

General Assembly Closes Up Shop, Gives Us "Technical" Corrections

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The General Assembly reached an agreement on coal ash and has adjourned for the session. Shortly before departing, it approved a technical corrections bill that has become law. The bill contains several criminal law provisions, some of which arguably are not "technical." But let's not get technical about what's technical!

Bob Farb sent a summary of the bill out yesterday afternoon, and I've pasted it below for those who haven't seen it. It includes several provisions that I have previously noted on the blog, including one regarding vapor cigarettes for jail inmates and one regarding the disposition of seized weapons. But the bill contains additional items of possible interest as well, so here's the entire summary:

[S.L. 2014-115 \(H 1133\): Miscellaneous criminal law changes.](#) This 58-page session law makes miscellaneous changes to a variety of statutes, including criminal provisions, which are effective on August 11, 2014, unless otherwise noted. The section numbers and pages of the session law are noted to facilitate locating the provisions.

- Amended G.S. 15A-830(a)(7), involving the Crime Victims' Rights Act, revises the listing of offenses included within the act to reflect reclassifications and repeals, and specifically states that the changes do not adversely affect the rights granted to victims before these changes become effective. Section 2.1 (pages 2-3).
- Amended G.S. 7A-273(2) (magistrates' authority to accept guilty pleas) includes open burning offenses under Article 78 of G.S. Chapter 106. Section 20 (page 13).
- Effective for offenses committed on or after December 1, 2014, amended G.S. 14-258.1 allows local confinement facilities to give or sell vapor products or FDA-approved tobacco cessation products to inmates in their custody. Section 23 (page 13).
- A clerk of superior court's reporting duties under G.S. 14-404(c1) to the National Instant Criminal Background Check System (NICS) involving pistol permits issued by sheriffs are delayed from beginning on July 1, 2014, to January 1, 2015, and clarifies that the clerk must determine which information can "practicably be transmitted" to NICS. Section 23.5 (pages 13-14).
- Amended G.S. 15-11.1(b1)(4) allows a court order transferring a seized firearm to a law enforcement agency to be issued without a written request of the head of the agency. Section 24.5 (page 14).
- Amended G.S. 20-4.01(41a) includes within the definition of a "serious traffic violation" the unlawful use of a mobile telephone while operating a commercial motor vehicle. Section 28.3 (pages 18-19).
- Amended G.S. 20-37.13 provides that the issuance of a commercial driver's learner's permit is a precondition to the initial issuance of a commercial driver's license and also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. Section 28.5 (page 19).
- Local acts for five counties (Harnett, Pamlico, Perquimans, Scotland, and Warren) are repealed that had governed the disposition of deadly weapons after a conviction. Disposition in these counties are now governed by G.S. 14-269.1 (confiscation and disposition of deadly weapons) in the same manner as the other 95 counties. Section 61 (page 53).