
FINAL LEGISLATIVE REPORT

2016

North Carolina Sheriffs' Association



North Carolina Sheriffs' Association
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NORTH CAROLINA SHERIFFS' ASSOCIATION

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The 2016 Session of the North Carolina General Assembly convened at 7:00 p.m. on Monday, April 25, 2016, with the House of Representatives and Senate adjourning at 11:59 p.m. on July 1, 2016.

During the two-year 2015-2016 Session of the General Assembly, 1,156 House Bills and 906 Senate Bills were introduced, for a total of 2,062 legislative bills available for consideration. Of the 2,062 legislative bills introduced, 463 of them were enacted into law, which is 22%. Governor Pat McCrory signed 321 bills, allowed five to become law without his signature, and vetoed three bills with two of the Governor's vetoes being overridden by the General Assembly. Some bills are enacted into law by the General Assembly and do not go to the Governor for signature. For example, "local" bills (which are those that affect 14 or fewer counties) and bills authorizing a vote on an amendment to the North Carolina Constitution do not go to the Governor for his signature.

This Final Legislative Report of the North Carolina Sheriffs' Association summarizes bills of interest to sheriffs, sheriffs' office personnel and other criminal justice professionals. Included in this Final Legislative Report are summaries of: (i) relevant provisions of the 2016 State Budget Bill and (ii) relevant bills enacted into law this Session.

For specific details about the legislative bills summarized below, please review the actual legislation. Copies of any of the legislation introduced or considered by this year's General Assembly are available on the General Assembly's website: www.ncleg.net. You may also receive one copy of any bill, free of charge, by calling the General Assembly's Printed Bills Office at 919-733-5648. They will need to know if it is a House Bill or Senate Bill and the bill number; for example, Senate Bill 8.

STATE BUDGET ACT HOUSE BILL 1030

Of particular interest to the sheriffs of North Carolina and the criminal justice community are the following items:

- Modifies G.S. 20-84(b) to authorize the Division of Motor Vehicles to issue permanent registration plates for certain public transit providers (such as a city bus) that are designated or direct recipients of specific Federal Transit Administration grant funds (49 U.S.C. 5311 or 49 U.S.C. 5307).
- Allocates \$900,000 from the "funds in the Reserve for Repairs and Renovations" for renovations to dormitories at the Eastern campus of the North Carolina Justice Academy located in Salemburg.

- Provides \$508,000 for the construction and development of first generation School Risk Management Plans for public schools, fulfilling the initiative of the North Carolina Center for Safer Schools.
- Provides funds to equip and operate the new Western Crime Laboratory in Edneyville. Specifically, funds are provided for an HVAC technician, scientific supplies, increased maintenance and utility costs, and to purchase new equipment for the laboratory.
- Allocates \$640,000 in additional funds to meet equipment needs at North Carolina State Crime Laboratory facilities in Raleigh and Greensboro.
- Provides additional funds to the North Carolina State Crime Laboratory (approximately \$2.2 million) for the outsourcing of forensic analysis services, including toxicology and DNA.
- Increases permanent full-time State employee salaries by 1.5% and also provides them with a 0.5% one-time bonus.
- Provides \$500,000 for salary increases for Alcohol Law Enforcement and State Bureau of Investigation (SBI) agents and requires the Director of the SBI to report to the Joint Legislative Oversight Committee on Justice and Public Safety by September 1, 2016 his plan to adjust the salaries of these agents.
- Allocates \$8 million for the purchase of a new airplane for the SBI Airwing.
- Provides step increases for eligible employees paid in accordance with a salary step plan, including assistant and deputy clerks of superior court, magistrates, and State Highway Patrol Troopers.
- Provides funding for a legislative liaison position for the SBI.
- Allocates \$120,000 to the SBI for Operation Medicine Drop, a program that conducts events for citizens to bring unused or expired medications to a central location for safe disposal.
- Provides \$85,000 to the Tarheel Challenge Academy in Salemburg for the purchase of new buses and an additional \$700,000 for a gymnasium renovation.
- Provides funding for two instructor positions at the North Carolina Justice Academy in Salemburg, a narcotics investigation instructor and a crime scene instructor.
- Provides a 4.5% increase in salary for permanent full-time Judicial Branch employees and also provides them with a 0.5% one-time bonus.
- Provides funding to create a new district court judge position in District 19A (Cabarrus) and District 27B (Cleveland and Lincoln), effective December 1, 2016.
- Restores three assistant district attorney positions, one each in District 9A (Caswell and Person), District 15B (Orange and Chatham), and District 20B (Union).
- Allocates \$250,000 for the digitizing of mental health records to facilitate compliance by clerks of court with the requirements of S.L. 2015-195, Amend Firearms Laws, which requires clerks to submit certain historical records to the National Instant Criminal Background Check System (NICS).
- Provides a 1.6% cost of living supplement to retired State employees for one year only.

- Directs the Department of Transportation, in collaboration with the Departments of Public Safety and Commerce, to study ways to provide additional off-highway parking and rest areas for tractor trailers and semi-trailers.
- Modifies G.S. 143B-1325 to exempt the SBI, the State Highway Patrol, and the Division of Emergency Management located within the Department of Public Safety (DPS) from Department of Information Technology oversight and amends Section 7.25 of S.L. 2015-241 to exempt the same entities from Enterprise Active Directory participation.
- Enacts new Article 29A of Chapter 116 of the General Statutes to provide for “lab schools.” A lab school is a public school located within a local school administrative unit that has a certain percentage of schools within the unit that have been identified as low-performing schools. The lab school serves to provide an enhanced education program for students in that unit.
 - New G.S. 116-239.12 requires that an applicant for a “school personnel” position associated with a lab school must undergo a criminal history record check.
 - Provides in new G.S. 116-239.8 that lab schools are encouraged to adopt a School Risk Management Plan (SRMP) and to provide schematic diagrams and keys to the main entrance of the school to local law enforcement agencies. Additionally, the school is encouraged to hold a full school wide lockdown exercise with local law enforcement and emergency management agencies that are part of the school’s SRMP. The school is also encouraged to provide information from the SRMP and schematic diagrams to the Division of Emergency Management located within DPS.
- Modifies G.S. 7B-101(3) to expand the definition of a “caretaker” under the Juvenile Code to include “a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department”.
- Modifies G.S. 143B-707.3 to require DPS to report quarterly to the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on: a) the volume of emergency and scheduled health care services for adult and juvenile inmates listed by hospital; b) the percentage of those services provided by contracted or non-contracted providers; and c) the status of efforts to address the backlog of unpaid claims, among other information. DPS is also directed to study whether contracts to provide inmate health services can be expanded to additional hospitals.
- Amends G.S. 143B-600(b) to clarify that the SBI Director exercises his/her authority independently of the Secretary of DPS.
- Modifies Section 16B.2 of S.L. 2015-241 to require DPS to report quarterly to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the progress of the State’s Voice Interoperability Plan for Emergency Responders (VIPER) system.
- Directs DPS, in consultation with the Department of Administration and the Department of Revenue, to study whether probation and parole officers should be allowed to take their State vehicles home with them, to include the tax implications of allowing them to do so.
- Amends G.S. 143B-1155(c) to require the Community Corrections Section of DPS to make the Treatment for Effective Community Supervision Program report. Previously the

Division of Adult Correction and Juvenile Justice was required to make this report. The report must include information on Recidivism Reduction Services, Community Intervention Centers, Transitional and Temporary Housing, Local Reentry Councils, and Intensive Outpatient Services.

