (SB 307) REGULATE OWNERSHIP & USE OF CERTAIN REPTILES.

An Act To Amend The Law Regulating The Use Of Certain Reptiles. [Entire Act]

S.L. 2009-348 (SB 764) REAL ESTATE/SETTLEMENT AGENT EMBEZZLEMENT.

An Act Amending The Criminal Statutes And The Good Funds Settlement Act To Clarify That A Settlement Agent Is Guilty Of Embezzlement In Instances Where It Cannot Be Shown That The Funds Were Embezzled From A Particular Person Or Entity. [Entire Act]

S.L. 2009-349 (SB 1076) MODIFY CRIMINAL JUSTICE PARTNERSHIP PROGRAM.

An Act To Modify The Criminal Justice Partnership Program To Allow Certain Community-Level Offenders To Be Served By The Program. [Entire Act]

S.L. 2009-351 (HB 23) STRENGTHEN CHILD LABOR VIOLATION PENALTIES.

An Act Amending Chapter 95 Of The General Statutes To Protect The Health And Safety Of Children By Increasing The Penalties For Violations Of Child Labor Laws. [Entire Act]

S.L. 2009-356 (HB 192) CHILD WITNESS TESTIMONY/PROCEDURES.

An Act To Establish Procedural Requirements For Child Witness Testimony In Criminal Cases. [Entire Act]

S.L. 2009-369 (HB 1185) HABITUAL DWI-REINSTATEMENT PETITION/10 YRS.

An Act To Allow An Individual Convicted Of Habitual Impaired Driving To Be Eligible To Petition For A Hearing To Restore Driving Privileges After Ten Years Without Any Traffic Or Criminal Convictions. [Entire Act]

S.L. 2009-372 (SB 920) PROBATION REFORM.

An Act To Allow Probation Officers To Access Certain Offenders' Juvenile Records, To Make Warrantless Searches And Drug Screening Regular Conditions Of Supervision, To Add Additional Controlling Measures For Offenders Subject To Intermediate Punishment, And To Make Clarifying Amendments To Streamline Procedures For Supervision Of Offenders In The Community. [See Sec. 20]

S.L. 2009-379 (HB 1256) LARCENY OF A MOTOR VEHICLE PART.

An Act To Create The Criminal Offense Of Larceny Of A Motor Vehicle Part. [Entire Act]

S.L. 2009-380 (HB 1255) SEX OFFENDERS/PERMANENT NO CONTACT ORDER.

An Act To Provide That When Sentencing A Defendant Convicted Of A Sex Offense And Upon Request Of The District Attorney, The Court May Enter A Permanent No Contact Order Prohibiting Any Future Contact Of A Convicted Sex Offender With The Crime Victim If The Court Determines That Appropriate Grounds Exist For The Order. [Entire Act]

S.L. 2009-398 (HB 1077) VENUE/MUNICIPALITIES IN MULTIPLE DISTRICTS.

An Act To Amend The Venue Rules And The Authority Of Magistrates For Municipalities Lying In Four Or More Counties, Each Of Which Is In A Different Judicial District. [Entire Act]

S.L. 2009-411 (SB 513) NOTICE OF HEARING/UNSUPERVISED PROBATION.

An Act To Authorize Service By Mail Of Notices Of Hearings On Violations Of Unsupervised Probation, Clarifying Procedures For Community Service Staff Notifying Persons Of Willful Violations, And To Clarify The Court's Authority When A Notice Of Violation Of Unsupervised Probation Is Served By Mail. [Entire Act]

S.L. 2009-412 (SB 1078) DELAY BOND/PROBATIONER ARRESTED FOR FELONY.

An Act To Provide The Procedure For Determining Pretrial Release Conditions When A Probationer Is Arrested And Charged With The Commission Of A Felony, And To Provide That When A Probationer Is Charged With A Violation Of Probation And Has A Pending Felony Charge, A Judicial Official Must Determine Whether The Probationer Poses A Danger To The Public And, If The Probationer Is A Danger To The Public, The Judicial Official Must Deny Release On The Probation Violation Charge. [Entire Act]

S.L. 2009-415 (SB 713) REMOVAL OF ELECTRONIC MONITORING DEVICE.

An Act To Create The Criminal Offense Of Removing, Destroying, Or Circumventing The Operation Of An Electronic Monitoring Device. [Entire Act]

S.L. 2009-417 (HB 1058) INCREASE STATUTORY HOMESTEAD EXEMPTION.

An Act To Increase The Statutory Homestead Exemption. [Entire Act]

S.L. 2009-451 (SB 202) APPROPRIATIONS ACT OF 2009.

