



SENATE BILL 584: Criminal Law Reform.

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

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 10, 2019
Introduced by:	Sens. Wells, Daniel	Prepared by:	Susan Sitze
Analysis of:	PCS to Second Edition S584-CSSA-61		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for Senate Bill 584 would subject all rules creating criminal penalties to a delayed effective date, extend the deadline for local governments and State agencies to report on ordinances and rules subject to a criminal penalty, and require the General Statutes Commission to study the reports received.*

CURRENT LAW AND BACKGROUND:

S.L. 2018-69 required cities and towns that have enacted an ordinance pursuant to G. S. 14-4 to “create a list of applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance” and submit it to the General Assembly by December 2018. As of July 9, 2019, 72 of 100 counties and 236 of 550 cities and towns have reported as required.

The same legislation required State agencies, boards, and commissions that have the power to define criminal conduct in the North Carolina Administrative Code to also report a list of crimes defined by the agency, board, or commission. As of July 9, 2019, 40 agencies, boards, and commissions have reported.

G. S. 14-4 authorizes counties, cities, towns, and metropolitan sewerage districts to create crimes through local ordinances. Generally, a violation of a local ordinance is a Class 3 misdemeanor.

BILL ANALYSIS:

Sections 1 and 2 would amend the rule-making procedure to delay the effective date of rules that create a new criminal offense to either the 31st legislative day or the day of adjournment of the next regular session, whichever occurs first, unless disapproved by the General Assembly.

Sections 3 and 4 would amend S.L. 2018-69 to extend the reporting deadline for State agencies, boards, and commissions, and for counties, cities, towns, and metropolitan sewerage districts to file their reports to November 1, 2019. These sections would also amend the Session Law to require reports to go only to the Joint Legislative Administrative Procedure Oversight Committee, rather than both that committee and the Joint Legislative Oversight Committee on Justice and Public Safety.

Section 4 would amend S.L. 2018-69 to limit the reporting requirement to counties with a population of 20,000 or more according to the last federal decennial census, and cities or towns with a population of 1,000 or more according to the last federal decennial census.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
919-733-2578

Senate PCS 584

Page 2

Section 5 would provide that no ordinance adopted on or after January 1, 2020 and before January 1, 2022 by a county, city, or town that is required to report pursuant to S.L. 2018-69, as amended by Section 4, shall be subject to a criminal penalty as provided in G.S. 14-4 unless that county, city, or town submitted the required report on or before November 1, 2019.

Section 6 would require the General Statutes Commission to study the reports received pursuant to S.L. 2018-69, as amended by Sections 3 and 4 of this act, and make recommendations regarding whether conduct currently criminalized by ordinance or rule should have criminal penalties provided by a generally applicable State law. The Commission shall report to the 2019 General Assembly and to the Joint Oversight Committee on General Government on or before May 1, 2020.

EFFECTIVE DATE: This act is effective when it becomes law.