The following types of information, among others, must be reported: the method by which offenders are referred to the Program, the target population, the amount of services contracted for and the amount of funding expended in each fiscal year, supervision type, the risk level of offenders served, and the demographics of the population served.

- Directs the North Carolina Justice Academy to develop an online training course for law enforcement officers on the use of social media. The course will include methods individual law enforcement officers can take to protect their personal information.
- Modifies G.S. 17C-6(a)(7) to provide that the North Carolina Criminal Justice Education and Training Standards Commission's authority to certify, suspend, revoke, or deny the certification of a criminal justice instructor or school director is expanded to include instructors and directors of courses required by an agency head, in addition to those courses required by the Commission.
- Amends S.L. 2012-177, as previously amended by S.L. 2014-19, to delay the transfer of the former Cleveland County Correctional Facility to the Board of Trustees of Cleveland Community College until July 1, 2021.
- Makes permanent G.S. 20-88.03, enacted by Section 29.30(m) of S.L. 2015-241, which provides for late fees for motor vehicle registrations. It was scheduled to expire on December 31, 2017, but House Bill 1030 removed the expiration provision so the statute is now permanent. The late fees provide a dedicated fund to support drivers education.
- Amends G.S. 20-15(a), effective for drivers licenses issued or renewed or hearings requested on or after July 1, 2016, to add the following grounds to the DMV's authority to cancel a driver's license: (1) the licensee suffers from a physical or mental disability or disease that affects the licensee's ability to safely operate a motor vehicle; or (2) the licensee has failed to submit the medical certificate required under G.S. 20-7(e) and G.S. 20-9(g), which concerns a licensee with a physical or mental disability or disease.

HOUSE BILLS

HOUSE BILL 151, Vacation Rentals/Orange Co. Jail Construction, made numerous changes to the law concerning vacation rental agreements and also provides for amendments to a lease of land to Orange County to facilitate jail construction. The Department of Administration, upon agreement by Orange County, amends its land lease to the County in the following ways to provide for construction of a new jail: 1) allows the County to grant a leasehold deed of trust in the land and buildings for up to 40 years from the original lease date; 2) allows mortgage holders to foreclose and evict the County from the premises upon default; and 3) extends the dates upon which construction of the jail would begin and end by 18 months.

Effective: July 18, 2016

HOUSE BILL 253, Justice Reinvestment Act Changes, amends various provisions of the Justice Reinvestment Act, to include:

Amends G.S. 15A-1343, effective for offenses committed on or after December 1, 2016, to add the following regular conditions of probation: (1) the probationer placed on supervised probation waives all rights concerning extradition proceedings if the probationer is taken into custody outside North Carolina for failing to comply with conditions imposed by the court for a felony conviction; and (2) the probationer placed on supervised or unsupervised probation must submit to the taking of digitized photographs, including the probationer's face, scars, marks, and tattoos, to be included in the probationer's records.

Amends G.S. 15A-1368.3(c), effective for offenses committed on or after December 1, 2016, to provide when a post-release parolee is returned to prison for a three-month period, that time period may not be reduced by credit for time already served. Any credit shall only be applied to the maximum prison term.

Effective July 1, 2016, G.S. 143B-1157 and G.S. 143B-1158 are repealed to eliminate the State Community Corrections Advisory Board. The Justice Reinvestment Council is created pursuant to Article 13 of Chapter 143 of the General Statutes. The Justice Reinvestment Council will be an advisory body to the Commissioner of Adult Correction and Juvenile Justice. The Council will consist of 13 members as follows:

- Two members of the Senate;
- Two members of the House of Representatives;
- A judge of the superior court;
- A judge of the district court;
- A district attorney;
- A criminal defense attorney;
- A county sheriff;
- A chief of a city police department;
- A victim service provider;
- A member selected to represent behavioral health services; and
- A member selected to represent substance abuse treatment services.

The Governor will appoint the county sheriff, the chief of police, the member representing behavioral health services, and the member representing substance abuse treatment services. The Lieutenant Governor will appoint the victim service provider. The Chief Justice of the Supreme Court of North Carolina will appoint the superior court judge, the district court judge, the district attorney, and the criminal defense attorney. The President Pro Tempore of the Senate will appoint the two members of the Senate. The Speaker of the House of Representatives will appoint the two members of the House of Representatives.

The purpose of the Justice Reinvestment Council, in conjunction with the Department of Public Safety Division of Adult Correction and Juvenile Justice, is to:

- Recommend policy enhancements to the Justice Reinvestment Act of 2011;

- Assist in the continued education of criminal justice system stakeholders;
- Support implementation of the Justice Reinvestment Act of 2011; and
- Identify new initiatives that further the implementation of the Justice Reinvestment Act of 2011 and the Adult Corrections Recidivism Reduction Plan.

Also effective July 1, 2016, G.S. 14-404(d) is amended to allow a probation or parole officer certified by the State to use their current agency photographic identification card to be exempt from the State pistol purchase permit requirements when purchasing a handgun. Additionally, G.S. 20-187.2 is amended to provide that North Carolina certified probation and parole officers are considered members of a North Carolina State law enforcement agency for purposes of receiving badges and service side arms upon their retirement, death, or a change of weapons while still active.

Effective: June 30, 2016

HOUSE BILL 256, Handicapped Parking/Veterans Plate, amends G.S. 20-37.6 to allow a partially disabled veteran to park in a handicapped parking space when the vehicle is displaying a partially disabled veteran registration plate.

This bill will also allow medical certifications for handicapped parking privileges to be satisfied by a disability determination made by the United States Department of Veterans Affairs.

Effective: June 22, 2016

HOUSE BILL 283, Prevent Squatting in Foreclosed Real Property, modifies G.S. 14-159.12 to enhance the criminal penalties for individuals who commit first degree trespass under specific circumstances. The trespass will be considered a Class I felony and includes a fine of not less than \$1,000 for each violation if either of the following circumstances exist: 1) the offense occurs on real property where the person has reentered after having previously been removed pursuant to a valid order or writ for possession; or 2) the offense occurs under color of title where the person knowingly created or provided materially false evidence of ownership or possessory interest.

