
FINAL LEGISLATIVE REPORT

2014

North Carolina Sheriffs' Association



North Carolina Sheriffs' Association
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NORTH CAROLINA SHERIFFS' ASSOCIATION

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The 2014 Session of the North Carolina General Assembly convened at noon on Wednesday, May 14, 2014 with the House of Representatives adjourning at 3:30 p.m. on Wednesday, August 20, 2014 and the Senate adjourning at 7:43 p.m. on Wednesday, August 20, 2014.

During the two-year 2013-2014 Session of the General Assembly, 1,277 House Bills and 885 Senate Bills were introduced, for a total of 2,162 legislative bills available for consideration. Of the 2,162 legislative bills introduced, 572 of them were enacted into law, which is 26%. Governor Pat McCrory signed 406 bills, allowed four to become law without his signature, and vetoed three bills with two of the Governor's vetoes being overridden by the General Assembly. Some bills are enacted into law by the General Assembly and do not go to the Governor for signature. For example, "local" bills (which are those that affect 14 or fewer counties) and bills authorizing a vote on an amendment to the North Carolina Constitution do not go to the Governor for his signature.

This Final Legislative Report of the North Carolina Sheriffs' Association summarizes bills of interest to Sheriffs, Sheriffs' Office personnel and other criminal justice professionals. Included in this Final Legislative Report are summaries of: (i) relevant provisions of the 2014 State Budget Bill and (ii) relevant bills enacted into law this Session.

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

STATE BUDGET ACT SENATE BILL 744

The highlights of the budget for the Department of Public Safety, the Department of Justice and the Judicial Department, as well as other items of interest are as follows:

- Places all misdemeanants sentenced to 181 days or more and misdemeanor DWIs into the Statewide Misdemeanant Confinement Program (SMCP) with effective dates of October 1, 2014 for the misdemeanants and January 1, 2015 for DWIs.

Misdemeanants with sentences of 91 to 180 days were placed into the SMCP effective January 1, 2012. Misdemeanants sentenced to 90 days or less continue to serve their sentence in the county jail in which they were sentenced at county expense.

This move is expected to increase the average daily population of misdemeanants in county jails participating in the Statewide Misdemeanant Confinement Program from about 600 per day to approximately 1,600 per day.

- Transfers 448 positions in the State Bureau of Investigation (SBI) and Division of Criminal Information (DCI) from the Department of Justice (DOJ) to the Department of Public Safety (DPS). Both are to be located under the Division of Law Enforcement. DCI is to become part of the Division. The SBI is to be administratively located in the Division of Law Enforcement but shall be an independent agency under the direction and supervision of the SBI Director. This is different from the previous versions of the SBI transfer language. **The North Carolina Sheriffs' Association supported changes to make the SBI more of an independent agency.** The director of the SBI is to be appointed by the Governor and confirmed by the General Assembly to serve an eight year term beginning July 1, 2015. The Governor appointed B.W. Collier II as acting director in the interim.
- Transfers five operational support positions from the SBI to the State Crime Laboratory.
- Authorizes the SBI to find funds from the Division of Law Enforcement to fund three positions to investigate reports of Internet crimes against children.
- Transfers the Division of Alcohol Law Enforcement (ALE) to the SBI to become a separate and distinct branch of the SBI. This new language specifies that the merger shall not limit the authority of ALE officers.
- Restores funding for 13 ALE positions cut from last year's budget.
- Provides ten positions to the Western Regional Crime Laboratory to establish a new Forensic Biology/DNA unit effective March 15, 2015. The annual cost of the ten positions is \$802,000.
- Provides a maximum of \$15.4 million in bonds to be issued to finance the building of a Western Regional Crime Laboratory in Edneyville.
- Provides funding for one experience-based step pay increase (between 5% and 6%) for all step-eligible State Highway Patrol (SHP) troopers.
- Eliminates 35 vacant State Highway Patrol trooper positions.
- Provides \$863,000 for new State Highway Patrol uniforms.

