

# North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 14, 2013

---

## Budget

The House adopted their version of the state budget for the next two fiscal years on Thursday. The total budget as recommended by the House is \$20.57 billion, just slightly below the Senate recommended spending of \$20.6 billion.

The highlights of the House budget for the Department of Public Safety, the Department of Justice, and the Judicial Departments, with comparison to what the Senate proposed, are as follows:

- Would not transfer the State Bureau of Investigation (SBI) from the Department of Justice (DOJ) to the Department of Public Safety (DPS) as recommended by the Senate, but the House would move the State Crime Laboratory out from under the SBI and place it directly under the Attorney General.
- Would move \$12.7 million from the balance in the Statewide Misdemeanant Confinement Fund to the Department of Public Safety for use by the Division of Adult Correction.
- Would reallocate the Statewide Misdemeanant Confinement Program fund administration allotment to the North Carolina Sheriffs' Association from 10 percent to 5 percent but keep the percentage going to the Department of Public Safety at 1 percent. The Senate recommended raising the DPS allotment to 5 percent.
- Would not eliminate three management-level positions, including the assistant director, in Alcohol Law Enforcement (ALE). Would not transfer alcohol permit inspections to the Alcoholic Beverage Control Commission.
- Like the Senate, would eliminate state funding for Butner Public Safety.
- Like the Senate, would restore funding for 69 vacant State Highway Patrol trooper positions.
- Would provide \$2.8 million funding for additional operations and maintenance for VIPER, and \$25 million would be provided in Fiscal Year (FY) 2013-2014 to upgrade the VIPER system to P-25 technology and also would provide \$7 million in Fiscal Year (FY) 2014-15 for 29 VIPER towers. The Senate had recommended funding for additional operations and maintenance for VIPER, and \$7 million in Fiscal Year (FY) 2014-2015 for 29 additional VIPER towers.
- Would close five prison units: Duplin Correctional Center, Robeson Correctional Center, Wayne Correctional Center, Western Youth Institution, and North Piedmont Correctional Center for Women. Would also convert Johnston Correction Institution from a medium security to a minimum security unit. The Senate had recommended closing the following seven units: Bladen Correctional Center, Duplin Correctional Center, Robeson Correctional Center, Wayne Correctional Center, Western Youth Institution, Buncombe Correctional Center, and Orange Correctional Center.

- Would provide 75 additional probation officer positions in FY 2013-2014 and an additional 175 probation officer positions in FY 2014-2015. The Senate version was 75 probation officers the first year and 100 the second year.
- Would close the same three youth facilities as recommended by the Senate: Lenoir Youth Development Center, Richmond Detention Center, and Buncombe Detention Center.
- Would provide \$311,572 in funding for the Governor's Safe Schools Initiative. This item was not in the Senate's budget.
- Like the Senate, would provide 19 new toxicology positions in the State Crime Laboratory to serve the western part of the state. Would not provide \$750,000 for contracting toxicology case analysis to private laboratories and would not provide \$1 million in FY 2014-2015 for State Crime Laboratory equipment.
- Would provide \$191,458 in funding for 3 positions to expand the SBI Prescription Drug Unit that was not included in the Senate budget.
- Like the Senate, would allocate \$1 million from the Statewide Misdemeanant Confinement Fund to support the Sheriffs' Education and Training Standards Commission and would redirect the full amount of the \$2 court fee which previously supported both commissions to only support the Criminal Justice Education and Training Standards Commission.
- Like the Senate, would reduce the Indigent Defense Services fund by \$2 million by reclassifying low-level misdemeanors so as to not provide for incarceration as a punishment, resulting in legal counsel not being needed.
- Would provide funding for 16 magistrates to fund a minimum of four magistrates per county. The Senate recommended the funding of 39.5 magistrate positions.
- Would not change the current "injury by accident" or "occupational disease" requirement for salary continuation plan for certain state law enforcement officers to only include only those injuries by accident or occupational injuries caused by "extreme activity" Other on-the-job injuries and occupational diseases would be covered under Worker's Compensation benefits as recommended by the Senate.
- Like the Senate, there would be no pay raises for state employees, but the House did recommend an additional 5 days of annual leave for state employees.