Effective: December 1, 2016

HOUSE BILL 287, Amend Ins. Laws.-AB, makes numerous changes to various State insurance laws. Of interest to the criminal justice community are the following:

Effective December 1, 2016, the punishment provisions under G.S. 58-50-40(c) are amended. The current punishment for a violation of this statute is a Class H felony. This statute, after December 1, 2016, will provide that if an insurance fiduciary (a person, employer, or other person responsible for the payment of group health or group life insurance premiums) causes the cancellation or nonrenewal of these insurance benefits and does not inform the covered persons of the cancellation of the insurance that person will be punished as follows:

- If the total losses are \$100,000 or more, it is a Class F felony;
- If the losses are less than \$100,000, it is a Class H felony.

Additionally, G.S. 58-2-164 is amended, effective December 1, 2016, to provide that it is a Class H felony for an applicant who, with the intent to deceive an insurer, knowingly submits false

information to obtain automobile insurance on a vehicle that would require a commercial driver's license to operate it.

Effective December 1, 2016, this law repeals G.S. 15A-1340.37(d), which bars a third party (e.g., insurance company) from benefiting by restitution when it is required to reimburse a crime victim for losses caused by the defendant.

Effective: June 30, 2016

HOUSE BILL 289, NC Money Transmitters Act.-AB, enacts new Article 16B of Chapter 53 of the General Statutes to create the "North Carolina Money Transmitters Act." Money transmission is the business of receiving money for transmission within the United States or to locations abroad by methods such as wire transmission, electronic transfer, etc. Individuals who do business as money transmitters without a license or who knowingly make material, false statements in any required document for licensure are guilty of a Class 1 misdemeanor under G.S. 53-208.58.

Effective: October 1, 2015 (In an apparent typographical error, the bill gives an effective date of October 1, 2015. The Commissioner of Banks is treating the effective date as October 1, 2016.)

HOUSE BILL 292, Beach Bingo Licenses.-AB, amends G.S. 14-309.14, effective December 1, 2016, to provide that an application for a beach bingo (a bingo game with a prize having a value less than \$10) license will be made to the State Bureau of Investigation. Operating a beach bingo game without a license or providing false information in an application for a beach bingo license will each be a Class 2 misdemeanor.

Effective: June 22, 2016

HOUSE BILL 357, Chemical Analysis Reports/District Court, amends G.S. 20-139.1 and sets out the requirements for using a laboratory analysis of breath, blood or urine in driving while impaired cases when the chemical analyst is not present in court. Under this law, before a chemical analyst's affidavit can be used in court, the State is required to notify the defendant no later than 15 business days after receiving the chemical analysis report and at least 15 business days before the proceeding, of its intent to introduce the chemical analysis document into evidence, in addition to providing a copy of the document to the defendant. Currently the law only requires the State to give notice of its intent to use the document at least 15 business days before the proceeding at which the document is to be used.

Additionally, G.S. 20-139.1 is modified to provide that any written objection filed by a defendant objecting to the use of the report without the analyst being present in court, or the defendant's failure to file a written objection, shall remain effective at any subsequent calendaring of the proceeding. Therefore, a defendant cannot change his/her mind on this issue at every trial date.

Effective: October 1, 2016, and applies to trials commencing on or after that date.

HOUSE BILL 424, Prohibit Unlawful Custody Transfer of Child, enacts new G.S. 14-321.2, effective December 1, 2016, which makes it unlawful for: (1) a parent to effect or attempt to effect an unlawful transfer of custody of the parent's minor child (a child under the age of 18); (2) a person to accept or attempt to accept custody pursuant to an unlawful transfer of custody of a minor child (unless the person promptly notifies and makes the child available to law enforcement or child protective services); or (3) a person to advertise, recruit, or solicit the unlawful transfer of custody of a minor child, or seek the assistance of another to do so.

“Unlawful transfer of custody” is defined as the transfer of physical custody of a minor child in willful violation of applicable adoption law or by grossly negligent omission in the care of the child, by the child’s parent and without a court order or other authorization, to a person other than a relative or another person having a substantial relationship with the child. Compensation or other thing of value is not required in order for an unlawful transfer to occur. Unlawful transfer of custody does not include:

- Placement of a minor child with a prospective adoptive parent;
- Consent to a lawful adoption of a minor child;
- Relinquishment of a minor child under a lawful adoption;
- Placement of a minor child in accordance with the Interstate Compact on the Placement of Children;
- Temporary transfer of physical custody of a minor child to an individual with a prior substantial relationship with the child for a specified time period due to the child’s medical or mental health, educational or recreational needs, or the parent’s inability to provide proper care or supervision for the child, which may be due to the parent’s incarceration, military service, employment, medical treatment, incapacity, or other voluntary or involuntary absence;
- Transfer of physical custody of a minor child to a relative (other parent, stepparent, grandparent, adult sibling, aunt, uncle, first cousin, great-aunt, great-uncle, great-grandparent, or a parent’s first cousin);
- Temporary transfer of physical custody of a minor child by a parent to a behavioral health facility or other health care provider, educational institution, or a recreational facility for a specified period of time due to the child’s medical, mental health, educational, or recreational needs; or
- A voluntary foster care placement made pursuant to an agreement between the minor child’s parent and a county department of social services.

A person who commits an unlawful transfer of a minor child is guilty of a Class A1 misdemeanor. If the commission of the offense results in serious physical injury to the child, the person is guilty of a Class G felony.

Effective: July 28, 2016

HOUSE BILL 523, Drivers License Designation/American Indian, provides that drivers licenses issued on or after October 1, 2016 will use the letters “AI” in the race block to identify an American Indian.

Effective: October 1, 2016

HOUSE BILL 550, Raleigh Apodaca Service Dog Retirement Act, enacts new G.S. 20-187.4 to provide for retired service animals (horse, dog, or other animal that performs law enforcement, public safety, or emergency service functions) owned by the State or a unit of local government to be transferred, at a price determined by the State or unit of local government and upon any terms and conditions the State or local government unit deems appropriate, to any of the following individuals:

- The officer or employee who had custody and control of the animal during its public service;
- A surviving spouse, or if the officer or employee dies without a spouse, to the surviving children of the officer or employee killed in the line of duty who had custody and control of the animal during its public service; or
- An organization or program dedicated to the assistance or support of service animals retired from public service.

