

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

January 28, 2011

The 2011-2012 Session of the North Carolina General Assembly convened this week on Wednesday, January 26, 2011. The 2011 Session is the first year of a two year session and is commonly referred to as the “long session”, since it begins in January and is likely to end in July or later.

The economy remains uncertain, unemployment is high, and there is a gap of around \$3+ billion between current spending and projected revenues. One of the main responsibilities of this year’s General Assembly will be to focus on adopting a balanced State Budget.

In mid-February, Governor Bev Perdue is expected to unveil her proposed 2011-2012 Budget. General Assembly appropriations committees will then meet to review Governor Perdue’s proposed budget, and then the legislature will quickly focus on developing their own version of the budget. It will be a difficult challenge to find the needed budget cuts to balance the State’s Budget.

Usually, the first week of the Session includes much talk about the General Assembly adopting a budget before the new fiscal year begins on July 1st and then trying to adjourn this “long session” as soon thereafter as possible. Only time will tell whether or not they can meet these two goals this year. However, House Speaker Thom Tillis predicted that the session will adjourn by June 4th, 2011. [Note: This is not a typographical error.]

The North Carolina Sheriffs’ Association prepares Weekly Legislative Reports each Friday that the North Carolina General Assembly is in Session. The reports detail legislation that is of special interest to sheriffs, sheriffs’ office personnel and other law enforcement officers and criminal justice professionals in our State.

The House and Senate adjourned on Thursday to reconvene on Monday evening.

BILLS OF INTEREST

HOUSE BILL 3, Exclusionary Rule/Good Faith Exception, would change the law governing exclusion of evidence in a criminal trial to permit the Supreme Court of North Carolina to reconsider and overrule its previous holding which prohibits a good faith exception to the exclusionary rule. The Supreme Court of the United States has clearly said that the evidence in a criminal trial is not

required to be excluded if the procedural violation committed by the law enforcement officers was not intentional and was committed while the officers were acting in “good faith.” Previously, the Supreme Court of North Carolina has ruled that there is no “good faith” exception to the exclusionary rule in North Carolina because of language in G.S. 15A-974. This legislative bill removed that specific language from G.S. 15A-974. The bill expresses a request to the Supreme Court of North Carolina that the Supreme Court reconsider and overrule its previous court decisions based on the changes in this statute. **Introduced by Representatives Stam, Ingle and Faircloth, and referred to the House Committee on Judiciary Subcommittee B.**

HOUSE BILL 4, Disapprove Closure of Dorothea Dix Hospital, expresses the General Assembly’s “disapproval” of any efforts to close the Dorothea Dix Hospital in Raleigh. **Introduced by Representatives Ross, Weiss and Jackson, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 11, No Postsecondary Education/Illegal Aliens, would prohibit illegal aliens from attending schools in the North Carolina Community College System or at a constituent institution of The University of North Carolina. **Introduced by Representative Cleveland.**

HOUSE BILL 12, Make Synthetic Cannabinoids Illegal, is identical to Senate Bill 9 summarized below in this week’s Weekly Legislative Report. **Introduced by Representatives Cleveland, Horn and McElraft.**

HOUSE BILL 13, Ban Mephedrone, would add mephedrone to the list of controlled substances that are unlawful to possess, manufacture, sell or deliver. This bill is identical to Senate Bill 7 summarized below in this week’s Weekly Legislative Report. **Introduced by Representatives Cleveland, Brown and Ingle.**

SENATE BILL 2, Chamberlin's Law, would amend the laws regarding cruelty to animals. **Introduced by Senator Vaughan, and referred to the Senate Committee on Judiciary II.**

SENATE BILL 3, Broaden Sweepstakes Law, would broaden the current law outlawing electronic sweepstakes and make it apply to sweepstakes that use “any type of visual display.” It would also supplement current law to make it “crystal clear” that electronic video sweepstakes are not allowed in North Carolina. **Introduced by Senator Vaughan, and referred to the Senate Committee on Judiciary II.**

SENATE BILL 4, Make Synthetic Cannabinoids Illegal, would add synthetic cannabinoids, commonly known as K2 Spice, to the list of controlled substances and would make this drug unlawful for anyone to possess, manufacture, sell or deliver. **Introduced by Senator Vaughan, and referred to the Senate Committee on Judiciary II.**

SENATE BILL 7, Ban Mephedrone, is identical to House Bill 13 summarized above in this week’s Weekly Legislative Report. **Introduced by Senator Brown.**

SENATE BILL 9, Make Synthetic Cannabinoids Illegal, is identical to House Bill 12 summarized above in this week’s Weekly Legislative Report. **Introduced by Senator Brown.**

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's World Wide Web site: www.ncleg.net.

You may also receive one copy of as many bills as you are interested in, 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).

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