- Provides \$100,000 to the North Carolina Troopers' Association for the purchase of a truck and trailer for transportation of the horse-drawn caisson used in funerals for fallen law enforcement officers and firefighters.
- Directs the State Highway Patrol to purchase approximately \$3 million worth of mobile VIPER radios and encourages the SHP to use federal asset forfeiture funds.
- Closes both the Fountain Correctional Center for Women, effective January 1, 2015, and the North Piedmont Correctional Center for Women, effective August 1, 2014.
- Converts the Eastern Correctional Institution from a medium custody male facility to a minimum custody female facility, effective November 1, 2014.
- Provides \$7.4 million in funds for the Division of Adult Correction and Juvenile Justice to operate two Confinement in Response to Violation (CRV) facilities; one in Burke County, effective October 1, 2014, and the other in Robeson County, effective February 1, 2015.
- Clarifies that felony defendants committed to confinement for 90 days as a response to a probation violation (CRV) must serve the full sentence in the custody of the Division of Adult Correction and Juvenile Justice without any reduction for any time served, effective October 1, 2014.
- Medical services provided to State juvenile inmates outside a State juvenile facility will be reimbursed by the Department of Public Safety at the same rates as adult inmates (70% of the provider's current charge or two times the current Medicaid rate, whichever is less). A study is also directed to be conducted of Medicaid coverage for juveniles to assess which juveniles would be eligible for Medicaid if they were not incarcerated.
- Provides a maximum of \$5 million in bonds to be issued to finance the building of a Department of Public Safety Samarkand Training Facility.
- Provides \$425,000 in funding for the operation of a new Tarheel ChalleNGe Academy in Stanly County and for additional funding for the existing Tarheel ChalleNGe Academy in Salemburg.
- Eliminates the \$113,000 grant to the North Carolina Victim Assistance Network (NCVAN).
- Provides for one experience-based step pay increase for all step-eligible magistrates and assistant and deputy clerks.
- Abolishes four special superior court judgeships when they become vacant and establishes two additional business court judgeships and changes the procedure for the appointment of special superior court judges to include confirmation by the General Assembly of the Governor's appointments.

- Allows for the courts to assess a \$600 laboratory fee, effective December 1, 2014, for private hospitals that do toxicology work.
- Establishes a three-judge panel to rule on lawsuits that claim an act of the General Assembly is unconstitutional.
- Transfers all 46 positions in the North Carolina Alcoholic Beverage Control Commission (ABC Commission) from the Department of Commerce to the Department of Public Safety along with the ABC Commission and the ABC Warehouse. This is an organizational transfer and the ABC Commission remains an independent agency.
- Provides for a mandatory 30 day suspension of ABC permits, effective October 1, 2014, if five or more persons are charged with a violation of the gambling, disorderly conduct, prostitution, controlled substance, or felony counterfeit trademark laws as a result of an undercover operation conducted by Alcohol Law Enforcement officers or local ABC officers.
- Transfers the Private Protective Services Board and the Alarm Systems Licensing Board from the Department of Justice to the Department of Public Safety.
- Directs the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Health and Human Services to jointly study merging the North Carolina State Crime Laboratory and the Office of the State Medical Examiner into a single independent State agency and report their findings to the 2015 General Assembly.
- Directs the State Highway Patrol, in consultation with the Criminal Justice Education and Training Standards Commission and the Fiscal Research Division of the General Assembly, to study granting law enforcement experience and education credit to prospective members of the State Highway Patrol who have prior law enforcement or military police experience. The findings shall be reported no later than February 1, 2015.
- Authorizes the Division of Motor Vehicles (DMV) to renew drivers licenses by mail, telephone, or electronic device.
- Requires the DMV to propose a schedule of fees to recover costs incurred for the performance of administrative hearings, no later than December 1, 2014.
- Requires the DMV, effective July 1, 2015, to develop and issue a “First in Freedom” license plate in addition to the “First in Flight” plate.
- Places restrictions on the use of unmanned aircraft (drones) with exceptions for law enforcement and sets forth licensing and training requirements for the commercial operation of a drone in the Division of Aviation of the Department of Transportation.

Effective October 1, 2014, unmanned aircraft regulations prohibit any person or entity, including the State, from using an unmanned aircraft system (UAS) to conduct surveillance of a person's home or other private property without the owner's consent. A UAS cannot be used to photograph a person without his/her consent for the purpose of publicly disseminating the photograph. Newsworthy events or events open to the public are allowed to be photographed however.