Effective: October 1, 2016

HOUSE BILL 678, Amend Innocence Commission Statutes, makes a number of changes related to the operation of the North Carolina Innocence Inquiry Commission (Commission) to include the following:

- Modifies G.S. 15A-1460 to define a “formal inquiry” to mean the stage of an investigation when the Commission has entered into a signed agreement with the original claimant and the Commission has made efforts to notify the victim. This stage of the proceedings represents the point in time that starts the Commission’s authority to investigate and determine claims of factual innocence;
- Amends G.S. 15A-1465(a) to require the Director of the Commission (Director) to report to the Director of the Administrative Office of the Courts, who in turn must consult with the Commission’s chair;
- Modifies G.S. 15A-1467(a) to remove a claimant (a person who was convicted of a felony and asserts complete innocence) from the list of entities and people (such as a court, State or local agency, or claimant’s counsel) who can make a claim of factual innocence for “any conviction.” Instead a claimant is allowed to directly make a claim of factual innocence only for convictions of homicide, robbery, any offense requiring registration under the Sex Offender and Public Protection Registration Program, and any Class A through E felony;
- Modifies G.S. 15A-1467 to prohibit the Commission from conducting forensic testing and claimant interviews prior to obtaining a signed agreement from the convicted person which would allow for a formal inquiry by the Commission into the conviction;
- Amends G.S. 15A-1467 to provide that if a formal inquiry regarding a claim of factual innocence is granted, the Commission would notify each codefendant, who would have 60 days from receipt of this notice to also file a claim of innocence or their claim may be barred from future investigation by the Commission, absent a showing of good cause and the Commission chair’s approval;
- Modifies G.S. 15A-1467 to require the Director to provide a confidential case status update at least once every six months for each case under formal inquiry by the Commission to

the District Attorney who prosecuted the case and the convicted person, or his/her counsel, if any;

- Amends G.S. 15A-1468(a) to provide that at the completion of a formal inquiry, all relevant evidence is to be presented to the full Commission in a public hearing and the Commission's rules may not exclude the district attorney or defense counsel from any part of the hearing; and
- Modifies G.S. 15A-1468 to provide that if the Commission concludes that there is sufficient evidence of factual innocence to merit judicial review, the Commission must make a copy of the entire file available to the district attorney and defense counsel.

Effective: August 1, 2016

HOUSE BILL 952, Honor Our Service Animals/Sheriff Contracts, modifies S.L. 2015-158 to allow the sheriff's offices in Catawba, Cleveland and Gaston Counties to contract for the purchase of food and food services supplies for the county's detention facility without being subject to certain State purchase and contract laws [G.S. 143-129 and G.S. 143-131(a)] which require local governments to obtain competitive bids before awarding certain types of contracts.

This legislation also enacts new G.S. 160A-279.5 to allow Cleveland, Gaston, and Yancey Counties and all of the municipalities within those counties to transfer ownership of a retired horse, dog, or other animal owned by the local government to any of the following individuals, at a price determined by the governing body of the entity and upon any other terms and conditions the governing body deems appropriate:

- The officer or employee that had custody and control of the animal during the animal's public service;
- A surviving spouse (or if no spouse, the surviving children) of the officer or employee killed in the line of duty that had normal custody and control of the animal during the animal's public service; or
- An organization or program dedicated to the assistance or support of animals retired from public service.

The language contained in this portion of House Bill 952 is almost identical to House Bill 550, which allows the transfer of a retired service animal statewide.

Effective: June 21, 2016

HOUSE BILL 958, Felony Death Imp. Boating/Sheyenne's Law, enacts new G.S. 75A-10.3 to create new boating while impaired crimes that result in death or serious injury. This statute is similar to the felony death by vehicle statute (G.S. 20-141.4). This law was named in honor of 17 year old Sheyenne Marshall of Cabarrus County who was killed on Lake Norman on July 4, 2015 by a boat operator who had an alcohol concentration of 0.14.

The new crimes are as follows:

- Death by impaired boating occurs when: (1) a person unintentionally causes the death of another; (2) the person was engaged in impaired boating; and (3) impaired boating was the proximate cause of death. This offense is a Class D felony.

- Serious injury by impaired boating occurs when: (1) a person unintentionally causes serious injury to another; (2) the person was engaged in impaired boating; and (3) impaired boating was the proximate cause of the serious injury. This offense is a Class F felony.
- Aggravated death by impaired boating or serious injury by impaired boating both require the additional element of having a previous conviction of impaired boating within seven years of the date of the offense. These offenses are a Class D and Class E felony, respectively.
- Repeat death by impaired boating occurs when:
 - 1) A person commits Death by Impaired Boating or Aggravated Death by Impaired Boating; and
 - 2) The person has a previous conviction under at least one of the following:
 - i. Death by Impaired Boating;
 - ii. Aggravated Death by Impaired Boating; or
 - iii. First degree murder, second degree murder or manslaughter due to the unintentional death of another person while engaged in impaired boating.

This offense is a Class B2 felony.

Additionally, no person who has been placed in jeopardy (e.g. a first appearance has been conducted on the charge) for a charge of death by impaired boating can be prosecuted for the offense of manslaughter arising out of the same death and vice versa.

Finally, the punishment provisions for a conviction of impaired boating are clarified by adding “in addition to any other penalty imposed.” This change allows the court to impose any other punishment allowed for a Class 2 misdemeanor, along with the mandatory \$250 fine.

Effective: December 1, 2016

HOUSE BILL 959, DOT Proposed Legislative Changes, makes a number of changes to the transportation laws of the State to include the following provisions of interest to criminal justice agencies:

- Effective December 1, 2016, G.S. 20-129(e) is amended to provide that every bicycle being operated at night on any public street, public vehicular area, or public greenway must be equipped with a reflex mirror on the rear of the bicycle and both of the following:
 - i. A light on the front of the bicycle visible for at least 300 feet, and
 - ii. A rear light on the bicycle visible for at least 300 feet or, in lieu of the rear light, the bicycle operator would have to wear clothing or a vest that is bright and visible for at least 300 feet.
- Effective October 1, 2016, G.S. 20-150(e) is amended to allow a driver to overtake and pass another vehicle on a portion of the highway marked as no passing when all of the following exist:
 - i. The slower moving vehicle to be passed is a bicycle or moped;

