GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

S SENATE BILL 621

Short Title:	Modify Public-Initiated Criminal Processes.	(Public)
Sponsors:	Senators Smith and Mohammed (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	
	April 6, 2023	
	A BILL TO BE ENTITLED	

AN ACT TO DISALLOW THE ISSUANCE OF A WARRANT FOR ARREST WHEN A

CRIMINAL CHARGE IS TAKEN OUT BY A NON-LAW ENFORCEMENT OFFICER, EXCEPT IN CASES OF DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 15A-304(b) reads as rewritten:

"(b) When Issued. –

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- (3) When Citizen-initiated. If the finding of probable cause pursuant to subsection (d) of this section is based solely upon an affidavit or oral testimony under oath or affirmation of a person who is not a sworn law enforcement officer, the issuing official shall not issue a warrant for arrest and instead shall issue a criminal summons, unless one of the following circumstances exists: a crime of domestic violence, as defined in G.S. 50B-1, is alleged.
 - a. There is corroborating testimony of the facts establishing probable cause from a sworn law enforcement officer or at least one disinterested witness.
 - b. The official finds that obtaining investigation of the alleged offense by a law enforcement agency would constitute a substantial burden for the complainant.
 - e. The official finds substantial evidence of one or more of the circumstances listed in subdivision (1) of this subsection."

SECTION 2. This act is effective October 1, 2023, and applies to criminal processes issued on or after that date.

