

CITY OF HIGH POINT

AGENDA ITEM



Title: Senate Bill 300 and the Decriminalization of Local Government Ordinances

From: City Attorney's Office

Date: Public Safety Committee
May 18, 2022

Public Hearing: NA

Advertising Date: NA

Advertised By: NA

Attachments: Summary of Decriminalization Revisions; Draft of Proposed Revisions

PURPOSE: To review and consider amendments to the Code of Ordinances, as required by state law.

BACKGROUND: In late 2021, the North Carolina legislature passed Session Law 2021-138 ("Senate Bill 300") which is a wide-ranging criminal justice reform law, addressing law enforcement and policing matters. Among other reforms, the law takes steps to decriminalize some local ordinances. Prior to this legislation, State law provided that a violation of any city ordinance was by default a misdemeanor (as provided by N.C.G.S. §14-4) unless the ordinance provided otherwise. In other words, there was a presumption in State law that the City could criminally enforce ordinance violations (by issuing a criminal citation and forcing the violator to appear in court and pay criminal penalties) even if the ordinance did not explicitly provide for such criminal enforcement. Senate Bill 300 reversed that presumption. Under the new statutory language, local governments must amend local ordinances to specifically identify violations that may be enforced criminally. Additionally, the legislation provides a list of ordinances that may no longer impose a criminal penalty.

City staff, including but not limited to the City Manager's Office, Police Department, Public Services Department, and City Attorney's Office, have worked together to review the Code of Ordinances and revise as required by Senate Bill 300.

BUDGET IMPACT: There is no direct budget impact to amending the Code of Ordinances, as required by state law.

RECOMMENDATION / ACTION REQUESTED:

The City Attorney's Office asks the Public Safety Committee to make a recommendation for City Council to approve the amendments, as required by state law.