- ii. The slower moving vehicle is proceeding in the same direction as the faster moving vehicle;
 - iii. The driver of the faster moving vehicle either provides a minimum of four feet between it and the slower moving vehicle or completely enters the left lane of the highway;
 - iv. The operator of the slower moving vehicle is not making a left turn; and
 - v. The driver of the faster moving vehicle complies with all other applicable rules of the road.
- Effective for offenses committed on or after October 1, 2016, the mandatory fines for a person convicted of violating the unsafe movement statute when the driver's actions cause a motorcyclist to change lanes, leave the travelled portion of the highway, causes property damage of \$5,000 or more or serious injury, also apply to an unsafe movement conviction when a bicyclist is forced to change lanes, is run off the road, suffers \$5,000 property damage or more, or is seriously injured. G.S. 20-154(a1) and (a2).
- Effective October 1, 2016, a bicycle operator may signal a right turn "by extending his or her hand and arm horizontally, with the forefinger pointing, from beyond the right side of the bicycle." This hand signal is different for a right turn used by motor vehicle operators, including motorcycles and mopeds, which requires the driver to extend his or her left arm from the vehicle with the elbow bent and the hand facing upward.
- G.S. 20-37.13(e) is amended, effective January 1, 2017, to provide that a commercial learner's permit is valid for a period not to exceed 180 days and cannot be renewed. Currently the permit is valid for 6 months with a right to renew once.
- G.S. 20-17.4(g) is amended, effective January 1, 2017, to increase the penalties for any individual holding a commercial learner's permit or commercial drivers license (or that is required to have a commercial learner's permit or commercial drivers license) that is convicted for violating an out-of-service order when the person is NOT transporting hazardous materials or NOT operating a vehicle designed or used to transport 16 or more passengers including the driver. The disqualification from driving a commercial vehicle is for a period of no less than 180 days and no more than one year if convicted of a first violation and no less than two years and no more than five years if convicted of a second or subsequent violation during any ten-year period.
- G.S. 20-17.4(h) is amended, effective January 1, 2017, to increase the penalties for any individual holding a commercial learner's permit or commercial drivers license (or that is required to have a commercial learner's permit or commercial drivers license) that is convicted for violating an out-of-service order while transporting hazardous materials or operating a vehicle designed or used to transport 16 or more passengers including the driver. The disqualification from driving a commercial vehicle is for a period of no less than 180 days and no more than two years if convicted of a first violation and no less than three years and no more than five years if convicted of a second or subsequent violation during any ten-year period.
- G.S. 20-37.13A is amended, effective January 1, 2017, to require that all commercial drivers license holders and applicants for commercial drivers licenses must meet specific federal medical qualification standards. If they are unable to meet the federal standards,

they may apply to the Division of Motor Vehicles (DMV) for a medical waiver that, if approved, will allow them to operate a commercial motor vehicle solely within the State. The license will indicate it is restricted to “intrastate” operation. The medical waiver is valid for no more than two years or any shorter time imposed by DMV.

- G.S. 20-66 is amended, effective October 1, 2016, and applicable to registration renewals on or after that date, to provide that the registration of a vehicle renewed by means of a new registration plate expires at midnight on February 15th of each year.
- Effective for temporary driving certificates issued on or after January 1, 2017, G.S. 20-7(f)(5) is amended to provide that all temporary driving certificates issued by DMV (pending DMV issuing a drivers license) are valid for 60 days (currently, non-commercial driving certificates are valid for only 20 days).
- G.S. 20-7(c) is amended, effective October 1, 2016, to require DMV to conduct sign and symbol testing upon initial issuance of a drivers license and vision testing for an in-person, in-office renewal of a drivers license.
- G.S. 20-48 is amended, effective October 1, 2016, to allow DMV to provide notice by e-mail or other electronic means in lieu of personal delivery or United States mail if the person to be notified has consented to receiving notices via electronic means.
- G.S. 20-7.1 is amended, effective October 1, 2016, to require a person who has provided an e-mail or electronic address to DMV to notify DMV of any change or discontinuance of that e-mail or electronic address within 30 days after the change or discontinuance.
- G.S. 20-57(c) and G.S. 20-176(a1)(2) are amended, effective December 1, 2016, to repeal the requirement that every vehicle owner must sign a registration card upon receipt.
- Effective January 1, 2017, G.S. 20-52(a) is amended to provide that applications through DMV for a certificate of title, a registration plate, and a registration card will contain a preprinted option that co-owners of a motor vehicle can use to title the vehicle as a "joint tenancy with right of survivorship." A designation of joint tenancy with a right of survivorship on an application would be valid even if this designation does not appear on the title of the vehicle itself. By electing joint tenancy with a right of survivorship, if one of the co-owners dies, the surviving co-owner would have full ownership of the vehicle.
- Effective July 11, 2016, the definition of “autocycle”, found in G.S. 20-4.01(27)a, is amended to delete the requirement that this type motorcycle be equipped with airbags and to allow the passenger seating compartment to be either completely or “partially” enclosed. G.S. 20-140.4(a)(2) is also amended to only exempt autocycle operators and passengers from the requirement to wear motorcycle helmets when the passenger seating compartment is “completely” enclosed.
- Effective December 1, 2016, G.S. 20-4.01(7a) creates the definition of an “electric assisted bicycle”. An electric assisted bicycle is defined as a bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour (mph). An electric assisted bicycle is not a motor vehicle and there is no age limit on who can operate it. No drivers license, registration plate, insurance or helmet is required.

- Effective December 1, 2016, G.S. 20-4.01(27)(c2) creates the definition of a “motor-driven bicycle”. A motor-driven bicycle is a vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 mph on a level surface. Therefore, those motor vehicle statutes applicable to motorcycles would also apply to a motor-driven bicycle, such as requiring a drivers license with an “M” endorsement, insurance, license plate and helmet.
- Effective December 1, 2016, the definition of “Moped” is moved back to Chapter 20 from Chapter 105 (Revenue laws) and amended at the end to add: “The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.” G.S. 20-4.01(27)d1. The operator of a moped is NOT required to have a valid drivers license but must have a registration plate and insurance on the moped and wear an approved helmet.
- G.S. 20-166.1(e) is amended to allow a law enforcement officer conducting an investigation of a motor vehicle crash to, upon the request of the driver of the motor vehicle or the insurance agent or company identified by the driver, provide an uncertified copy of the crash report to an insurance agent or company that has been identified by the driver as long as a certified copy has been requested from DMV and the applicable fee has been paid. Nothing prohibits a law enforcement agency from providing to the public crash reports or portions of crash reports that are public records.
- G.S. 63-96 is amended to provide that the minimum age for receiving a commercial permit to operate an unmanned aircraft system (UAS) [commonly referred to as a “drone”] is decreased from 17 years of age to 16 years of age.

Effective: July 11, 2016

HOUSE BILL 970, State Controller/Criminal Record Checks, modifies G.S. 143B-426.39 to direct the State Controller to require a criminal history record check of any current or prospective employee, volunteer, or contractor of the Office of State Controller.

New G.S. 143B-966 allows the Department of Public Safety (DPS) to provide the Office of State Controller with the criminal history of any current or prospective employee, volunteer, or contractor.

