

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



## Weekly Legislative Report

May 20, 2016

As expected, this week the House approved their proposed version of the State budget bill for this year (House Bill 1030). The bill was approved by an overwhelming majority of the House members by a final vote of 103-12, a bipartisan vote of Republicans and Democrats. The focus now shifts to the Senate for the Senate to prepare their proposed version of the State budget bill.

Several weeks ago the House and the Senate agreed on the total amount of money that would be available for spending in this year's budget, and that agreed-upon amount is \$22.225 billion. Often, agreement on the total amount of money available is a sticking point between the House and the Senate that delays agreement on a budget. Fortunately, they have already reached agreement on that issue for this year and now they are working on the details about how to spend that \$22.225 billion.

The Senate has already indicated that some of their budget priorities may be a little different from those in the House but they have several weeks to work out their differences before the new fiscal year begins on July 1st.

The House and Senate adjourned on Thursday and will reconvene on Monday.

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### BILLS OF INTEREST

[HOUSE BILL 1030](#), [2016 Appropriations Act](#), has passed the House and has been sent to the Senate for their consideration. This bill contains the provisions of the House budget bill and includes the following provisions of interest to criminal justice agencies:

1. Would provide \$350,000 to replace Alcohol Law Enforcement's outdated radios;
2. Would allocate \$508,000 for the construction and development of first generation School Risk Management Plans for 835 public schools, fulfilling the initiative of the North Carolina Center for Safer Schools;
3. Would provide funds to the North Carolina Center for Safer Schools to expand the pilot program "SPK UP NC," an anonymous tip reporting application (i.e., a smart phone app) for use by students in schools. Currently the application is being used in 70 schools and these funds would expand its use in up to 1,500 schools;
4. Would provide funds to equip and operate the new Western Crime Laboratory in Edneyville. Specifically, funds would be provided for an HVAC technician, scientific supplies, increased maintenance and utility costs, and to purchase new equipment for the laboratory;
5. Would allocate \$640,000 in additional funds to meet equipment needs at North Carolina State Crime Laboratory facilities in Raleigh and Greensboro;

6. Would provide additional funds to the State Crime Laboratory (approximately \$2 million) for the outsourcing of forensic analysis services, including toxicology and DNA;
7. Would allocate \$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);
8. Would exempt the North Carolina State Bureau of Investigation (SBI) and the North Carolina Department of Public Safety (DPS) from Department of Information Technology oversight and from Enterprise Active Directory participation;
9. Would 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 VIPER system;
10. Would direct DPS, in consultation with the Division of Adult Correction and Juvenile Justice, 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;
11. Would require the Community Corrections Section of DPS to make the Treatment for Effective Community Supervision Program report. Currently the Division of Adult Correction and Juvenile Justice is required to make this report. The report would 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, would 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;

12. Would direct the North Carolina Justice Academy to develop an online training course for law enforcement officers on the use of social media. The course would include methods individual law enforcement officers can take to protect their personal information;
13. Would allow the North Carolina State Highway Patrol (SHP) to conduct its own specialized instructor training courses (instead of the specialized instructor training courses currently mandated by the North Carolina Criminal Justice Education and Training Standards Commission [Commission]). The training courses would have to be consistent with the Commission's rules and could include topics such as specialized driver instructor training, firearms instructor training, subject control arrest techniques instructor training, and physical fitness instructor training.

Additionally, the Commission's authority to certify, suspend, revoke, or deny the certification of a criminal justice instructor or school director would be expanded to include instructors and directors of courses required by an agency head, in addition to those courses required by the Commission;

14. Would remove most counties from the list of counties required to perform motor vehicle emissions inspections. Counties remaining on the list would include Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, Randolph, Rowan, Union, and Wake;

15. Would provide that it is the intent of the General Assembly to provide future funding for the acquisition or construction of an airplane to be used by the SBI;
16. Would increase permanent full-time State employee salaries by 2%;
17. Would provide step increases for eligible employees paid in accordance with a salary step plan, including assistant and deputy clerks, magistrates, and SHP troopers;
18. Would grant an additional 3% salary increase for assistant district attorneys and assistant public defenders;
19. Would provide \$1 million for salary increases for Alcohol Law Enforcement and SBI agents and would require the Director of the SBI to report to the Joint Legislative Oversight Committee on Justice and Public Safety by September 1, 2016 their plan to adjust the salaries of these agents; and
20. Would expand the definition of "law-enforcement officer" for purposes of the Retirement System for Teachers and State Employees to include a probation/parole officer with respect to any services rendered on or after July 1, 2016. This change in the law would make probation/parole officers eligible for the law enforcement officer's special separation allowance but would not entitle them to the 5% contribution into a 401(k) account.

