
FINAL LEGISLATIVE REPORT

2006

North Carolina Sheriffs' Association



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NORTH CAROLINA SHERIFFS' ASSOCIATION

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The General Assembly adjourned the 2005-2006 Session on Friday, July 28th at 1:09 a.m. During this two-year Session, 2,895 House bills were introduced and 2,066 Senate bills were introduced for a total of 4,961 bills that were introduced. It has been reported in the news media that more bills were filed during this two-year Session than have been filed in any other Session for more than 90 years. In recent memory, each two-year Session has generated about 3,000 new bills.

Of the almost 5,000 bills introduced this Session, approximately 300 of them were enacted into law. However, many of the bills that were introduced were consolidated together into other bills that were actually voted on and enacted.

Highlights of this year's General Assembly Session include the enactment of bills that will: (1) outlaw video poker machines; (2) strengthen DWI enforcement laws; (3) increase regulation of sex offenders; and (4) fund a large number of additional court personnel to better manage the criminal case workload.

This year's General Assembly agreed on a \$18.9 billion budget at the beginning of the fiscal year on July 1 and enacted sweeping ethics reform that will govern the conduct of General Assembly members, other elected state officials, state government employees, lobbyists and campaign contributors.

The 2007-2008 Session of the North Carolina General Assembly will convene at 12 Noon on Wednesday, January 24, 2007.

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, you may 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). Copies are also available on the General Assembly's World Wide Web site: <http://www.ncleg.net>.

HOUSE BILL 88, Electoral Fairness Act, will: (1) reduce the number of signatures required by a statewide unaffiliated candidate to get on the ballot; (2) reduce the number of votes a new political party must gain to maintain ballot eligibility; and (3) provide that a candidate who ran in a party primary for an office is not eligible for nomination by another party to fill a vacancy in its nomination for the same office in the same year. Effective: January 1, 2007, unless vetoed by the Governor.

HOUSE BILL 126, Gun Permit/OSHA Technical Changes, makes technical changes to the statutes regulating pistol purchase permits and carry concealed handgun permits to conform those statutes to current procedures and federal law. These changes were required to meet a federal deadline of June 30, 2006 and will clarify that the criminal history check required for these statutes must be conducted through the National Instant Criminal Background Check System (NICS). It will also clarify that the Sheriff must verify an applicant's qualifications before a permit can be issued. Effective: June 30, 2006.

HOUSE BILL 128, Election Changes, makes the following changes to the election laws:

1. Authorizes county boards of elections to take steps to count mailed absentee votes earlier;
2. Clarifies how a voter must report when they move to a new address;
3. Clarifies a person's residence for voting purposes;
4. Makes changes in the law to challenge a voter's residence;
5. Specifies how banks and other financial institutions may make loans without violating the prohibition on corporate contributions;
6. Clarifies what reasonable administrative expenses include; and
7. Provides that except for the envelope, provisional ballots shall not be marked to be identifiable to a voter.

Effective: When signed into law by the Governor, unless vetoed.

HOUSE BILL 267, 8-Year Drivers' License, provides that a driver's license issued to a person at least 18 years of age, but less than 54 years of age is valid for eight years. Driver's licenses issued to persons 54 years old and older expire after five years. This bill also specifies that when a person is at a DMV Driver's License Office to renew their driver's license, if their renewal is approved they will be issued a "temporary driving certificate" that is valid for twenty days and then their actual driver's license will be mailed to them by DMV via US mail to the resident's address provided by the driver to DMV. Effective: New drivers' licenses will be issued beginning January 1, 2007. "Temporary Driving Certificates" will be issued beginning July 1, 2008. The provisions will become effective on the dates specified, unless this bill is vetoed by the Governor.

HOUSE BILL 447, LEO Creditable Service/Workers' Compensation, gives law enforcement officers credit toward retirement for time on a leave of absence while receiving worker's

compensation benefits due to “serious bodily injury.” Serious bodily injury is defined to mean, “bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ or that results in prolonged hospitalization.” The employee will be required to pay the employee’s portion of the creditable service purchased, unless the employer voluntarily chooses to pay all or part of the employee’s portion. **This bill was supported by the North Carolina Sheriffs’ Association.** Effective: August 1, 2006.

HOUSE BILL 749, DOT Agreement/No Sticker Fee/Limited Driving Privilege, provides that replacement inspection stickers for use on a replaced windshield are not subject to the inspection sticker fee. Effective: When signed into law by the Governor, unless vetoed.

HOUSE BILL 845, Local ATV Use/Whiteville Unsafe Building, adds Gaston, Surry and Wilkes counties and the towns of Ocean Isle Beach and Surf City to the list of areas in which law enforcement officers and municipal and county employees may operate unregistered all-terrain vehicles on highways with speed limits of 35 miles per hour or less. It also allows the City of Whiteville to declare residential buildings in community development target areas unsafe and to demolish those buildings using the same process authorized for the demolition of unsafe nonresidential buildings. Effective: July 13, 2006.

HOUSE BILL 966, Candidate Specific Communications, provides that “candidate-specific communications” that refer to a clearly identified candidate for a statewide office or the General Assembly require the filing of a disclosure statement if the individual, committee, association or any other group incurs an expense of more than \$10,000 to produce or broadcast candidate-specific communications. This applies to broadcast, cable, or satellite communication as well as any mass mailing or telephone bank. Effective: January 1, 2007, unless vetoed by the Governor.

HOUSE BILL 1024, Runoff Changes, authorizes the State Board of Elections to conduct a pilot program in local elections using the instant runoff method of voting. This bill also sets the date of second primaries at seven weeks after the first primary. Effective: for elections held after January 1, 2007.

HOUSE BILL 1025, Various ABC Law Changes, makes various changes to the alcohol beverage control laws. One of the changes would allow the sale of alcoholic beverages at golf courses that are open to the public and owned or leased by schools and colleges such as Finley Golf Course at UNC-Chapel Hill. It also makes various changes in the ABC laws governing persons who obtain a wine permit. Effective: When signed into law by the Governor, unless vetoed.

HOUSE BILL 1048, Governor’s DWI Task Force Recommendations. In the Senate Judiciary I Committee, a section was added to the bill that would have required jail and detention center personnel to “make a reasonable effort to determine the nationality of” any person confined in the facility who is charged with a felony or an impaired driving offense.

The actual language of that proposed provision, that **was not enacted**, reads as follows:

"§ 162-62. Legal status of prisoners.

(a) When any person charged with a felony or an impaired driving offense is confined for any period in a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit, the administrator or other person in charge of the facility shall make a reasonable effort to determine the nationality of the person so confined.

(b) If the prisoner is a foreign national, the administrator or other person in charge of the facility holding the prisoner shall make a reasonable effort to verify that the prisoner has been lawfully admitted to the United States and if lawfully admitted, that the prisoner's lawful status has not expired. If verification of lawful status cannot be made from documents in the possession of the prisoner, verification shall be attempted within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If the LESC or other office or agency determines that the prisoner has not been lawfully admitted to the United States, the administrator or other person in charge of the facility holding the prisoner shall notify the United States Department of Homeland Security.

(c) Nothing in this section shall be construed to deny bond to a person or to prevent a person from being released from confinement when that person is otherwise eligible for release.

(d) The Department of Crime Control and Public Safety, after consultation with the North Carolina Sheriffs' Association, shall prepare and issue guidelines and procedures to be used to comply with the provisions of this section."

We met with House and Senate leaders to discuss the practical concerns with this proposed requirement. Upon the request of the North Carolina Sheriffs' Association, the House and Senate leaders agreed to remove this language from the bill and to replace it with language that will allow for the seizure of a vehicle that is driven by a person who is guilty of committing the following three offenses at the same time: DWI, driving with no driver's license or a revoked driver's license, and driving with no insurance.

While the proposed provisions above were not enacted, the following changes to the DWI laws were enacted:

REGULATING MALT BEVERAGE KEGS

- Amends the law to require a purchase-transportation permit for the purchase and off-premises transportation of a keg of malt beverage. Defines a "keg" for the

purposes of the statute as a container of 7.75 gallons or more. Retailers of keg malt beverages would be authorized to issue purchase-transportation permits, and would be required to maintain sales records for 90 days and longer if requested.

CHANGES TO CHECKING STATIONS AND ROADBLOCKS

- Creates a single "checking station" or "roadblock" instead of "impaired driving" checkpoints and "driver's license" checkpoints.
- Requires the law enforcement agency (LEA) to designate in advance the pattern for stopping vehicles and for the production of a driver's license, a registration card, or insurance information. Agencies must operate under a written policy-either their own or another agency's policy.
- Requires that at least one LEA vehicle have its blue lights in operation.
- If an officer determines that the driver has previously consumed alcohol, or has an open container, the officer may conduct an alcohol screening test.
- Provides that checkpoints should be random or statistically indicated, and not repeatedly located in the same location.

CONSENT PRETRIAL AND COURT PROCEEDINGS

- Creates a new Article in Chapter 20 to provide pretrial, trial, and appellate procedures for implied consent offenses. An "implied consent offense" is defined by statute as an offense involving impaired driving or an alcohol-related offense subject to the procedures in N.C.G.S. § 20-16.2, Implied Consent to Chemical Analysis.

ALLOWING OPINION TESTIMONY BY DRUG RECOGNITION AND ACCIDENT RECONSTRUCTION EXPERTS, AND ADMISSION OF HGN TESTS.

- Allows expert opinion testimony on the results of a Horizontal Gaze Nystagmus (HGN) Test as to the issue of impairment only. A certified Drug Recognition Expert is qualified to give testimony on whether a person was under the influence of one or more impairing substances, and the category of impairing substances.
- Also allows an accident reconstruction expert, in any action, to give an opinion as to the speed of a vehicle--even if the expert did not see the vehicle moving--if the expert has: (1) performed a reconstruction of a crash; or (2) has reviewed the report of investigation. The general rules on expert opinion testimony apply to these provisions.