Effective: June 22, 2016

HOUSE BILL 972, Law Enforcement Recordings/No Public Record, creates new G.S. 132-1.4A, effective October 1, 2016, which establishes standards for the disclosure (i.e. viewing) and release of law enforcement recordings, to include the following:

- Recordings in the custody of a law enforcement agency will not be classified as public records or personnel records. A “recording” is defined as a visual, audio, or visual and audio recording captured by a body-worn camera, dashboard camera, or any other video or audio recording device operated by or for a law enforcement agency. A recording does not include video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.
- The head of a custodial law enforcement agency has the discretion to determine whether or not portions of a recording will be “disclosed.” Disclosure is making a recording available for viewing or listening by a person. Disclosure does not include the release

(providing a copy) of the recording. The custodial law enforcement agency is the agency that owns, leases, or whose personnel operate the equipment that created the recording at the time the recording was made.

- The head of a custodial law enforcement agency can only **disclose** a recording to the following:
 - i. A person whose image or voice is in the recording;
 - ii. A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
 - iii. A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
 - iv. A personal representative of a deceased person whose image or voice is in the recording; or
 - v. A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

Note: “Personal Representative” is specifically defined in G.S. 132-1.4A(a)(5) to mean: “A parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person’s attorney; or the parent or guardian of a surviving minor child of the deceased.” “Personal Representative” does not include anyone else that does not meet the precise definition contained in the statute.

- The head of the custodial law enforcement agency has to consider various factors when determining whether to allow disclosure (viewing) of a recording, which are whether the portion of the recording: (1) is requested by a person authorized to view or hear the recording as set forth above; (2) contains confidential information; (3) would reveal information regarding a person that is highly sensitive; (4) would harm the reputation or jeopardize the safety of a person; (5) would create a serious threat to the fair and impartial administration of justice; or (6) would jeopardize an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- Any person who is denied disclosure is allowed, more than three business days after the request for disclosure was first made, to apply to the superior court in any county where any portion of the recording was made for a review of the denial of disclosure. The court can order the disclosure of the recording only if the court finds that the law enforcement agency abused its discretion in denying the request for disclosure.
- Recordings in the custody of the law enforcement agency can only be **released** (as opposed to being viewed or disclosed) pursuant to a superior court order. Before ordering release of a copy of the recording to a person authorized to view the recording, the court must consider similar standards to those that a law enforcement agency has to consider for disclosure of a recording and release only those portions of the recording relevant to the request. The Court may impose conditions or restrictions on the release.

- A law enforcement agency is required to disclose or release a recording to a district attorney for review of potential criminal charges, to comply with discovery requirements in a criminal prosecution, for use in criminal proceedings in district court, or for any other law enforcement purpose. A law enforcement agency is permitted, but not required, to disclose or release a recording for law enforcement training purposes, for any administrative law enforcement purpose within the custodial law enforcement agency, or to another law enforcement agency for law enforcement purposes.
- A law enforcement agency that uses body-worn cameras or dashboard cameras is required to retain the recording for at least the period of time required by the North Carolina Department of Natural and Cultural Resources Division of Archives and Records. Each law enforcement agency that uses body-worn cameras or dashboard cameras is required to adopt a policy applicable to the use of those cameras.
- A State or local law enforcement agency is required to provide a copy of the software used to operate the recordings at no cost to the North Carolina State Crime Laboratory (Lab) and State Bureau of Investigation (SBI), upon request, if the law enforcement agency uses the services of the Lab or SBI to analyze the recording.
- G.S. 143-318.11(a) is amended to expand the public meeting laws of North Carolina to provide that a public body is able to hold a closed session and exclude the public in order to view a recording that has been released under this newly created law.

Additionally, House Bill 972 creates new Article 5C of Chapter 90 of the General Statutes, effective July 11, 2016, which authorizes needle and hypodermic syringe exchange programs.

Governmental and nongovernmental organizations can, but are not required to, establish and operate needle and hypodermic syringe exchange programs. A needle and hypodermic syringe exchange program is required to offer all of the following:

- Disposal of used needles and hypodermic syringes;
- Needles, hypodermic syringes, and other injection supplies at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, and other injection supplies are not shared or reused;
- Reasonable and adequate security of program sites, equipment, and personnel;
- Educational materials on topics such as overdose prevention and the prevention of HIV, AIDS and viral hepatitis transmission;
- Access to naloxone kits or referrals to programs that provide such access; and
- Personal consultations from a program employee or volunteer concerning mental health or addiction treatment for each individual requesting services.

Each needle and hypodermic syringe exchange program has to prepare and annually update written plans for security and these plans must be provided to the police and sheriff's offices with jurisdiction in the program location. Every employee, volunteer, or participant in a needle and hypodermic syringe exchange program receives immunity from prosecution for possession of needles, hypodermic syringes, other injection supplies, or residual amounts of controlled substances contained in these devices. Law enforcement officers receive immunity from civil

liability if the officer acts in good faith in arresting or charging a person who is thereafter determined to be entitled to immunity from prosecution.

Effective: July 11, 2016

HOUSE JOINT RESOLUTION 982, Confirm Robert Schurmeier/SBI Director, confirms the appointment by Governor Pat McCrory of Robert (Bob) L. Schurmeier, Jr. as Director of the North Carolina State Bureau of Investigation (SBI) for an eight-year term beginning May 5, 2016.

Effective: May 5, 2016

HOUSE BILL 984, Transfer of Davie County Correctional Center, transfers the former Davie County Correctional Center to the Davie County Board of Commissioners to be used for county government purposes.

Effective: October 1, 2016

HOUSE BILL 992, Amend Industrial Hemp Program, makes a number of changes to the industrial hemp research program to include:

- Modifies G.S. 106-568.52(a) to increase the number of members on the North Carolina Industrial Hemp Commission (Commission) from five to nine, two of which are to be appointed by the Governor and must be full-time faculty members of a State land grant university (North Carolina State University and North Carolina A&T State University) who regularly work in the field of agricultural science or research. Additionally, the Commissioner of Agriculture shall appoint two full-time farmers with at least 10 years of experience in agricultural production in this State, a professional agricultural consultant and an agribusiness professional, to the Commission.
- Amends G.S. 106-568.53(1) to provide that the industrial hemp research program is to be directly managed and coordinated by State land grant universities and must consist primarily of demonstration plots planted and cultivated in North Carolina by selected growers licensed by the Commission.
- Modifies G.S. 106-568.53(2) to amend the purpose for which the Commission is allowed to issue licenses to participate in the industrial hemp research program. Previously, the law allowed the Commission to issue licenses for “commercial purposes.” This legislation no longer allows the Commission to issue licenses for “commercial purposes” and instead allows licenses to be issued for “research purposes.” Under new G.S. 106-568.55, research purposes include: 1) studying and investigating marketplace opportunities for an industrial hemp market and ways to use those opportunities to increase the State job base; 2) identifying methods of cultivation best suited to soil conservation and restoration; 3) conducting seed research; 4) studying the feasibility of attracting federal or private funding for research; and 5) studying the use of industrial hemp in new energy technologies.
- Modifies G.S. 106-568.53 to direct the Commission to notify the State Bureau of Investigation (SBI) and all local law enforcement agencies of the duration, size, and location of all industrial hemp demonstration plots authorized for operation by the industrial hemp research program.
- Enacts new G.S. 106-568.53A to require a person granted a license to participate in the industrial hemp research program to: 1) maintain records that demonstrate compliance with

all laws regulating the planting and cultivation of industrial hemp; 2) retain all industrial hemp production records for a minimum of three years; 3) allow industrial hemp crops to be inspected by the Commission, the SBI, or the chief law enforcement officer of the unit or units of local government where the farm is located; and 4) to maintain a current written agreement with a State land grant university which states that the grower is a participant in the industrial hemp research program of that institution.