An Act To Make Base Budget Appropriations For Current Operations Of State Departments, Institutions, And Agencies, And For Other Purposes.

[See Secs. 19.26(d) (amends [S.L. 2009-372](#), s.13(b)) & 19.26(e) (amends [S.L. 2009-372](#), s.17)]

S.L. 2009-456 (HB 67) LICENSE PLATE FRAME/STATE NAME VISIBLE/STUDY.

An Act To Prohibit The Covering Of The State Name, Year Sticker, Or Month Sticker On A State License Plate By A License Plate Frame And To Direct The Joint Legislative Transportation Oversight Committee And The Revenue Laws Study Committee To Study The Authorization Of Special Registration Plates. [See Secs. 1 & 3]

S.L. 2009-460 (HB 1098) PROTECT SEARCH AND RESCUE ANIMAL.

An Act To Provide The Same Protections To Search And Rescue Animals As Those Provided To Law Enforcement Agency Animals And Animals That Assist The Disabled. [Entire Act]

S.L. 2009-491 (HB 1117) SEX OFFENDER CAN'T DRIVE BUS WITH CHILDREN.

AN ACT to provide that the division of motor vehicles shall not issue or renew commercial drivers licenses with endorsements that qualify a person to drive a commercial passenger vehicle or school bus for anyone required to register under the sex offender and public protection registration programs. [Entire Act]

S.L. 2009-498 (HB 209) SEX OFFENDER REGISTRY/LIBERTIES W/STUDENT.

An Act To Add The Offense Of Taking Indecent Liberties With A Student To The List Of Sex Offenses That Require Registration Under The Sex Offender And Public Protection Registration Program, As Recommended By The House Select Committee On Sex Offender Issues. [Entire Act]

S.L. 2009-500 (HB 926) CONTINUOUS ALCOHOL MONITORING SYSTEMS.

An Act To Allow The Use Of Continuous Alcohol Monitoring Systems To Meet Requirements For The Restoration Of A Revoked Drivers License, And To Authorize The Use Of Certain Funds For The Promulgation Of Division Of Motor Vehicles Guidelines

Relating To The Use Of The Results Of Continuous Alcohol Monitoring Systems As Evidence. [See Sec. 4]

S.L. 2009-508 (SB 990) INCREASE PENALTY/TIMBER THEFT.

An Act To Increase The Criminal Penalty For Cutting, Injuring, Or Removing Another's Timber Resulting In Damages That Exceed One Thousand Dollars. [Entire Act]

S.L. 2009-514 (HB 775) ALT. TESTIMONY/CHILDREN AND ADULTS WITH DISABILITIES.

An Act To Provide For Alternative Means Of Testimony For Persons With Developmental Disabilities And Persons With Mental Retardation, As Recommended By The Joint Study Committee On Autism Spectrum Disorder And Public Safety. [Entire Act]

S.L. 2009-516 (HB 1269) AOC OMNIBUS COURTS ACT.

An Act To Authorize A County Or City To Use Excess Facility Fees Without The Approval Of The Administrative Office Of The Courts, To Add To The Director's Powers And Duties The Establishment And Staffing Of An Internal Auditing Division For The Judicial Department, To Modify Certain Statutes Related To Drug Treatment Courts, And To Clarify The Emergency Powers Of The Chief Justice. [See Secs. 7(A), 8(A), 9, 10(A) & 12]

S.L. 2009-517 (SB 853) MOTION FOR APPROPRIATE RELIEF/NEW REQUIREMENT.

An Act To Provide That An Attorney Making A Motion For Appropriate Relief In Superior Court, Whether By Oral Or Written Motion, Must Certify In Writing To The Court That The Motion Is Made In Good Faith And On Sound Legal Basis, That The Attorney Has Reviewed The Trial Transcript As Appropriate, Or If The Transcript Is Unavailable, State The Efforts Undertaken To Locate The Transcript, And The Attorney Has Notified Both The District Attorney And The Defense Attorney Who Initially Represented The Defendant Of The Motion, To Require That The Certification Appear In Writing On The Motion; And To Require That Prior Trial And Appellate Counsel For The Defendant And The State Make All Files Related To The Defendant's Case Available To The Defendant's Attorney For Postconviction Proceedings In Superior Court. [Entire Act]

S.L. 2009-528 (HB 889) CHANGE PENALTY FOR MISD. DEATH BY VEHICLE.

An Act To Increase The Penalty For Misdemeanor Death By Motor Vehicle From A Class 1 Misdemeanor To A Class A1 Misdemeanor. [Entire Act]

S.L. 2009-531 (SB 295) CLARIFY CLOSEST MARKET.