ALCOHOL SCREENING DEVICES

Makes technical changes and changes the current law to allow screening tests as evidence in court and administrative proceedings.

CLARIFICATION OF IMPAIRED DRIVING OFFENSES

- Makes technical corrections and clarifies that "public vehicular areas" include business property, whether the business is open or closed. Also defines "State" to include convictions from the Cherokee Tribal Court under Chapter 20.
- Clarifies the per se impaired driving offense for non-commercial and commercial drivers. The stated alcohol concentration level is sufficient for a conviction without evidence of impairment.
- Adds the consumption of any amount of Schedule I controlled substances as the basis for a DWI violation for both commercial and non-commercial drivers.
- Provides the methods of proving the Gross Vehicle Weight for commercial vehicles.
- Amends the Habitual DWI statute to apply to any person who has 3 previous DWI convictions within a 10 year period. Currently, the law applies to anyone who has 3 previous DWIs within a 7 year period.
- Clarifies that required procedures and evidentiary provisions applicable to chemical analyses apply to the immediate license revocation statute.

FELONY DEATH BY VEHICLE AND INJURY BY VEHICLE

Creates three new offenses: Felony Serious Injury by Vehicle, Aggravated Felony Death by Vehicle, and Aggravated Felony Serious Injury by Vehicle.

- Felony Serious Injury - A person who unintentionally causes serious injury while driving impaired is guilty of a Class F felony.
- Aggravated Felony Serious Injury - A person who unintentionally causes serious injury while driving impaired, and who has an impaired driving conviction within 7 years of the offense, is guilty of a Class E felony.
- Aggravated Felony Death -- A person who unintentionally causes the death of another while driving impaired, and who has an impaired driving conviction within 7 years of the offense, is guilty of a Class D felony.

Under current law, unintentionally causing a death (not impaired) while violating a statute or ordinance is a Class 1 misdemeanor. The bill increases the penalty for unintentionally causing death while impaired from a Class G felony to a Class E felony.

The bill also creates the offense of "Repeat Felony Death by Vehicle." A person who has a previous conviction for causing a death while impaired, and is convicted a second time for a felony death by vehicle, is subject to punishment under the second degree murder statute (Class B2 felony).

CLARIFYING AND SIMPLIFYING THE IMPLIED CONSENT

Adds clarifying language to G.S. 20-16.2., to:

- Allow any law enforcement officer to perform the chemical analysis (not just the arresting officer).
- Change the standard of review by the superior court when a license revocation for refusal to submit to chemical analysis is appealed. Currently, the review is a de novo review, meaning the superior court hears all the evidence again. This part would change the review to limit it to whether there is: (i) sufficient evidence in the record to support the Commissioner's findings of fact; (ii) whether the conclusions of law are supported by the findings of fact; and (iii) whether the Commissioner committed an error of law in revoking the license.

ADMISSIBILITY OF CHEMICAL ANALYSES

- Provides the requirements for the admissibility of a chemical analysis of a person's breath.
- Amends the statute governing admissibility of chemical analyses to allow the court to take notice of the DHHS rules and persons authorized to administer the analyses.
- Provides procedures for establishing the chain of physical custody or control of blood and urine samples.
- Provides for a hearing on the admissibility of evidence if the defendant notifies the State at least five (5) days before trial in the superior court division or an adjudicatory hearing in juvenile court.

IMPROVED ACCESS TO MEDICAL RECORDS IN DWI CASES

- Allows law enforcement officers to gain access to medical information as part of a criminal investigation.
- Authorizes an investigator to obtain a certified copy of medical records if they obtain a search warrant or an order specifying the records.

- Provides that certified copies of relevant health information are admissible in any hearing or trial without further authorization.

PROSECUTOR REPORTING WHEN DWI CASE IS DISMISSED

- Amends the law requiring a prosecutor to document the reasons behind the reduction or dismissal of impaired driving or driving while license revoked for impaired driving charges.
- Requires the Administrative Office of the Courts to electronically record the information, and make it available upon request.
- Requires the clerk of court to keep specific file data on persons charged with impaired driving offenses.
- Requires the AOC to provide an annual report (by calendar year) to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee. The report is to include the amount of fines, costs, and fees ordered at disposition, and defendants' compliance with sanctions. The AOC is charged with insuring public access to the information by posting it on the agency's internet page, and making the report available to the public at no cost.

NOTICE PROCEDURE AND DRIVING WHILE LICENSE REVOKED

- Provides that the Division of Motor Vehicles may prove notice of personal delivery, or by mail, by making a notation in its records. A certified copy of the Division's records would be admissible in any court or administrative agency proceeding as proof of notice.
- Also provides a criminal penalty and license revocation for persons who have been sent a notice of revocation of license for driving while impaired, and the person drives on a highway with a revoked license, or where the person fails to appear for two years from the charge date if charged with an implied consent offense.
- The Division may also require the installation of an ignition interlock on vehicles, and may cancel conditionally restored licenses if any conditions of restoration are violated. This provides an exemption from the interlock requirement upon a showing of medical incapacity.

MODIFYING CURRENT PUNISHMENTS

- Provides procedures for a jury to find aggravating factors, instead of the judge. This provision is in response to a Supreme Court of the United States decision that required a jury to find any facts that would aggravate a sentence beyond the statutory

maximum. The procedures allow for a defendant to admit to the aggravating factor only, or plead guilty only to the charge. A judge may find the existence of prior convictions without a jury determination. The State must provide notice of its intent to use one or more aggravating factors if the defendant appeals to Superior court.

- Provides that a defendant sentenced to a term of imprisonment that is 48 hours or more must serve the term hour for hour. Consequently, a defendant arriving at a confinement facility on a Friday evening would not be eligible for release on Sunday morning, although two "days" have passed.
- A defendant reporting to jail that shows positive on an alcohol screening test would forfeit any option to serve confinement time on weekends.
- Requires the clerk of court to keep for a minimum of ten years all records relating to persons charged with impaired driving offenses. Prior to destroying the record, the clerk is required to record certain data specified in the provision.

ILLEGAL CONSUMPTION UNDER 21 AND ADMISSIBILITY OF THE RESULTS OF AN ALCOHOL SCREENING DEVICE

Makes it illegal for a person less than 21 years of age to consume any alcoholic beverages. The exceptions are:

- during the course of treatment by a licensed physician, druggists, or dental surgeons for medicinal or pharmaceutical purposes, or by medical facilities established and maintained for the treatment of addicts;
- for sacramental purposes by any organized church or ordained minister; or
- under the direct supervision of an instructor during a culinary class that is part of a curriculum at an accredited college or university.

The bill authorizes a law enforcement officer to administer a screening test to a person less than 21 years of age if there is probable cause that the person has consumed alcohol. The test result would be admissible in any court or administrative proceeding.

DWI DEFENDANTS ASSIGNMENT TO COMMUNITY SERVICE PAROLE OR HOUSE ARREST

Requires that any impaired driving offender that has completed recommended treatment or a training program, and is not being paroled to a residential treatment program, shall as a condition of parole, be placed on community service parole, or house arrest with electronic monitoring.

PREVENT NONCOMPLIANT PERMIT HOLDERS FROM SWITCHING PERMITS

Provides that an ABC permittee may not employ someone who has been a permit holder at that location and who has had their permit revoked within the past 18 months. This

is designed to prevent a current permit holder who becomes ineligible from using a surrogate to be the designated permit holder, while remaining in charge of the business.

DWI TRAINING FOR JUDGES

Requests the Chief Justice of the Supreme Court of North Carolina to encourage judges to receive legal education on driving while impaired offenses and relevant statutes, and to promulgate rules to ensure that the judiciary receives necessary training.

REQUIRE DISTRICT ATTORNEY SIGNATURE FOR A DISTRICT COURT MOTION FOR APPROPRIATE RELIEF

- Provides that a motion for appropriate relief (MAR) may not be granted without the signature of the District Attorney indicating that the State has had an opportunity to consent or object to the motion. A MAR is a pleading by the defendant seeking relief from a judgment of the court. If the defendant gives notice by oral motion in court, or written notice to the District Attorney, then the court may grant the motion if the District Attorney has not signed within 10 days after receipt of notice.

SEIZURE AND FORFEITURE OF VEHICLE

Allows the seizure and forfeiture of a vehicle where the operator was driving while impaired, was driving without a valid driver's license, and was driving with no liability insurance.

EFFECTIVE DATE

The requirement that the AOC electronically record certain data becomes effective after the next rewrite of the Superior Court Clerks System. The remainder of the act becomes effective on December 1, 2006, unless vetoed by the Governor.

HOUSE BILL 1120, Strengthen Neighborhood Watch Programs, officially acknowledges the importance of Neighborhood Crime Watch programs and makes it a Class 1 misdemeanor to harass a member of Neighborhood Crime Watch program. Effective: December 1, 2006.

HOUSE BILL 1231, Prohibit Extreme Pricing Practices, protects consumers from extreme pricing practices during states of disaster, states of emergency or abnormal market disruptions. Effective: When signed into law by the Governor, unless vetoed.

HOUSE BILL 1237, Change Local Governmental Retirement Board. Previously, the Local Governmental Employees' Retirement System Board consisted of the same members that are on the State Employees' Retirement System Board, plus three local governmental officials. This bill changes the membership of the Local Governmental Employees' Retirement System Board to include:

- State Treasurer;
- Superintendent of Public Instruction;
- Two members of the Teachers' and State Employees' Retirement System Board appointed by the General Assembly;
- Three members of the Teachers' and State Employees' Retirement System Board appointed by the Governor who are not teachers or state employees; and
- Seven members appointed by the Governor as follows:
 - Mayor or City Council Member;
 - County Commissioner;
 - Local law-enforcement officer;
 - County Manager;
 - City Manager;
 - Local government employee in a nonmanagement position; and
 - Retired local government employee who was not in a management position.