**Introduced by Representatives Dollar, L. Johnson, Lambeth and McGrady**

[HOUSE BILL 1125](#), [Prohibit Hunting From ROW/Buncombe County](#), would prohibit hunting with a firearm or deadly weapon on, from, or across the right-of-way of any public road or highway in Buncombe County. A violation of this law would be a Class 3 misdemeanor. **Introduced by Representative Turner, and assigned to the House Committee on Wildlife Resources.**

[HOUSE BILL 1126](#), [Red Light Cameras/City of Greenville](#), would allow 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 would be able to enter into only one contract for a red light camera system and this contract could be for no more than 60 months. After this 60-month period, the system would either become the property of the city of Greenville or have to be removed and returned to the contractor. This bill would also increase the penalty for violations detected by the red light camera system by increasing the fine from \$75 to \$100. **Introduced by Representatives Murphy, S. Martin and Farmer-Butterfield, and assigned to the House Committee on Local Government.**

[HOUSE BILL 1128](#), [Cornelius Limits/Mecklenburg County Police](#), would give the Mecklenburg County Board of Commissioners the authority to allow all police officers in the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville to have territorial law enforcement jurisdiction throughout all of the unincorporated areas of Mecklenburg County. The Board of Commissioners would not be able to approve this expanded territorial jurisdiction in an unincorporated area of Mecklenburg County if the area falls within the jurisdiction of another municipality, unless the other municipality consents to the expanded jurisdiction. **Introduced by Representative Bradford, and assigned to the House Committee on Local Government.**

[SENATE BILL 877](#), [Red Light Cameras/City of Greenville](#), is identical to House Bill 1126 summarized above in this week's Weekly Legislative Report. **Introduced by Senators Pate and Davis, and assigned to the Senate Committee on State and Local Government.**

[SENATE BILL 879](#), Cornelius Limits/Mecklenburg County Police, is identical to House Bill 1128 summarized above in this week's Weekly Legislative Report. **Introduced by Senator Tarte, and assigned to the Senate Committee on Rules and Operations of the Senate.**

[SENATE BILL 880](#), Abolish Caswell County Coroner, would abolish the office of coroner in Caswell County. **Introduced by Senator Woodard, and assigned to the Senate Committee on State and Local Government.**

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### BILL STATUS

[HOUSE BILL 385](#), Sheriffs' Supp. Pension Fund Changes, has been reassigned to the Senate Committee on Pensions & Retirement and Aging.

[HOUSE BILL 952](#), Honor Our Service Animals/Sheriff Contracts, has passed the House and has been sent to the Senate for their consideration. This bill was amended to add Catawba and Gaston Counties to the list of counties where the sheriff's office would be able to contract for the purchase of food and food services supplies for that 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 bill was also amended to delete the previous language in the bill that would have allowed Cleveland County and any cities in Cleveland County to donate retired service animals to the employee who had custody and control of the animal during its service. The new language added would allow Cleveland County and Gaston County, 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 persons and groups, at a specific price determined by the governing body of the entity:

1. The officer or employee that had custody and control of the animal during the animal's public service;
2. 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
3. An organization or program dedicated to the assistance or support of animals retired from public service.

[HOUSE BILL 958](#), Felony Death Imp. Boating/Sheyenne's Law, has passed the House, and has been assigned to the Senate Judiciary I Committee.

[HOUSE BILL 1009](#), Wake Cty Towns Donate Retired Service Animals, has passed a second vote in the House, and has been reassigned to the House Committee on Local Government. This bill was amended to delete the contents of the previous bill and replaces it with the following language. This bill would allow the towns of Apex, Cary, Garner, Knightdale, Wake Forest, and Zebulon to transfer ownership, at a specific price determined by the governing body of the town, of a retired horse, dog, or other animal owned by the town to any of the following persons and groups:

1. The officer or employee that had custody and control of the animal during the animal's public service;
2. 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
3. An organization or program dedicated to the assistance or support of animals retired from public service.

[HOUSE BILL 1021](#), Amend Innocence Commission Statutes, has passed the House, and has been assigned to the Senate Judiciary II Committee.

[SENATE BILL 734](#), Statewide Standing Order/Opioid Antagonist, has passed the Senate and has been assigned to the House Committee on Health.

[SENATE BILL 741](#), State Controller/Criminal Record Checks, has passed the Senate Committee on State and Local Government, and has been reassigned to the Senate Judiciary II Committee.

[SENATE BILL 754](#), Prevent Squatting in Foreclosed Real Property, has been reassigned to the Senate Committee on Appropriations/Base Budget.

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The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

North Carolina Sheriffs' Association, Inc.

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