- Enacts new G.S. 106-568.56, effective December 1, 2016, to provide that the Commissioner of Agriculture may assess a civil penalty of not more than \$2,500 per violation for any person who: (1) violates any provision of this Article or a rule adopted by the Commission, or conditions of any license, permit, or order issued by the Commission; (2) Manufactures, distributes, dispenses, delivers or purchases marijuana on property used for industrial hemp production; (3) provides the Commission with false or misleading information in relation to a license application or renewal, inspection, or investigation authorized by this Article; or (4) tampers with or adulterates an industrial hemp crop lawfully planted pursuant to this Article.
- Enacts new G.S. 106-568.57, effective December 1, 2016, to provide that any person that manufactures, distributes, delivers, or purchases marijuana on property used for industrial hemp production, in a manner intended to disguise the marijuana due to its proximity to industrial hemp would be guilty of a Class I felony. Any individual that provides the Commission with false or misleading information in relation to a license application or renewal, inspection, or investigation would be guilty of a Class 1 misdemeanor. Additionally, any person that tampers with an industrial hemp crop lawfully planted would be guilty of a Class 1 misdemeanor.

Effective: July 11, 2016

HOUSE BILL 1021, Amend Sex Offender Certain Premises, amends G.S. 14-208.18 for offenses committed on or after September 1, 2016 by more specifically defining the area restrictions placed on certain sex offenders.

In the recent case of Doe v. Cooper, (No. 1:13CV711 (M.D.N.C. Dec. 7, 2015)), five registered sex offenders sued the State of North Carolina in federal court claiming that the provisions in North Carolina's sex offender registry laws were unconstitutional that prevent certain sex offenders:

- From being within 300 feet of any location intended primarily for the use, care, or supervision of minors (G.S. 14-208.18(a)(2)); and
- From being at any place where minors gather for regularly scheduled educational, recreational or social programs (G.S. 14-208.18(a)(3)).

The federal court agreed and held the provisions in G.S. 14-208.18(a)(2) were unconstitutionally broad and the provisions of G.S. 14-208.18(a)(3) were unconstitutionally vague. The General Assembly enacted the following area restriction changes to G.S. 14-208.18 in response to this court decision.

This legislation amends the "300 foot rule" in G.S. 14-208.18(a)(2) to apply only to sex offenders if the victim of the offense was under 18 years of age and to those offenders where the court has determined that the offender may present a danger to minors (under 18 years of age.)

House Bill 1021 also amends the area restrictions on sex offenders set out in G.S. 14-208.18(a)(3) to more specifically define those areas where minors frequently gather to include “libraries, arcades, amusement parks, recreation parks, and swimming pools, when minors are present.”

Lastly, this law was amended to also prohibit certain registered sex offenders from being on the State Fairgrounds (in Raleigh) during the period of time each year the State Fair is conducted, the Western North Carolina Agricultural Center grounds during the period of time each year that the North Carolina Mountain State Fair is conducted, and on any other fairgrounds during the period of time that an agricultural fair is conducted. This restriction would apply to those registered sex offenders whose crimes included offenses under Article 7B of Chapter 14 of the General Statutes (such as rape or sex offense) or whose victims were under the age of 18. Registered sex offenders who are not convicted of crimes falling in these categories would not be barred from going to these fairs.

There is a provision in this law restoring G.S. 14-208.18(a)(2) and G.S. 14-208.18(a)(3) to their original wording if the court’s ruling is stayed or reversed.

Effective: September 1, 2016

HOUSE BILL 1044, Law Enforcement Omnibus Bill, makes a number of changes affecting law enforcement in the State, to include:

- Creates new G.S. 143B-1023 which establishes the “Blue Alert System” (System) within the North Carolina Center for Missing Persons to aid in the apprehension of a suspect who kills or inflicts serious bodily injury on a law enforcement officer by providing a statewide system for the rapid dissemination of information regarding the suspect. The System would be activated if a law enforcement officer is killed or suffers serious bodily injury, as defined by G.S. 14-32.4(a), and an agency with jurisdiction over the crime determines that the suspect poses a threat to the public and other law enforcement personnel and the agency has information that may assist in locating the suspect, such as information about the suspect’s vehicle.
- Amends G.S. 14-269.1(4b) to clarify that the head or chief of a law enforcement agency may designate an individual to act on their behalf in order to submit a written request for a seized deadly weapon to be used by the agency or be sold or traded by court order.
- Amends G.S. 143B-1022 to expand the categories of citizens covered by the Silver Alert System, located within the North Carolina Center for Missing Persons, to include persons suffering from Alzheimer’s disease or a disability that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation.
- Amends G.S. 20-54, effective October 1, 2016, to prohibit the Division of Motor Vehicles from issuing a certificate of title or any transfer of registration if it is notified by the State Highway Patrol that the owner of the vehicle has failed to pay any civil penalties or fees arising from violations for the size, weight, construction, or equipment of the vehicle.
- The definition of “emergency” in G.S. 166A-19.3(6) of the Emergency Management Act, which will allow for a declaration of a state of emergency, is expanded to include public health, explosion-related, riot-related cause, or technological failure or accident including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

- Amends G.S. 66-58(b) to exempt the Samarcand Training Academy of the Department of Public Safety from the Umstead Act's (prohibition against competing in commerce against businesses and the public).
- Modifies G.S. 126-1.1 to allow forensic scientists who complete formal training prior to assuming their job duties to be able to obtain career State employee status after being employed for 24 continuous months, the same as State law enforcement officers.

Effective: July 11, 2016

HOUSE BILL 1080, Achievement School District, creates new Article 7A of Subchapter III of Chapter 115C of the General Statutes to establish laws relating to "Achievement School Districts." An Achievement School District supervises and operates selected low-performing elementary schools. New G.S. 115C-75.9(i) requires the State Board of Education to require applicants for employment with an Achievement School District to undergo criminal history record checks processed through the State Bureau of Investigation that includes a check of the State and federal databases of criminal histories.