Effective: July 9, 2006.

HOUSE BILL 1248, Amend Identity Theft Protection Act of 2005, requires state and local agencies that experience security breaches of identity information to provide notice of that breach as required for private companies by the Identity Theft Protection Act of 2005 that was enacted last year. Effective: October 1, 2006.

HOUSE BILL 1301, Strengthen North Carolina Medical Board, contains numerous provisions to strengthen the authority of the North Carolina Medical Board to investigate and discipline physicians who are engaged in unprofessional or criminal conduct. Originally, there was some interest in requiring law enforcement agencies that charge a physician with a criminal offense to notify the North Carolina Medical Board. At the request of the North Carolina Sheriffs' Association, the North Carolina Medical Board agreed not to include that provision and instead to include a provision that requires physicians to self-report to the North Carolina Medical Board within thirty (30) days of arrest or indictment: (1) any felony arrest or indictment; (2) any arrest for driving while impaired or driving under the influence; and (3) any arrest or indictment for the possession or use or sale of any controlled substance.

This legislation also requires the North Carolina Medical Board to notify "the appropriate law enforcement agency" when the Board has possession of information that indicates that a crime may have been committed. The Board is authorized to cooperate with and assist the law enforcement agency conducting a criminal investigation of a Board licensee. The Board can provide information that is relevant to the criminal investigation to the investigating law enforcement agency. Information disclosed by the Board to the investigating law enforcement agency remains confidential and may not be disclosed by the investigating law enforcement agency "except as necessary to further the investigation." Effective: October 1, 2006.

HOUSE BILL 1323, Establish NC Innocence Inquiry Commission. Many changes to the original version of this bill were made at the request of the North Carolina Sheriffs' Association, the North

Carolina Conference of District Attorneys and Attorney General Roy Cooper when this legislation was considered in 2005 in the House. All of those requested changes have been maintained in the bill by the Senate. At the request of the North Carolina Sheriffs' Association, the bill specifies that one of the members of the Commission shall be a Sheriff. **This bill, as amended, was supported by the North Carolina Sheriffs' Association.**

As enacted into law, this bill creates the North Carolina Innocence Inquiry Commission as an "extra ordinary procedure" to investigate and determine claims by criminal defendants of "factual innocence." To file a "claim of factual innocence", a person must be convicted of a felony and maintain that they are completely innocent of any criminal responsibility for the felony and completely innocent of any criminal responsibility for any other reduced level of criminal offense relating to the crime. To file a claim, there must be creditable, verifiable evidence of the person's innocence that has not previously been presented at trial or considered at a hearing granted through post conviction relief.

Members of the North Carolina Innocence Inquiry Commission shall be appointed by the Chief Justice of the Supreme Court of North Carolina and the Chief Judge of the North Carolina Court of Appeals. The Commission shall consist of eight voting members as follows:

- superior court judge;
- prosecuting attorney;
- victim advocate;
- criminal defense law;
- sheriff;
- public member who is not an attorney and who is not an officer or employee of the Judicial Department; and
- two remaining members selected at the discretion of the Chief Justice.

Once the Commission considers all of the evidence presented related to a claim of factual innocence, if less than five of the eight voting members of the Commission conclude that there is not sufficient evidence of factual innocence, the case is dismissed and the convicted felon who filed the claim has no appeal rights. If five or more of the eight voting members of the Commission conclude that there is sufficient evidence of factual innocence, then the case is referred by the Commission to a panel of three superior court judges appointed by the Chief Justice of the Supreme Court of North Carolina. If the convicted felon who is filing the claim pled guilty in the case, the Commission can refer the case to the three judge panel of superior court judges only if all eight of the eight voting members of the Commission agree that there is sufficient evidence of actual innocence.

If the case is heard by the three-judge panel of superior court judges, and if the vote is not unanimous, the panel must deny relief to the convicted felon who filed the claim. If all three judges vote unanimously that there is "clear and convincing evidence" that the convicted felon is innocent of the charges, then the panel shall enter an order dismissing the charges against the convicted felon.

The decision of the three-judge panel are also final and not subject to further review or appeal in any manner whatsoever.

A convicted felon who files a claim of factual innocence is not prohibited from also filing a Motion for Appropriate Relief or pursuing any other available appeal rights allowed by law. When the case is heard by the three-judge panel, the State shall be represented by the district attorney from the district where the convicted felon was convicted.

Claims of actual innocence can be filed with the Commission beginning on November 1, 2006, however, claims where the convicted felon pled guilty may not be filed until November 1, 2008. As currently enacted, no claims may be filed after December 31, 2010. This “sunset clause” will allow the General Assembly to evaluate this law and procedure. For it to be continued beyond December 31, 2010, new legislation must be approved by the General Assembly.

HOUSE BILL 1327, Criminal Record Checks/Psychology Practice Act, authorizes the North Carolina Department of Justice to provide criminal history record checks on applicants for licensing by the North Carolina Psychology Board. Effective: August 1, 2006.

HOUSE BILL 1399, Various Transportation/Motor Vehicle Law Changes, makes changes to the motor vehicle laws concerning weighing of wood residuals (including wood chips, sawdust, mulch or tree bark) and the statutes exempting certain agricultural vehicles from registration. Effective: July 19, 2006.

HOUSE BILL 1413, Enhanced Local Government Administration of Environmental Programs, enacts a new law to allow local governments to authorize an employee or agent of the local government to solicit charitable contributions by standing in, on, or near streets within the local government’s limits. Effective: December 1, 2006, unless vetoed by the Governor.

HOUSE BILL 1723, The Studies Act of 2006, authorizes the General Assembly and other groups to conduct dozens and dozens of studies between now and when the General Assembly reconvenes in January of 2007. Because of the upcoming elections in November and the Thanksgiving and Christmas holidays, it is likely that many of these authorized studies will not be conducted or that they will only have time for one or two meetings prior to convening of the 2007 General Assembly on January 24, 2007. Effective: When signed into law by the Governor, unless vetoed.

Authorized Studies include:

1. The Legislative Research Commission is authorized, but not required, to study the following topics:
 - a. Ban cell phone use while driving
 - b. Exemptions from safety and emissions inspections for motor vehicles
 - c. Credit Report identity theft

- d. Personal information privacy
 - e. Exclusionary rule/good faith exception
 - f. Habitual felon statutes
 - g. Minority incarceration
 - h. Driving by a person less than 21 years old after consuming alcohol or drugs
 - i. Racial basis and the death penalty
 - j. Cost control of medical services for persons in local confinement facilities
 - k. Treatment services funding/drug treatment courts
 - l. Trafficking of persons
 - m. Victim restitution
 - n. Impact of ethics legislation on local elected officials
 - o. Superior Court discovery, including the issue of including identities of informants who furnished information leading to a search warrant and including a discussion of open discovery in noncapital postconviction cases
 - p. Impact of undocumented immigrants including their impact on the criminal justice system and corrections
 - q. Local Governmental Employees Retirement System — issues related to establishing a “Higher Option”
 - r. Funding and operation of traffic control photographic systems
2. The Joint Legislative Health Care Oversight Committee is authorized to study:
- a. County-owned hospitals, to include “the implications of government paid medical services.”
 - b. A proposal to ban smoking in all State controlled buildings, and granting local governments the authority to do the same in their buildings.
3. The Joint Legislative Utility Review Committee is authorized to study issues related to telephone charges for operation of a 911 system to include:
- a. How to increase accountability for the collection and spending of 911 charges by local governments.
 - b. Modification of what constitutes an authorized expenditure from a local Emergency Telephone System Fund.
 - c. Whether to adopt a Statewide Uniform 911 charge.

- d. Whether to create a State Emergency Telephone Fund and a formula for distributing those monies to local governments.
 - e. Whether to designate the community college system as the preferred provider of training for public safety answering point staff.
4. The Division of Motor Vehicles is directed to study a method to implement a voluntary disability designation on drivers licenses, State-issued identification cards and vehicle registration. The method would allow persons with developmental disabilities or their families, or both, to request the placement of a designation indicating the disability or the possible presence in their vehicle of a person with a disability.
 5. The Wildlife Resources Commission is directed to study the issue of allowing hunting on Sundays at a limited number of State game lands.
 6. This bill establishes the House Select Study Commission on a Mandatory Cost-of-Living Increase for Retirees of the Teachers' and State Employees' Retirement System to study the cost and feasibility of an automatic annual retirement allowance increase that equals the prior year ratio of the consumer price index.
 7. Establishes the Compensation of State Elected and Appointed Officials Study Commission to study matters that impact the compensation and benefits for State elected and appointed officials.
 8. The North Carolina Courts Commission is directed to study the North Carolina Courts System, focusing on work loads, case backlogs and other issues relevant to the efficient administration of justice. The Commission is also directed to determine whether the current organization of the State into judicial divisions, Superior Court districts, District Court districts and Prosecutorial districts is in need of revision or adjustment.
 9. The Department of Environment and Natural Resources, in consultation with the North Carolina Zoological Park and the Wildlife Resources Commission, is directed to study the need to protect the public against the health and safety risks posed by inherently dangerous animals.
 10. The North Carolina Sentencing and Policy Advisory Commission is authorized to study issues related to the conviction and sentencing of youthful offenders aged 16 to 21 years to determine whether the State should amend laws concerning these offenders.
 11. Creates the Study Commission on State Boards, Commissions, and Councils to consider whether State licensing boards should be eliminated or consolidated with other boards, whether the number of members serving on the board should be changed, to consider whether the procedure for selecting members to serve on the boards should be changed, to review the number and frequency of meetings of the board and the cost of each board and

its staff, as well as the productivity and effectiveness of the boards. This study, if conducted, would likely include the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission, and numerous other related boards and commissions.

