

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 850
Committee Substitute Favorable 5/8/13

Short Title: Possession of Needles/Tell Law Officer.

(Public)

Sponsors:

Referred to:

April 15, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-113.22 is amended by adding a new subsection to read:

"(c) Prior to searching a person, a person's premises, or a person's vehicle, an officer may ask the person whether the person is in possession of a hypodermic needle or other sharp object that may cut or puncture the officer or whether such a hypodermic needle or other sharp object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or other sharp object on the person, on the person's premises, or in the person's vehicle and the person alerts the officer of that fact prior to the search, the person shall not be charged with or prosecuted for possession of drug paraphernalia for the needle or sharp object. The exemption under this subsection does not apply to any other drug paraphernalia that may be present and found during the search. For purposes of this subsection, the term "officer" includes "criminal justice officers" as defined in G.S. 17C-2(3) and a "justice officer" as defined in G.S. 17E-2(3)."

SECTION 2. This act becomes effective December 1, 2013, and applies to offenses committed on or after that date.