---

### BILL STATUS

HOUSE BILL 24, Domestic Violence/Abuser Treatment Program/Amendments, has passed the House and Senate and will next be sent to Governor Pat McCrory for his signature.

HOUSE BILL 25, Amend Felony Breaking or Entering, has been signed by Governor Pat McCrory and will be enacted into law effective December 1, 2013. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 29, Methamphetamine/Offense/Penalties, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature.

---

HOUSE BILL 142, Provide Access to Campus Police Records, has been signed by Governor Pat McCrory and became effective June 12, 2013.

HOUSE BILL 361, Justice Reinvestment Technical Corrections, has been signed by Governor Pat McCrory and will become effective October 1, 2013.

HOUSE BILL 532, No Drinking in EMS & Law Enforcement Vehicles, has been signed by Governor Pat McCrory and will become effective December 1, 2013.

HOUSE BILL 533, Detention of Mentally Ill in Facility, has passed the Senate Judiciary II Committee.

HOUSE BILL 610, Modify Requirements for In-Stand Beer Sales, has been signed by Governor Pat McCrory and will become effective June 12, 2013.

HOUSE BILL 641, Amend Conditional Discharge/1st Drug Offense, has passed the Senate and has been returned to the House for consideration of the Senate changes.

HOUSE BILL 656, Forfeiture for Speeding to Elude Revisions, has passed the Senate Judiciary II Committee and will be considered by the full Senate. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 725, Young Offenders Rehabilitation Act, has passed the House Judiciary A Committee and been referred to the House Committee on Appropriations. **This bill is opposed by the North Carolina Sheriffs' Association.**

HOUSE BILL 762, Amend Certain Bail Bond Procedures, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature.

HOUSE BILL 813, Ban Synthetic Cannabinoids, has been signed by Governor Pat McCrory and will become effective July 1, 2013.

HOUSE BILL 850, Possession of Needles/Tell Law Officer, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 937, Amend Various Firearms Laws, has passed the Senate and has been returned to the House for consideration of the Senate changes. The bill was amended and **the North Carolina Association supports** the new provisions contained in the House version of HB 937 which provide for stronger mental health background checks and supports the new provision to make gun permit records confidential. **The North Carolina Sheriffs' Association opposes** the provision that would repeal the pistol purchase permit law.

SENATE BILL 8, Increase Fine for Vehicle Removal, has been scheduled for a vote in the House on Monday, June 17.

SENATE BILL 25, Hunting & Fishing/Active Duty Military, has been scheduled for a vote in the House on Monday, June 17.

SENATE BILL 124, Shoot Gun Inside/To Incite Fear, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 210, Authorize Chief Magistrates, has been signed by Governor Pat McCrory and became effective June 12, 2013.

SENATE BILL 222, Revise Controlled Substances Reporting, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 252, Increase Penalty/Controlled Substance Crimes, has been signed by Governor Pat McCrory and will become effective December 1, 2013.

SENATE BILL 264, Abate Nuisances/Drug Sales From Stores, has been scheduled for a vote in the House on Monday, June 17.

SENATE BILL 306, Capital Punishment/Amendments, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature.

SENATE BILL 402, Appropriations Act of 2013, has passed the House and has been returned to the Senate for consideration of the House changes. The bill has been scheduled for a vote in the Senate on Monday, June 17.

SENATE BILL 443, Disposition of Abandoned Firearms, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature.

SENATE BILL 571, Authorize Various Special Plates, has passed the Senate and been sent to the House for consideration.

SENATE BILL 583, Metal Theft Statute Amendments, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature.

SENATE BILL 584, Amend False Liens Law, has passed the House and Senate and has been sent to Governor Pat McCrory for his signature. **This bill is supported by the North Carolina Sheriffs' Association.**

---

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](http://www.ncleg.net) or by calling the General Assembly's Printed Bills office at 919/733-5648.

---

Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association

[www.ncsheriffs.org](http://www.ncsheriffs.org)