12. Establishes the Government Performance Audit Committee to contract for a performance audit of the executive branch of State government to evaluate the efficiency and effectiveness of State government and to identify specific ways to make improvements.
13. Directs the State Board of Education, in cooperation with Division TEACCH and the North Carolina Justice Academy to study training for public school personnel designed to facilitate, when needed, effective communication and transfer of information about students with autism and other disabilities between school personnel and school resource officers.
14. Establishes a Joint Legislative Study Committee on Sex Offender Registration and Internet Crimes Against Children to study a long list of topics related to sex offender registration laws and Internet crimes against children, to include an evaluation of whether law enforcement should have an affirmative duty to notify residents, schools or other interested parties that a sex offender lives in the neighborhood. This study would also evaluate law enforcement practices, capacity, training and work load for combating child photography and other Internet crimes against children.
15. The Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee is authorized to study issues related to expungement of criminal offenses for non-violent felons.
16. Establishes a Study Commission on the beneficial uses of industrial hemp.

HOUSE BILL 1848, Omnibus Courts Act, makes changes to the court system in North Carolina, including provisions that:

1. Authorize the Judicial Department to accept the payment of fines, fees and costs from offenders by credit card, charge card or debit card.
2. Authorize the Judicial Department to obtain from the State Bureau of Investigation the criminal history of any of its current or prospective employees, volunteers or contractors.
3. Authorize the Judicial Department to provide foreign language interpreters for indigent defendants.
4. Clarifies that the Chief Justice of the Supreme Court of North Carolina has the authority to cancel court sessions or close court sessions and to extend the time limits for filing certain documents in the event of adverse weather or other emergency situations.

5. Increases the minimum number of magistrates for most counties.
Effective: August 3, 2006.

HOUSE BILL 1882, Greene County Hunting, makes it unlawful to hunt, take or kill wild animals or game birds on the right-of-way of a Greene County public road or on the posted lands of another without the land owner's written permission. Effective: October 1, 2006.

HOUSE BILL 1896, Sex Offender Registration Changes, makes various changes in the sex offender registration law. Provisions in this law that were **requested by the North Carolina Sheriffs' Association** include:

1. A requirement that the sex offender return the "verification form" in person to the Sheriff's Office. Under current law the sex offender can mail the form to the Sheriff's Office, and there have been some problems with the forms being completed by persons other than the sex offender. This new provision will require the sex offender to personally deliver the form to the Sheriff's Office.
2. When the sex offender returns the verification form, the Sheriff will take a photograph of the sex offender to be added to the sex offender registration file.
3. The law will clearly authorize a Sheriff to verify that the sex offender continues to reside at the address last registered by the sex offender at anytime that a sex offender is required to be registered. Some Sheriffs are attempting to verify the sex offender's address on a semiannual or quarterly basis. This provision will make it clear that the Sheriff who wishes to do so is clearly authorized. This provision does not require address verification by the Sheriff on any particular schedule or with any particular frequency.
4. If it appears to the Sheriff that the current photograph of the sex offender no longer "provides a true and accurate likeness of the sex offender," the Sheriff is authorized to take another photograph of the offender.

If the Sheriff has a camera available at the time that the Sheriff requests the sex offender to submit to a photograph, the sex offender must allow the photograph to be taken at that time. If the Sheriff does not have a camera available at the time of making the request that the sex offender submit for a new photograph, the Sheriff can require the sex offender to appear in person at the Sheriff's Office during normal business hours within 72 hours of being requested to do so.

If the sex offender does not allow his photograph to be taken by the Sheriff, or does not appear within 72 hours as directed by the Sheriff to have the photograph taken, the sex offender's failure to comply will be a Class 1 misdemeanor.

This bill was supported by the North Carolina Sheriffs' Association. This legislation will be effective December 1, 2006, unless vetoed by the Governor. However, the provisions requiring a sex offender to notify the Sheriff if the sex offender will be maintaining a temporary residence in another county is effective June 1, 2007. Provisions related to GPS monitoring are effective January 1, 2007.

A detailed explanation of this legislation follows:

Sex Offender Registration Changes

- Adds: (1) statutory rape of a person who is 13, 14, or 15 years old by a person who is at least 6 years older; and (2) subjecting or maintaining a person in sexual servitude, to the list of offenses that require sex offender registration.
- Requires a person who moves to North Carolina to register in North Carolina if the person had to register as a sex offender in the other state. Registration is required whether or not the offense would have required registration if it had been committed in North Carolina.
- Requires that sex offender registration, verification, notice of address change, notice of change in academic status, and notice of change in employment status at an institution of higher education all be done in person at the Sheriff's office.
- Requires semiannual verification. Under current law, an offender is required to verify registration information only on an annual basis and by mail.
- Requires juvenile court counselors to provide verification information on behalf of juvenile registrants, by mail, semiannually (currently an annual requirement).
- Requires an offender to notify the Sheriff in the offender's county of registration when the offender will be working for a specified period of time in another county and will maintain a temporary residence in that county, which may include a hotel or other transient lodging. The Sheriff is then required to notify the Department of Justice, which will, in turn notify the Sheriff of the county in which the offender will be working. This provision becomes effective June 1, 2007.
- Requires an offender to notify the Sheriff in person of the intent to move out of state at least 10 days before the departure date. The person is required to provide, in writing, the address, municipality, county, and state of intended residence.
- Requires the Sheriff to provide the offender with written proof of registration.
- Authorizes the Sheriff to require an offender to verify his information more frequently than otherwise required and to take a photograph of an offender if the current photograph on file no longer provides a true and accurate likeness. If the

Sheriff requests that the offender appear in person at Sheriff's office to be photographed, he must appear within 72 hours.

- Requires a registered sex offender to petition the court in order to terminate registration. Under current law, registration on the 10-year registry terminates automatically at the end of 10 years. Under this act, the court may terminate registration if: (1) the sex offender has not been arrested for any crime that would require registration since completing his sentence; (2) the relief complies with any federal standards applicable to termination or are required to be met as a condition for the receipt of federal funds; and (3) the court is otherwise satisfied the sex offender is not a threat to public safety. If the offender's petition is denied, the offender must wait one year before petitioning the court again.
- Adds a "willful" requirement to the criminal penalties for failure to comply with registration requirements.
- "Harboring." - Creates a new Class H felony for harboring a sex offender. A person is guilty of this offense if the person: (1) has reason to believe an offender is in violation of the registration requirements; (2) has the intent to assist the offender in eluding arrest; and (3) withholds information from law enforcement, harbors or conceals, or attempts to harbor or conceal, the offender, or provides false information to law enforcement.
- Residential Restrictions - Creates a new Class G felony for a person who is registered or required to register to knowingly reside within 1,000 feet of a public or nonpublic school or child care center. Persons who have established a residence prior to the effective date of the act are grandfathered.
- Work/Volunteer Restrictions. - Creates a new Class F felony for a person who is required to register to work for any person or as a sole proprietor, with or without compensation, at any place where a minor is present and the person's responsibilities would include the instruction, supervision, or care of a minor or minors.
- Limitation on Residential Use. - Creates a new Class F felony for a person to conduct any activity at the person's residence where the person cares for minors of another knowing that a person who resides at the same location is required to register.
- Amend "Sexual Battery." - Expands the definition of 'sexual contact', which is the term defining the physical act in the offense of sexual battery, to include "ejaculating, emitting, or placing semen, urine, or feces upon any part of another person." Under current law, sexual battery is the only misdemeanor (Class A1) requiring sex offender registration.
- "Human Trafficking." - Creates a new criminal offense for a person to recruit, entice, harbor, transport, provide, or obtain by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude. The offense is a Class F felony if the victim is an adult and a Class C felony if the victim is a minor.

- "Sexual Servitude." - Creates a new criminal offense for subjecting or maintaining a person in sexual servitude. Sexual servitude is any sexual activity performed or provided, or for which anything of value is given or promised, which is induced or obtained by coercion or deception, or which is obtained from a person under the age of 18. This offense is a Class F felony if the victim is an adult, and it is a Class C felony if the victim is a minor.
- Amend "Involuntary Servitude." - Under current law, subjecting a person to involuntary servitude is a Class F felony. This act amends the offense by making it a Class C felony if the victim is a minor. Otherwise, the offense is the same.
- Amend "Kidnaping." - Amends the offense of Kidnaping to include human trafficking and subjecting or maintaining a person in sexual servitude.
- "Failure to Enroll in GPS Program." - Failure to enroll as required in the GPS monitoring program is a Class F felony.
- "Tampering with GPS Device." - Intentionally tampering with, removing, or vandalizing a GPS device is a Class E felony.
- Willful failure of an offender to appear within 72 hours at the sheriff's office to be photographed, upon the sheriff's request, is a Class 1 misdemeanor.
- Willful failure to report in person to the sheriff's office for registration, verification, or notification of address change, academic status change, or employment status at an institution of higher education change, is a Class F felony.
- Willful failure of a registered offender to report his or her intent to reside in another state but remains in the State without reporting in person to the Sheriff is a Class F felony.
- Willful failure to notify a person's registering Sheriff of out-of county employment if temporary residence is established is a Class F felony.
- Probation/Parole/Post-Release Supervision — Requires probation officers to conduct a search of a probationer's name who has been assigned to them against the registration information compiled under the sex offender registration act.

GPS Monitoring

- Requires a sex offender who is classified as a sexually violent predator, is a recidivist, or was convicted of an aggravated offense to be enrolled in a GPS monitoring program for life and, after completing any period of supervised probation, be placed on unsupervised probation for life. A person required to submit to lifetime GPS monitoring may file a request for termination with the Post-Release Supervision and Parole Commission at least one year after having served his or her sentence and having completed any period of probation, parole, or post-release supervision.