An Act To Require The Closest Market To Which A Crop May Be Hauled To Be Within One Hundred Fifty Miles Of The Farm From Which The Crop Is Hauled. [Entire Act]

S.L. 2009-534 (HB 1111) CAMPAIGN FINANCE AMENDMENTS.

An Act To Make More Specific When An Individual Becomes A "Candidate" For Campaign Finance Law; To Use Different Terminology And Define Terms In The Legal Expense Funds Statute And Clarify Candidate Contributions To Legal Expense Funds; To Revise The Way The Definitions Of "Contribution" And "Expenditure" Deal With Promises; To Require That A Treasurer For A North Carolina Committee Be A North Carolina Resident;

To Reduce The Three-Thousand-Dollar Or Less Exemption For Campaign Reporting For Candidates For Certain Local Elected Offices To One Thousand Dollars Or Less And To Eliminate The Three-Thousand-Dollar Or Less Exemption For Campaign Reporting For Candidates For All Other Offices; To Exempt Commercial Communications From The Electioneering Communication Laws And Candidate-Specific Communication Laws; To Authorize An Optional Process To Determine Whether Or Not A Communication Is An Electioneering Communication Or A Candidate-Specific Communication Prior To Its Distribution; To Make A Change To The Procedure For Allocating Money In The Political Parties Financing Fund; And To Make Other Technical Changes. [Entire Act]

S.L. 2009-538 (SB 138) SALVIA DIVINORUM UNLAWFUL.

An Act To Create The Offense Of Unlawful Manufacture, Sale, Delivery, Or Possession Of Salvia Divinorum. [Entire Act]

S.L. 2009-545 (SB 984) ACCESS TO JUVENILE RECORDS/VIOLENT OFFENDERS.

An Act Amending The Juvenile Code Regarding Access To Juvenile Court Records. [Entire Act]

S.L. 2009-547 (SB 726) AMEND HOUSE ARREST LAWS/ADULT/JUVENILE.

An Act To Provide That House Arrest May Be Imposed As A Condition Of Pretrial Release; To Provide That The Court May Authorize An Offender Under Electronic House Arrest To Leave The Offender's Residence For Specific Purposes And The Court Or Probation Officer May Modify Those Conditions; And To Amend The Definition Of House Arrest Under Juvenile Law To State The Specific Purposes For Which A Juvenile May Be Authorized To Leave The Juvenile's Residence. [Entire Act]

S.L. 2009-551 (HB 1261) PROTECT OUR KIDS/CYBER BULLYING.

An Act Protecting Children Of This State By Making Cyber-Bullying A Criminal Offense Punishable As A Misdemeanor. [Entire Act]

S.L. 2009-553 (HB 1387) SOLAR COLLECTORS ON RESIDENTIAL PROPERTIES.

An Act To Make The Current Limitations On City Ordinances And County Ordinances That Regulate The Installation Of Solar Collectors For Single-Family Residences Applicable To All Residential Property And The Current Limitations On Deed Restrictions That Regulate The Installation Of Solar Collectors For Single-Family Residences Applicable To All Residential Property Except Certain Multi-Story Condominiums. [Entire Act]

S.L. 2009-554 (HB 1135) QUI TAM/LIABILITY FOR FALSE CLAIMS.

An Act To Deter And Punish Persons Who Make False Or Fraudulent Claims For Payment By The State And To Provide Remedies In The Form Of Treble Damages And Civil Penalties When Money Is Obtained From The State By Reason Of Such Claims. [See Secs. 3 & 4]

S.L. 2009-555 (SB 489) EVEN OUT PRIOR CRIMINAL RECORD POINTS.

An Act To Restructure The Prior Record Level Point Ranges In Order To Expand The Points In Prior Record Level I And To Even Out The Remaining Ranges. [Entire Act]

S.L. 2009-556 (SB 488) ESTABLISH PROPORTIONATE SENTENCE LENGTHS.

An Act To Make The Increase In Sentence Lengths Between Prior Record Levels More Proportionate Using A Set Percentage Increment.

[Entire Act]

S.L. 2009-577 (HB 1329) CONSOLIDATE EXPUNCTION STATUTES.

An Act To Consolidate All Statutes Related To Expunction Of Records In One Article Of The General Statutes, To Modify The Age Requirements Of Certain Expunctions To Be The Age At The Time Of The Offense Rather Than The Age At The Time Of Conviction, To Allow The Expunction Of Misdemeanor Larceny, And To Make Clarifying And Conforming Changes To The Expunction Statutes. [Entire Act]