Effective: July 22, 2016

HOUSE BILL 1126, Red Light Cameras/City of Greenville, allows the city of Greenville to enter into a contract for the lease, lease-purchase, or purchase of a traffic control photographic system (red light camera system). The city can enter into only one contract for a red light camera system and this contract can be for no more than 60 months. After this 60-month period, the system either becomes the property of the city of Greenville or has to be removed and returned to the contractor.

The penalty for violations detected by the red light camera system operated for the City of Greenville is raised by increasing the fine from \$75 to \$100.

Effective: July 1, 2016, with the exception that the penalty increase is effective October 1, 2016

SENATE BILLS

SENATE BILL 124, Assumed Bus. Name/IC Contempt/Parks, repeals Article 14 of Chapter 66 of the General Statutes and adds a new Article 14A, the "Assumed Business Name Act," to modernize the law governing the use of assumed business names. The purpose of this Act is to provide the public with a means of finding out the real name of persons engaging in business in this State using an assumed business name by requiring those persons to register the assumed business name. Under new G.S. 66-71.4, before any person engages in business in this State under an assumed business name, the person must file a certificate in the office of the register of deeds of the county where the person will be engaged in business. New G.S. 66-71.14 provides that if a person signs a certificate that the person knows is false in any material way with the intent for the certificate to be delivered to the register of deeds, then the individual would be guilty of a Class 1 misdemeanor.

Effective: July 1, 2017

SENATE BILL 326, Local Gov'ts/Bldgs/Structures/Inspections, amends G.S. 153A-364 (counties) and G.S. 160A-424 (cities) to modify the conditions under which counties and cities have the authority to inspect buildings or structures in the county or city.

If a piece of rental property is identified by the county or the city as being in the top 10% of properties with crime or disorder problems, the county or city is required to notify the landlord of any crimes, disorders, or other violations that are counted against the property to allow the landlord an opportunity to attempt to correct the problems. Counties and cities may require rental properties in this category to register with the county or city or require landlords to get permission from the county or city before leasing the property.

The sheriff's office (if the property is located in the county or if the property is located in the city but the city has no police department) or a city's police department (if the property is located in the city) are required to assist the landlord in addressing any criminal activity, which would include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the sheriff's office or police department does not cooperate in evicting a tenant, the tenant's behavior or activity cannot be counted as a crime or disorder problem for purposes of this classification and the property cannot be included in the top 10% of properties as a result of that tenant's behavior or activity.

Effective: January 1, 2017

SENATE BILL 508, Amd. Bail Bond/Coll. Agcy/Crim. Mediat'n Laws, makes numerous changes to the bail bond laws. Among these changes:

- G.S. 15A-534 is amended effective December 1, 2016 to provide that the obligations of a surety on a bail bond end earlier than the entry of a judgment in the case if a defendant is placed on probation pursuant to a deferred prosecution or conditional discharge. The court would be required to modify the conditions of release in this circumstance so that a secured bond would not be required for future appearances.
- G.S. 15A-544.7(d) is amended to provide that, after a judgement of forfeiture has been entered in a case, no bail bondsman, bail agent or bail runner who has signed a bond in that case, can sign any other bond statewide until the judgement is satisfied.
- G.S. 58-71-80 is amended effective October 1, 2016 to provide that the failure to pay federal or State income tax would be grounds for the suspension, revocation, or non-renewal of a bail bondsmen or runner's license. The Commissioner of Insurance retains enforcement authority over a bail bondsman or runner even when a person's license has been surrendered or has lapsed.
- G.S. 7A-38.5 is amended effective October 1, 2016 to provide that community mediation centers have 45 days (currently 30 days) after referral to resolve a criminal case before it proceeds to court. The court may also proceed with the criminal case "if any party declines to enter into mediation." The mediation fee must be paid prior to any mediation. Appointment of an attorney is not delayed by a referral to mediation.

Effective: July 22, 2016

SENATE BILL 575, NC/SC Original Boundary Confirmation, amends numerous laws to reflect the work of the Boundary Commission in confirming and reestablishing the original boundary between North Carolina and South Carolina. Among these amendments, G.S. 18B-1006 is amended to provide that the Alcoholic Beverage Control Commission can issue ABC permits,

without approval at an election, to qualified establishments if the establishment meets all of the following requirements:

- The establishment is located in a county that borders on another state;
- The location of the establishment was reclassified from out-of-state to North Carolina as a result of a State boundary certification; and
- The establishment was licensed or permitted by the previous state of record to sell malt beverages and unfortified wine.

Effective: June 22, 2016

SENATE BILL 734, Statewide Standing Order/Opioid Antagonist, recodifies G.S. 90-106.2 as G.S. 90-12.7 (practitioner's treatment of overdose with opioid antagonist, with immunity from civil and criminal liability), and adds a provision authorizing the State Health Director to prescribe an "opioid antagonist" by means of a statewide standing order. An opioid antagonist consists of naloxone hydrochloride that is approved by the federal Food and Drug Administration for the treatment of a drug overdose.

Immediately after Governor Pat McCrory signed Senate Bill 734, Dr. Randall Williams, North Carolina's State Health Director of the Division of Public Health within the Department of Health and Human Services, signed the statewide standing order to prescribe naloxone hydrochloride so that pharmacies can dispense the drug to anyone eligible under the legislation to help prevent drug overdoses.

Effective: June 20, 2016

SENATE BILL 770, NC Farm Act of 2016, made numerous regulatory changes regarding the agricultural community. Of interest to criminal justice agencies:

- New G.S. 106-65.105D, effective December 1, 2016, provides that any person, firm, or corporation that violates any Department of Agriculture and Consumer Services rules, regulations, or standards governing bedding that has been improperly made, sanitized or tagged is guilty of a Class 2 misdemeanor.
- New G.S. 113-299, authorizes Wildlife Resources Commission employees and certain federal agencies to cull feral swine from aircraft with a landowner's written approval, but this activity is prohibited in certain coastal counties during waterfowl season.
- Amends the list of Schedule III controlled substances in G.S. 90-91 to allow chorionic gonadotropin injections for veterinary use.

Effective: July 26, 2016

SENATE BILL 795, Clay County Courthouse, exempts Clay County from certain State public contracting laws (G.S. 143-128, 143-129, 143-131, and 143-132) while restoring the county courthouse building so that it can be leased and/or used as a multipurpose facility.

Effective: June 27, 2016, and expires on June 30, 2018

SENATE BILL 883, Northampton County/WRC Shooting Ranges, provides for an exception to the local law in Northampton County that prohibits a person from shooting rifles of a caliber larger than .22 without first getting the written permission of the landowner. Individuals are allowed to shoot rifles larger than .22 caliber in Northampton County on shooting ranges managed by the North Carolina Wildlife Resources Commission or on lands owned or managed by the North Carolina Wildlife Resources Commission when the individual is properly permitted to do so.
Effective: June 27, 2016