- Requires offenders who have committed an offense involving the physical, mental, or sexual abuse of a minor, and who require the highest level of supervision based on the Department of Correction sex offender risk assessment program to be subject to GPS monitoring for a time period ordered by the court. The Post-Release Supervision and Parole Commission has no authority to terminate a monitoring requirement for an offender enrolled in GPS monitoring under this provision. There is a \$90 fee for enrolling in the program. Upon motion and cause, the court may waive the fee.

Department of Correction (DOC)

- Allows DOC to issue a Request for Proposal, or contract directly through a contract alliance or consortium, for passive and active GPS.
- Requires DOC to develop, no later than January 1, 2007, a graduated risk assessment program that identifies sex offenders that may need extraordinary supervision.
- Requires DOC to study and develop a plan of mental health treatment programs for incarcerated sex offenders designed to reduce the likelihood of recidivism.

Division of Motor Vehicles

- Requires DMV to provide notice to all applicants for a drivers license, learner's permit, or ID card of the obligation for sex offenders to register.
- Requires DMV to search the National Sex Offender Public Registry to determine whether an applicant who has resided in North Carolina for less than 12 months is currently registered in another state. If so, then no license or ID card may be issued until the person is registered in this State. If the person does not appear on the registry, then an acknowledgment of the State's registration law must be signed. It also provides a procedure if DMV is unable to search the registry at the time of application.
- Provides a procedure for petitioning the court if DMV refuses to issue a license or revokes a license that was improperly issued because a later search revealed the person's unregistered status.

HOUSE BILL 2027, Golf Carts Benson, Chadbourn, Tabor City, Caswell Beach, repeals the authority of the Town of Caswell Beach to regulate golf carts on public streets and allows Benson, Chadbourn, Tabor City and Caswell Beach to regulate golf carts. Effective: July 20, 2006.

HOUSE BILL 2041, Civilian Traffic Investigators, allows the City of Fayetteville to use “Civilian Traffic Investigators” to investigate traffic crashes. These personnel could not be issued badges, but could be issued a uniform as long as it was “substantially different in color and style of that of a law enforcement officer for the City of Fayetteville.” Civilian Traffic Investigators in Fayetteville would only be authorized to investigate crashes involving property damage. Crashes involving personal injury or a fatality would still be investigated by law enforcement officers. The Civilian Traffic

Investigators would have no authority to make arrests or issue criminal process and could not be issued a weapon of any type.

The bill makes the City of Fayetteville responsible for establishing the minimum standards for a person to be employed as a Civilian Traffic Investigator and deleted the proposed requirement that the minimum standards be established by the North Carolina Criminal Justice Education and Training Standards Commission. The bill also requires each Civilian Traffic Investigator to attend a training session designed by the Fayetteville Technical Community College and deleted the proposed requirement that the training be developed by the North Carolina Justice Academy. The bill does require Fayetteville Technical Community College to consult with the North Carolina Justice Academy in designing the Civilian Traffic Investigator Program and requires the City of Fayetteville to report to the General Assembly on the training and use of civilian traffic investigators. Effective: July 12, 2006.

HOUSE BILL 2060, Victims' Compensation Changes, increases the maximum reimbursement to crime victims for funeral expenses from \$3,500 to \$5,000. This bill also provides that a victim's compensation claim could be denied if the victim, without good cause, has not fully cooperated "in the prosecution of criminal cases" that are related to the basis for the award. Effective: July 1, 2006.

HOUSE BILL 2077, Mental Health Reform Changes, requires the Department of Health and Human Services to develop a Plan for Mental Health Developmental Disabilities and Substance Abuse Services, and this Plan must be issued every three years beginning July 1, 2007. The Plan must identify specific goals to be achieved by the Department of Health and Human Services, area authorities, and county programs over the three year period of time. Effective: July 19, 2006.

HOUSE BILL 2098, Protection of Animals, makes various changes to the law that prohibits cruelty to animals, to include:

1. Allows an injunction to be issued because of cruelty to an animal to authorize the plaintiff "as custodian of the animal" to employ a veterinarian to provide necessary medical care for the animal. The custodian must first consult with or attempt to consult with the defendant, but the plaintiff is authorized to obtain the care for the animal without the defendant's consent. The plaintiff as custodian may not have the animal euthanized without the written consent of the defendant or a court order in which the court finds that the animal is suffering from a terminal illness or terminal injury. The plaintiff as custodian is also authorized to place the animal with a foster care provider.
2. If the plaintiff obtains a permanent injunction, court in its discretion may require the defendant to repay the plaintiff for the costs of food, water, shelter and care, including medical care, provided to the animal.

3. For good cause shown, the court may prohibit the defendant from acquiring new animals for a specified period of time and the court may also limit the number of animals the defendant may own or possess during a specified period of time.
4. If the final court decision allows the defendant to regain possession of the animal, the custodian of the animal shall return it to the defendant.
5. Requires the court to consider the amount of money that must be deposited with the court by the defendant in order to care for and provide for the animal while the court case is pending.
6. Clarifies that the prohibition against dog fighting also prohibits fights between dogs and other animals.

Effective: December 1, 2006.

HOUSE BILL 2148, Bladen Electrofishing, directs the Wildlife Resources Commission to regulate and control electrofishing of catfish on the Cape Fear River in Bladen County. Effective: July 10, 2006.

HOUSE BILL 2188, Candidate Challenge Procedure, establishes a procedure for challenging the qualifications of a candidate for election. Effective: January 1, 2007.

HOUSE BILL 2200, Enhance Embargo Authority/Protect Food Supply, strengthens the authority of the Secretary of Environment and Natural Resources and local health directors to embargo food or drink if necessary to protect the food supply from intentional contamination. This bill also requires the Department of Agriculture and Consumer Services, the Department of Environment and Natural Resources, and the Department of Health and Human Services to jointly develop a plan to protect the food supply from intentional contamination. Effective: December 1, 2006, however development of the plan can begin immediately.

HOUSE BILL 2273, Law Enforcement Use of All-Terrain Vehicles, permits law enforcement officers and first responders to use all-terrain vehicles on public streets and highways in Currituck County and in the towns of Cramerton and Dallas and to permit law enforcement officers to use ATVs in Highlands. Effective: June 26, 2006.

HOUSE BILL 2421, Law Enforcement/Piedmont Triad Water Authority, authorizes the Piedmont Triad Water Authority in Guilford and Randolph counties to employ lake wardens with the authority of peace officers. Effective: July 10, 2006.

HOUSE BILL 2468, Regulation of Golf Carts in Clarkton, will allow the town of Clarkton regulate golf carts. Effective: July 20, 2006.

HOUSE BILL 2651, Roth 401K Accounts/Law Enforcement Officers, allows both state and local law enforcement officers in the retirement system to make Roth 401(k) after-tax contributions to the Supplemental Retirement Income Plan. **This bill was supported by the North Carolina Sheriffs' Association.** Effective: July 1, 2006.

HOUSE BILL 2653, Alamance Fox Trapping, establishes an open season for trapping foxes in Alamance County from October 1 through January 31 of each year. Effective: October 1, 2006.

HOUSE BILL 2692, Support Federal Immigration Legislation, is a Resolution urging Congress to establish a federal Immigration Court in North Carolina and to make the offense of driving while impaired a deportable offense for any person illegally present in the United States. This bill also urges the federal Department of Homeland Security to designate six additional counties to permit local officers to perform immigration law enforcement functions, under the 287(g) program that is currently being operated by the Mecklenburg County Sheriff's Office. Effective: July 24, 2006.

HOUSE BILL 2880, No Prayer For Judgment/Bus Stop Arm Violation, prevents a person convicted of passing a stopped school bus from receiving a Prayer for Judgment Continued (PJC). **This bill was supported by the North Carolina Sheriffs' Association.** Effective: September 1, 2006.

HOUSE BILL 2883, Service Members and Veterans/ID Theft, to allow veterans who have been notified by the Department of Veterans Affairs' of a data breach to obtain a freeze from a consumer credit reporting agency without paying the required fee. Effective: July 23, 2006.

SENATE BILL 264, Appointments by the Senate President Pro Tem and the House Speaker, makes appointments to various state boards and commissions, to include:

1. Sheriff Sid Causey of New Hanover County and Sgt. John Guard of the Pitt County Sheriff's Office to the Domestic Violence Commission.
2. Sheriff Dick Jenkins of Nash County, Steve Johnson, Director of Special Projects for the North Carolina Sheriffs' Association, and retired Greensboro Police Officer Berkley Blanks to the Private Protective Services Board.

Effective: July 27, 2006.

SENATE BILL 488, Assault Handicapped/Increase Penalty, increases the penalty from a Class 1 to a Class A1 misdemeanor for simple assault or battery on a handicapped person. Effective: December 1, 2006.

SENATE BILL 491, Butner Water/Sewer Transfer/Public Safety, provides that Butner Public Safety is a law enforcement agency that is considered the equivalent of a municipal police department for the purposes of entering into mutual aid agreements. Effective: July 13, 2006.

SENATE BILL 602, Technical Corrections Act of 2005, was considered by last year's General Assembly and includes many technical corrections to the General Statutes. Because of some controversy with a few provisions that were included in this bill last year, it was not approved by the 2005 General Assembly. All controversial provisions were removed in 2006, and it was approved by the General Assembly and will become law, unless it is vetoed by the Governor.

