



HOUSE BILL 674: Require DNA Various Convict'ns/Other Matters.

2021-2022 General Assembly

Committee:		Date:	August 1, 2022
Introduced by:		Prepared by:	Robert Ryan Staff Attorney
Analysis of:	S.L. 2022-50		

OVERVIEW: *S.L. 2022-50 does the following:*

- *Adds additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity. This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.*
- *Clarifies that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and updates certain definitions. This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.*
- *Authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.*
- *Requires that the register of deeds maintains a separately kept backup storage system, that is restorable from any point, for the purposes of disaster recovery, for the index of registered instruments that the register of deeds is required to maintain.*

Except as otherwise provided, this act became effective July 7, 2022.

CURRENT LAW AND BILL ANALYSIS:

Section 1

G.S. 15A-266.4(a) requires that when a person is convicted, or found not guilty by reason of insanity, of certain crimes, that person must provide a DNA sample. G.S. 15A-266.4(b) provides the list of crimes that would require DNA collection.

This act amends the list of offenses found in G.S. 15A-266.4 to require DNA collection upon a conviction or finding of not guilty by reason of insanity for the following crimes:

- Assault on a female by a male person at least 18 years of age.
- Assault on a child under the age of 12.
- Offenses described in G.S. 50B-4.1 (Violation of a 50B protective order and similar orders entered by other states.)

This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.

Section 2

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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G.S. 143B-1200 establishes a state administered assistance program for victims of sex assaults and provides that sexual assault victims are to be provided with forensic medical examinations at no cost. Medical providers may only bill the assistance program for these examinations and are not allowed to bill victims, their insurance, Medicaid, Medicare, or any other collateral source.

G.S. 131E-91 is the statute that regulates fair billing and debt collection practices for hospitals and ambulatory surgical facilities. G.S. 131E-91(d) provides a list of debt collection practices that hospitals and ambulatory surgical facilities must follow in collecting debts from patients.

34 U.S.C. 40723 is the federal law for sexual assault forensic exam program grants. This law was recently revised and contains updated definitions. This law establishes a grant program administered by the US Attorney General to provide grants to eligible entities to establish training programs related to sexual assault nurse examiners (SANE) and salaries for SANEs. Eligible entities, who may apply through the grant writing process, include State and local governments and hospitals.

This act does the following:

- Modifies G.S. 143B-1200(c) to clarify that medical providers may not bill victims, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the forensic medical examinations.
- Updates the definitions section in G.S. 143B-1200(i) to conform the definitions in that section with the definitions included in the updated federal grant law.
- Modifies G.S. 131E-91(d) to require that hospitals have policies in place to prevent the collection of debts related to a forensic medical examination.

This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.

Section 2.1

Article 8E of Chapter 105 of the General Statutes, titled Excise Tax on Conveyances, imposes a deed stamp tax as follows: "An excise tax is levied on each instrument by which any interest in real property is conveyed to another person. The tax rate is one dollar (\$1.00) on each five hundred dollars (\$500.00) or fractional part thereof of the consideration or value of the interest conveyed." (G.S. 105-228.30)

A taxpayer who overpaid the deed stamp tax requests a refund by filing a refund request with the county board of commissioners. The county board of commissioners must conduct a hearing on the refund request. If the refund request is denied, the taxpayer may request further review before the Department of Revenue.

Section 2.1 of S.L. 2022-50 authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.

If the county manager or county finance officer denies the refund request, the taxpayer may file a refund request with the board of county commissioners.

Section 2.2

G.S. 161-22 provides that the register of deeds has a duty to keep an alphabetical index of parties to registered instruments. G.S. 161-22(f) provides that if the register of deeds maintains this index in a computer the information must be printed off or copied onto a tape or disk at least once a month.

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This act modifies G.S. 161-22(f) to require that the register of deeds maintains a separately kept backup storage system for the index information, that is restorable from any point, for the purposes of disaster recovery.

EFFECTIVE DATE: Except as otherwise provided, this act became effective July 7, 2022.

**Greg Roney, Staff Attorney, substantially contributed to this summary.*