All of the sections discussed below become effective when the bill is signed into law by the Governor, unless the bill is vetoed. Any provisions that have a different effective date have that effective date specified. The provisions of interest include:

1. Makes it clear that a summons issued to a person to serve jury duty must inform the prospective juror that persons 72 years of age or older may request to be exempt from jury service based on their age. Effective: October 1, 2006.
2. G. S. 14-269.2 prohibits possession of weapons on school or college campuses. G. S. 14-269.2(h) provides that person is not in violation of this statute if they find a "firearm" on campus and immediately deliver it to law enforcement. Previously this exemption applied to "weapons" and not just "firearms" and this change amends the statute so that the exception now applies to all "weapons" and not just to "firearms".
3. Amends G.S. 15A-1371(b) to require the Parole Commission to notify the Sheriff of the county where the crime occurred if they are considering the parole of a prisoner serving a sentence of life imprisonment. The Parole Commission will continue to also notify the head of the law enforcement agency that arrested the prisoner, and the head of that agency is no longer required to provide the Parole Commission with a written request for notification. **These changes were made at the request of the North Carolina Sheriffs' Association.**
4. Specifies that reserve Alcohol Law Enforcement (ALE) agents are employees of ALE for workers' compensation purposes when they are performing duties assigned or approved by the ALE director.
5. Requires a person applying for a driver's license to provide a social security number to the Division of Motor Vehicles (DMV) and no longer allows the applicant to provide an Individual Taxpayer Identification Number instead of the required social security number. Provides that DMV cannot issue an identification card, learner's permit, or driver's license to an applicant who fails to provide a valid social security number, except that DMV may issue a license of limited duration to a person present in the United States under a valid visa issued by the Department of Homeland Security if that person presents the valid visa. It also provides that if the applicant has a visa of limited duration, the license issued by DMV cannot be issued for a period longer than 30 days beyond the duration of the visa.
6. Clarifies that wine producers are also permitted to be issued an on-premises wine permit.

7. Amends a law enacted in 2004 to clarify that law enforcement officers in the town of Mint Hill and in Surry County and municipal employees and law enforcement officers of the city of Kings Mountain are authorized to operate motorized all-terrain vehicles on highways with speed limits of 35 miles per hour or less.
8. Amends the statutes requiring an owner of an automobile to maintain automobile liability insurance by waiving the penalty and the restoration fee for persons who have a lapse in coverage while deployed as a member of the United States Armed Forces outside of the continental United States for a total of 45 or more days.
9. Establishes an exception to the licensing law of the Private Protective Services Board so that representatives of non-profit organizations in business improvement districts who assist tourists and residents and notify law enforcement of illegal activity observed within the district are not required to have a license or be registered by the Private Protective Services Board.
10. Amends G. S. 20-45(c) to specifically authorize State Highway Patrol Troopers to seize motor vehicle registration plates and registration cards if the plate or registration has been revoked. This authorization also applies to all other sworn law enforcement officers within their subject matter and territorial jurisdiction.
11. Amends G. S. 18B-1006(p) to clarify the authority of the Alcoholic Beverage Control Commission to issue a special occasion permit to sports facilities occupied by a major league professional sports team, with suites available for sale or lease.

SENATE BILL 615, Insurance Technical Corrections, deletes registration plate from the list of items that a law enforcement officer is required to retain possession of pending the entry of a final judgement by the court and provides that the law enforcement officer is required to return the registration plate to DMV within 10 business days of the seizure, unless it is a fictitious registration plate. Effective: July 13, 2006.

SENATE BILL 686, Meth Lab Prevention Act, makes various changes to the "Methamphetamine Lab Prevention Act of 2005" in order to comply with federal law and to make other technical changes. Effective: July 20, 2006.

SENATE BILL 774, Seatbelt Use Enhancements, requires backseat occupants of motor vehicles to wear seatbelts. From December 1, 2006 until June 30, 2007 law enforcement officers may issue only warning tickets for violations of the seatbelt law regulating backseat passengers. Beginning July 1, 2007 law enforcement officers can issue North Carolina Uniform Citations for backseat seatbelt violations. The bill specifically states that law enforcement officers can continue to issue North Carolina Uniform Citations to front seat passengers who are not in compliance with the seatbelt law. This bill also provides that "failure of a rear seat occupant of a vehicle to wear a seat belt shall not be justification for the stop of a vehicle." Rear seat occupants who fail to wear a seat

belt as required have committed an infraction and shall pay a penalty of ten dollars (\$10) and no court costs. Effective: December 1, 2006.

SENATE BILL 837, State Health Plan/20-Year Vesting, increases from five years to twenty years the amount of service required by state employees to retire and also be eligible to receive lifetime health care benefits under the state employees major medical plan. This change will apply to employees first hired on and after October 1, 2006.

This change may be of interest to persons who are considering retiring from the Local Governmental Employees' Retirement System and then going to work for a state agency and joining the Teachers' and State Employees' Retirement System, if the person's objective is to then work five years as a state employee and then retire and receive life-time health care benefits from the state employees' major medical plan. Effective: July 1, 2006.

SENATE BILL 881, Lapse in Liability Insurance, revises the penalties for operating a motor vehicle without proper liability insurance. This bill establishes financial penalties of \$50, \$100, or \$150 based on the number of times within the last three years the vehicle owner has had a lapse in insurance coverage. The bill also provides that when the Division of Motor Vehicles revokes the registration of the owner's vehicle, it is a Class 2 misdemeanor for the owner who fail to return the vehicle's registration plate and registration card to the Division of Motor Vehicles. Effective: July 1, 2008.

SENATE BILL 912, Phase Out Video Poker/Except by Compact. At 7:10 p.m. on Tuesday, June 6th, Governor Michael F. Easley signed into law Senate Bill 912, Phase Out Video Poker/Except by Compact. While the Governor did not hold a public bill signing ceremony for this legislation, he did send the ink pen that he used to sign the bill to Senator Charlie Albertson. Senator Albertson has been the sponsor of legislation to outlaw video poker for many years. **Enactment of legislation to outlaw video poker machines in North Carolina has been a legislative priority of the North Carolina Sheriffs' Association since 2000.**

Beginning at 7:10 p.m. on Tuesday, June 6, 2006, when Governor Easley signed this bill into law, registered video gaming machines cannot be moved to a new location within North Carolina. Therefore, effective at 7:10 p.m. on Tuesday, June 6, 2006, Sheriffs no longer are allowed to register any more video poker machines and cannot allow any machines to be moved from one location to another. From June 6, 2006 until September 30, 2006, locations can continue to have up to three machines per location. Beginning October 1, 2006, each location can only have up to 2 video poker machines. Beginning March 1, 2007, each location can have only 1 video poker machine and effective July 1, 2007 no video poker machines whatsoever can be in operation in North Carolina. The one exception is the Cherokee Indian Reservation Casino which can continue to allow the operation of video gaming machines.

The bill will allow businesses to continue in operation if they are assemblers, repairers, manufacturers, sellers, lessors, or transporters of video gaming machines for use out-of-state or on the Cherokee Indian Reservation. To qualify for this exemption, the machines must be "disabled

and not operable” unless the machines are located on Indian land where they may be lawfully operated under a Tribal State Compact.

SENATE BILL 948, Amend Boating Safety/Vessel Titling Law, makes various changes to the law authorizing Wildlife Enforcement Officers and other law enforcement officers to enforce the law on lakes and other waterways within the State, to include:

1. Authorizes law enforcement vessels to use a flashing blue light on the waters of this State whenever they are engaged in law enforcement or public safety activities. This provision prohibits the use of a blue light by any other vessel. It also provides that a person other than a law enforcement officer who activates, installs, or operates a flashing blue light on a vessel other than a law enforcement vessel is guilty of a Class 1 misdemeanor.
2. Provides that a siren may not be used on any vessel other than an official law enforcement vessel or other official emergency response vessel.
3. Requires that vessels operated on the waters of this State shall stop when directed to do so by a law enforcement officer. When vessels are stopped as directed by a law enforcement officer, they shall remain at idle speed, or shall maneuver in such a way as to permit the officer to come alongside the vessel. Law enforcement officers are authorized to direct vessels to stop by using a flashing blue light, a siren or an oral command by officers in uniform. A person who violates these requirements is guilty of a Class 2 misdemeanor.
4. Requires vessels operated on the waters of this State to slow to a no-wake speed when passing within 100 feet of a law enforcement vessel that is displaying a flashing blue light unless the vessel is in a narrow channel. If in a narrow channel, the vessel shall slow to a no-wake speed when passing within 50 feet of a law enforcement vessel that is displaying a flashing blue light. A person who violates these provisions is guilty of a Class 3 misdemeanor.
5. Requires an operator of a vessel involved in a collision or accident that results in a person’s death or disappearance to notify the nearest law enforcement agency. If the collision or accident results in property damage of \$2,000 or more, or the complete loss of any vessel, the operator is required to notify the Wildlife Resources Commission.

Effective: January 1, 2007.

SENATE BILL 1199, Law Enforcement Employee/ATV/Junk Vehicles, will permit law enforcement officers and city employees to use all-terrain vehicles on the public streets and highways in the towns of Dallas, Louisburg, and Stanley and the cities of Belmont, Bessemer City, Cherryville, Gastonia, and Mount Holly, and the county of Cleveland. Effective: July 27, 2006.

SENATE BILL 1216, DSS Disclosure of Information/Abuse/Neglect, authorizes local departments of social services to share confidential information with other child protection organizations when the confidential information is needed to protect the child from abuse and neglect. This bill also

allows the Department of Juvenile Justice and Delinquency Prevention to designate local agencies that are authorized to share information with the local department of social services that is relevant to an assessment of a report of child abuse, neglect and dependency. Effective: August 8, 2006.

SENATE BILL 1265, Perquimans Bear Hunting, repeals the prohibition on bear hunting in Perquimans County. Effective: June 26, 2006.

SENATE BILL 1289, Cell Phone Use by Drivers Under 18 Prohibited, makes it unlawful for drivers under the age of 18 years of age to use a mobile telephone while driving a motor vehicle on a public street or highway or public vehicular area while the vehicle is in motion. A teenager is allowed to talk on the telephone while operating a motor vehicle if they are talking to their parent, legal guardian or spouse. They are also allowed to talk on the telephone while operating a motor vehicle if the conversation is related to an emergency situation and they are talking with an emergency response operator, hospital, physician's office, a health clinic, a public or privately owned ambulance company or service, a fire department, or a law enforcement agency. **This bill was supported by the North Carolina Sheriffs' Association.** Effective: December 1, 2006.

SENATE BILL 1295, Junk Faxes, makes it an unfair and deceptive trade practice punishable by a civil penalty to send unwanted faxes to a person unless the sender and the recipient have an established business relationship, or unless certain other exemptions apply. Violation of this law is a civil offense, but is not a criminal offense. Effective: September 1, 2006.

SENATE BILL 1311, No Alcohol on Polk County Rivers. Prohibits the possession or consumption of alcohol on rivers in Polk County. Effective: August 1, 2006.

SENATE BILL 1328, Regulation Golf Carts/Saluda and Faison, authorizes the City of Saluda (Henderson and Polk Counties) to regulate the operation of golf carts on public streets or highways within the city. Effective: June 28, 2006.

SENATE BILL 1373, Various Special Plates, authorizes the Division of Motor Vehicles to issue certain new special registration plates and to make changes in other already approved special registration plates as follows:

1. Authorizes issuance of new special registration plates for:
 - a. Carolina's Aviation Museum
 - b. Emergency Medical Technician
 - c. Fox Hunting
 - d. Greyhound Friends of North Carolina
 - e. Gold Star Lapel Button
 - f. Kappa Alpha Psi Fraternity

- g. Leukemia & Lymphoma Society
 - h. Lung Cancer Research
 - i. NC Children's Promise
 - j. Prince Hall Mason
 - k. Support Our Troops
 - l. US Equine Rescue League
2. The International Association of Fire Fighters plate can be issued not only to fire fighters, but also includes the surviving spouse of a fire fighter as long as the surviving spouse continues to renew the plate and does not remarry.
 3. Expands the persons authorized to receive a Retired Highway Patrol plate to also include authorization for the plate to be issued to the surviving spouse of an SHP member who qualified for the Highway Patrol Plate, even if it was not issued, as long as the surviving spouse applies for the plate within 90 days of the SHP member's death and the surviving spouse does not remarry.
 4. Adds the following registration plates to the list of plates that are exempt from having a "First In Flight" background:
 - a. Ducks Unlimited
 - b. Lung Cancer Research
 - c. NC State Parks
 - d. Support Our Troops
 - e. US Equine Rescue League
 - f. Fox Hunting

Effective: August 8, 2006.

SENATE BILL 1378, Amend the Forfeiture of Property Rights Law, provides that a person who is found guilty of willfully and unlawfully killing someone else in a civil action that is filed within two years after the deceased person's death will be included in the definition of "slayer" under the law relating to the forfeiture of property rights by slayers. Effective: July 13, 2006.

SENATE BILL 1485, Occupational Licensing Board Reports, requires Occupational Licensing Boards to annually report certain information to the Joint Legislative Administrative Procedure Oversight Committee. The information that must be reported includes any anticipated changes in the General Statutes related to the Board, any anticipated changes in the Board's Administrative Rules and the source and amount of all funds credited to the Board and the purpose of all funds dispersed by the Board during the previous 12-month period. This bill applies to the North Carolina

Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission. Effective: July 1, 2006.

SENATE BILL 1523, 2006 Technical Corrections Act, includes many technical corrections to the General Statutes.

All of the sections discussed below become effective when the bill is signed into law by the Governor, unless the bill is vetoed. Any provisions that have a different effective date have that effective date specified. The provisions of interest include:

1. A violation of G. S. 14-54.1, breaking or entering a religious building, is a felony. This clarifies a technical error in G. S. 14-72(b). A violation of G. S. 14-54.1, breaking or entering a religious building, remains a felony.
2. Adds certified law enforcement officers employed by a company police agency to the list of law enforcement officers that are authorized to carry concealed weapons while on duty. These certified officers were already authorized to carry concealed weapons while off duty pursuant to federal law (HR218) and this change will allow them to also carry concealed weapons while on duty as well.
3. Corrects a bill drafting error in G. S. 14-306.1A. Senate Bill 912, Phase Out Video Poker/Except by Compact, was enacted earlier this Session and contained a technical drafting error that is corrected by this provision.
4. Reinstates a previous State law that will now be in conformity with federal law providing that the prohibition against a convicted felon of possessing a firearm does not apply to an "antique firearm."
5. Makes technical changes to G. S. 20-157(f), the "move over" law, to make it clear that it also applies to "public service vehicles." This was the original intent of the "move over" law and some technical drafting changes were needed in the original version.
6. Provides that employees of electric utility companies while engaged in power line inspection, may operate all-terrain vehicles while wearing safety helmets required by the Department of Labor, and when they are doing so they are not required to wear the safety helmets normally required of riders of ATVs.
7. Clarifies G. S. 20-217(g), penalty for passing a stopped school bus, to make it clear that a violation occurs when the driver "willfully" passes the stopped school bus.
8. Amends G. S. 128-1.1 to clarify the authority of State and local law enforcement agencies to authorize their law enforcement officers to enforce specified federal laws when there is a Memorandum of Agreement or a Memorandum of Understanding with the federal agency.

9. Corrects a typographical error in a specific statute number contained in Senate Bill 912, Phase Out Video Poker/Except by Compact, that was enacted into law earlier this Session. Effective: June 6, 2006.
10. Makes a technical correction to the effective date of House Bill 2098, Protection of Animals, that was enacted into law earlier this Session.
11. Requires the Legislative Research Commission to study drug treatment courts in North Carolina.
12. Amends House Bill 2188, The Candidate Challenge Bill, to make it clear that the new procedure applies to all candidates for public office. The original version of the bill enacted earlier this Session unintentionally limited the procedure to certain candidates.

SENATE BILL 1741, Modify Appropriations Act of 2005, is the State Budget Bill for the 2006-2007 fiscal year that began on July 1, 2006. This bill actually modifies the two year budget that was enacted last year to cover the 2005-2006 and 2006-2007 fiscal years. This year's budget bill is over 150 pages long and it contains a supplemental document with explanations that is an additional 118 pages.

Budget Provisions of Interest Include:

1. Unauthorized Substances Tax Overpayment — The Unauthorized Substances Tax Division of the North Carolina Department of Revenue distributed \$2,434,270 too much to State and local law enforcement agencies for the period of 7/1/05 to 12/31/05. The overpayment of these funds was made to 375 different law enforcement agencies. The largest amount of overpayment was \$324,560.69 to the Charlotte-Mecklenburg Police Department. The smallest amount was \$.13 to the Andrews Police Department.

Until June 30, 2009, the Unauthorized Substances Tax Division is required to deduct the overpayments from future payments owed to the affected agencies “to offset the amount that was improperly distributed to that agency.”
2. Repeal Sunset of Open Container Law — Currently, the law that prohibits open containers of alcoholic beverages in motor vehicles is scheduled to expire on September 30, 2006. This provision removes that expiration date and allows this law to continue in effect indefinitely, unless it is changed by a future session of the General Assembly.
3. Voice Interoperability Plan For Emergency Responders (VIPER) — Requires the State Highway Patrol to issue a request for a proposal for bids for the maintenance of the current VIPER system.

It also requires the Criminal Justice Information Network (CJIN) to “prepare a cost allocation plan for the continued construction and operation or the leasing of the VIPER system that shall include proposed shared costs for installation and use by all government users, including but not limited to, the Department of Health and Human

Services, the State Emergency Management Division, the Wildlife Resources Commission, the State Bureau of Investigation, the State Highway Patrol, and Alcohol Law Enforcement, and local agencies. The plan to be developed by CJIN will include an assessment of service contracts needed to ensure technology updates to the VIPER system. The CJIN report shall be made to the General Assembly by October 1, 2006.

4. Seat Belt Law Technical Changes — Makes two clarifying and technical changes to the seat belt law to conform to federal law.
5. Judicial College — Provides an additional \$750,000 for training of judges at the Judicial College of the School of Government at UNC-Chapel Hill.
6. Safe Surrender of Infants Campaign — Provides \$98,000 to the Department of Health and Human Services to inform the public about the Safe Surrender Act, which was enacted into law in 2001. That law provides that it is not a criminal offense for a person to abandon a baby less than seven days old as long as the baby is delivered to a health care provider, law enforcement officer, EMS worker or social services worker.
7. New Prosecutors and Victim Witness Legal Assistants — Provides funding for 90 new assistant district attorneys and 9 victim witness legal assistants. This will provide new assistant district attorneys in every Prosecutorial District in North Carolina. These positions are effective January 1, 2007. **This provision was supported by the North Carolina Sheriffs' Association.**
8. Open File Discovery Project — Provides \$3 million for the Administrative Office of the Courts to implement an automated evidence tracking system that can register items of evidence, track their use and verify that the items have been disclosed as required by law. **This provision was supported by the North Carolina Sheriffs' Association.**
9. Split Prosecutorial District 19B — Splits Prosecutorial District 19B by leaving Randolph and Montgomery Counties in 19B and moving Moore County to the newly created Prosecutorial District 19D. This change will be effective January 15, 2007.
10. New Deputy Clerk Positions — Provides funding for 75 additional Deputy Clerk of Court positions throughout the State. These new positions will be effective January 1, 2007. **This provision was supported by the North Carolina Sheriffs' Association.**
11. New District Court Judge Positions — Provides funding for 17 new District Court Judges in the Districts listed below. These new judgeships are effective January 15, 2007. **This provision was supported by the North Carolina Sheriffs' Association.**
 - 3B — Craven, Carteret and Pamlico Counties
 - 6A — Halifax County
 - 10 — Wake County
 - 1 — Johnston, Lee and Harnett Counties
 - 14 — Durham County
 - 15B — Orange and Chatham Counties

- 17A — Rockingham County
- 18 — Guilford County
- 19B — Randolph, Montgomery and Moore Counties
- 19C — Rowan County
- 20B — Union County
- 25 — Burke, Catawba and Caldwell Counties
- 26 — Mecklenburg County
- 27A — Gaston County
- 27B — Cleveland and Union Counties
- 28 — Buncombe County
- 30 — Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties

- 12. New Magistrate Positions — Provides funding for six new magistrates to be assigned in the following counties: Carteret, Greene, Alamance, Robeson, Montgomery and Gaston.
- 13. Increased Juror Fees — Appropriates funds to raise the fee paid to jurors from \$12 per day to \$12 per day for the first day of service, \$20 per day for days 2 - 5, and \$40 per day thereafter. Grand jurors' pay would be raised from \$12 to \$20 per day.
- 14. In-Service LEO Training — Provides \$300,000 to the Attorney General's Office to develop a new on-line training and registration system. **This provision was supported by the North Carolina Sheriffs' Association.**
- 15. SBI Staff Expansion — Provides funding to the State Bureau of Investigation for 12 new positions, to include: 5 SBI field agents, 5 non-sworn drug chemistry technicians, 1 non-sworn forensic analyst, and 1 non-sworn molecular geneticist. **This provision was supported by the North Carolina Sheriffs' Association.**
- 16. SAFIS Replacement — Provides almost \$1.9 million to fund replacement of State and local equipment for the Statewide Automated Fingerprint Identification System (SAFIS). **This provision was supported by the North Carolina Sheriffs' Association.**
- 17. Attorney for Law Enforcement Liaison Section — Provides funding for an additional Attorney II in the Law Enforcement Liaison Section of the Attorney General's Office. This is the Section within the Attorney General's office that provides legal counsel and advice to law enforcement agencies throughout North Carolina. **This provision was supported by the North Carolina Sheriffs' Association.**
- 18. Sex Offender Registry Upgrade — Provides \$200,000 to the Department of Justice for computer services to upgrade the Sex Offender Registry to include GPS mapping of

offenders and public email notification. **This provision was supported by the North Carolina Sheriffs' Association.**

19. **Sex Offender Monitoring** — Provides funding for five positions in the Community Corrections Division of the Department of Correction to implement GPS monitoring of the most serious convicted sex offenders. **This provision was supported by the North Carolina Sheriffs' Association.**
20. **Criminal Justice Partnership Program** — Provides \$712,500 to restore part of the funds cut from the Criminal Justice Partnership Program (CJPP) in previous years.
21. **Probation and Parole Officer Equipment** — Provides \$385,000 to begin replacement of body armor worn by probation and parole officers.
22. **Increase Prison Bed Capacity** — Provides funding to increase prison bed capacity by a total of 468 beds, spread over six prisons: Brown Creek, Harnett, Lumberton, Dan River, Tiller and Tyrrell.
23. **Gang Prevention Initiative** — Provides funding to the Department of Correction to continue the “Security Threat Group Unit” at Foothills Correctional Institution. This program is designed to target gang members, to increase supervision of inmates who belong to gangs and to provide them with education and skills.
24. **Urban Search & Rescue/Swift Water Rescue** — Provides \$440,000 for training and equipment for the Urban Search & Rescue and Swift Water Rescue teams.
25. **HAZMAT Regional Response Teams** — Provides funding for the State’s seven HAZMAT Regional Response Teams to support their training and equipment replacement.
26. **Gang Violence Intervention and Suppression** — Provides \$1.5 million to the Governor’s Crime Commission for competitive grants that will be awarded to local government and community agencies for gang violence prevention, intervention and suppression.
27. **New State Highway Patrol Troopers** — Provides funding for four additional State Trooper positions.
28. **VIPER Maintenance** — Provides slightly over \$200,000 from the Highway Fund for the maintenance of the portion of the VIPER system that has already been built.
29. **Victims Compensation** — Provides \$1 million to be used for the backlog of approved, but unpaid, victim compensation claims.

30. Unauthorized Substances Tax Agent — Provides funding for one additional Unauthorized Substances Tax Enforcement Agent, which brings the total number of agents to 13.
31. License Plate Recall — Provides funding to the Division of Motor Vehicles to replace old license plates that are often in poor condition and that provide limited visibility to law enforcement officers. The last plates were recalled in 1990.
32. VIPER Network Expansion — Provides \$10 million for the continued development and building of the Voice Interoperability Plan for Emergency Responders (VIPER). **This provision was supported by the North Carolina Sheriffs' Association.**
33. Salary Increases — The budget provides a 5.5 percent annual salary increase for state employees.
34. Retirees' Pay Increase — The budget provides a 3 percent increase in retirement benefits for retired State employees. The North Carolina Local Governmental Employees' Retirement System has authorized a 2.8 percent increase in retirement benefits for retired local governmental employees.
35. Emergency Management Operations Center (EMOC) — Provides \$8.5 million that will be added to federal funding to design and construct a new Emergency Operations Center in Raleigh.
36. DOC Medical and Mental Health Center — Authorizes the Department of Correction to issue certificates of participation for the planning and construction of a new 120-bed medical center and a 200-bed mental health center to serve prisoners in the state prison system. These facilities will be located at Central Prison in Raleigh. **This provision was supported by the North Carolina Sheriffs' Association.**

SENATE BILL 1833, Military Funeral/Unlawful Protest, prohibits disorderly conduct at a military funeral or memorial service or at any other funeral or memorial service. Effective: December 1, 2006.

SENATE BILL 1991, District 13 County Resident Judgeships, provides that of the six district court judges in District Court 13, one must be a resident of Bladen County, one must be a resident of Columbus County, and one must be a resident of Brunswick County. The three remaining judges may be a resident of any of the three counties in the District. It also divides Superior Court District 13 into District 13A which includes Bladen and Columbus counties and District 13B which includes Brunswick County. Effective: October 1, 2006.

SENATE BILL 2010, Aircraft Mechanics' Lien/Wine Making, allows the Alcoholic Beverage Control Commission to issue permits for "wine making on premises" businesses. Effective: When signed into law by the Governor, unless vetoed.

BILLS NOT ENACTED INTO LAW

HOUSE BILL 2004, Search and Rescue Air Operations Funds, would appropriate \$12 million from the Highway Fund to the State Highway Patrol for the purchase of four new helicopters to replace the current helicopters in operation throughout the State. This bill would also direct the State Highway Patrol to conduct aircraft search and rescue operations when so ordered by the Governor, the Secretary of Crime Control and Public Safety, or when requested by the head of a local law enforcement agency that has no aircraft available. Search and rescue operations would include the search for an escapee from any federal, state or local confinement facility. **This bill was supported by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

HOUSE BILL 2145, Secret Compartments in Motor Vehicles, would make it unlawful for anyone to own or operate a vehicle that contains a false, hidden or secret compartment “that is intended and designed to be used to conceal, hide, or prevent discovery by law enforcement officers” of the compartment or its contents. This bill was not enacted into law.

HOUSE BILL 2654, Enforce Immigration Laws, would have authorized state and local law enforcement officers to enforce federal immigration laws to the extent authorized by federal law. It would have also funded \$100,000 to the Department of Crime Control and Public Safety to provide grants to local law enforcement agencies to implement this legislation. This bill was not enacted into law.

HOUSE BILL 2714, Emergency Personnel Tax Deductions, would have provided a \$3,000 tax deduction to an emergency services worker with less than 3 years of service and a tax deduction of \$4,000 to an emergency services worker with 3 or more years of service. An “emergency services worker” would include a firefighter, rescue squad worker, and a law enforcement officer. This bill was not enacted into law.

HOUSE BILL 2881, Identity Theft, would have protected the identity of persons by requiring that fingerprints and photographs be taken of defendants charged with failing to produce their driver’s license to a law enforcement officer when requested and required to do so. **This bill was supported by the North Carolina Sheriffs' Association.** This bill passed the House, but not in time to be considered by the Senate, and therefore was not enacted into law.

SENATE BILL 1611, Sheriff’s Access RX Information, would have added Sheriffs to the federal and state law enforcement officers authorized to inspect prescription information and stocks of controlled substances. This authority would be needed primarily when investigating doctor-shopping cases where drug addicts or drug dealers unlawfully go from doctor to doctor obtaining prescriptions for controlled substances. **This bill was supported by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

SENATE BILL 1613, Methadone Distribution/2nd Degree Murder, would have included methadone and all other Schedule II Controlled Substances in the law that makes it second

degree murder if unlawful distribution of certain drugs causes the death of the user. This bill was not enacted into law.

SENATE BILL 1633, Search and Rescue Air Operations Fund, would fund \$12 million to the State Highway Patrol to purchase 4 new helicopters. It would also authorize the State Highway Patrol to conduct aircraft search and rescue operations when so ordered by the Governor, or Secretary of Crime Control and Public Safety or when requested by the head of a local law enforcement agency. Search and rescue operations could also be performed for an escapee from any federal, state or local confinement facility. **This bill was supported by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

SENATE BILL 1985, Deputy Sheriffs' Employment Protection/Funds, would provide that deputy sheriffs who are not in policy-making and executive managerial positions could only be fired by the Sheriff for just cause. Under this bill, these employees would have the right to appeal their employment termination to the Office of Administrative Hearings in Raleigh, with a further appeal to Superior Court. **This legislation is a variation of the Peace Officer Bill of Rights and is OPPOSED by the North Carolina Sheriffs' Association.** This bill was not enacted into law.