A UAS can be used by law enforcement:

- i. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security or the Secretary of the North Carolina Department of Public Safety determines that credible intelligence indicates that such a risk exists.
- ii. To conduct surveillance in an area that is within a law enforcement officer's plain view when the officer is in a location the officer has a legal right to be.
- iii. If the law enforcement agency first obtains a search warrant authorizing the use of an unmanned aircraft system.
- iv. If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, to conduct pursuit of an escapee or suspect, or to facilitate the search for a missing person.
- v. To photograph gatherings to which the general public is invited on public or private land.

Effective December 1, 2014, it becomes a Class H felony to interfere with the operation of a manned aircraft through the use of a UAS, a Class E felony to possess a UAS with a weapon attached and a Class 1 misdemeanor for a person to hunt or fish using a UAS. A UAS authorized by federal law (presumably military) would be exempt from these offenses.

Before operating a UAS, an agency or agent of the State or a political subdivision would be required to pass a test developed by the Division of Aviation. The Division would also be required to develop a system to license a private person to operate a UAS for commercial purposes. Operating a UAS for commercial purposes without a license is a Class 1 misdemeanor.

- Requires all local school administrative units to provide local law enforcement agencies and the Division of Emergency Management with schematic diagrams of all schools, by June 1, 2015.

- Authorizes an additional State hazmat team for Moore and Lee Counties to ensure there is sufficient capability to respond to any hazardous material emergencies occurring as a result of natural gas exploration.
- Amends the salary continuation laws for state law enforcement officers, effective October 1, 2014, to provide that only law enforcement officers injured as a result of the heightened risk and special hazards directly related to the violent nature of their official duties receive their regular salary for the two-year period before reverting to the rates provided under workers' compensation laws.

HOUSE BILLS

[HOUSE BILL 101](#), [Special License Plate Development Process](#), (i) reenacts selected special registration plates authorized under G.S. 20-79.4 that expired on July 1, 2013 and sets a new expiration date of October 1, 2014 if the required number of applications for the special registration plate have not been received, (ii) adds four specialty plates to the list of 47 that have been approved that do not have to have "First in Flight" on the plate, and (iii) establishes, effective October 1, 2014, a new procedure for the authorization and establishment of a specialty plate by requiring the applicant to have a minimum number of paid applications before submitting a Special Registration Development Application to DMV. The minimum number is 300 paid applications for a standard plate background and a minimum of 500 paid applications for specialty plates authorized without the standard "First in Flight" phrase and standard background.

Effective: August 1, 2014

[HOUSE BILL 183](#), [Delay Transfer/Cleveland County Correctional Facility](#), delays the transfer of the Cleveland County Correctional Facility from the Division of Adult Correction and Juvenile Justice to Cleveland Community College from July 1, 2014 to July 1, 2016.

Effective: June 24, 2014

[HOUSE BILL 366](#), [NC Farm Act of 2014](#), amends G.S. 106-900 to allow the Commissioner of Agriculture to appoint "Department of Agriculture and Consumer Services" law enforcement officers to investigate and enforce any violation of the laws and rules under the authority of the Department of Agriculture or which occur on Department of Agriculture property and also to enforce forest laws. Department of Agriculture and Consumer Services law enforcement officers are also able to arrest for any crime committed in their presence.

The bill also amends G.S. 14-159.12(c)(1) making the crime of first degree trespass punishable as a Class A1 misdemeanor if a person enters a building or climbs over a fence to reach a facility used or operated for agricultural activities, such as the raising of livestock or crops, effective December 1, 2014.

Effective: August 6, 2014

[HOUSE BILL 369](#), [Criminal Law Changes](#), addresses several issues related to criminal law and procedure. Provisions of importance to criminal justice agencies include the following:

- G.S. 15A-145.5 is modified to not allow for the expunction of convictions for the crimes of felony breaking and entering of buildings or vehicles. This statute is also modified to not allow for the expunction of convictions for attempts to commit any crimes that could not otherwise be expunged under this statute.
- G.S. 15A-1341 is modified to provide that a defendant will receive a conditional discharge in lieu of a deferred prosecution for certain offenses. A conditional discharge is different from a deferred prosecution in that in a conditional discharge, the defendant is convicted of the charged crime but then placed on probation without judgment being entered by the court. With a deferred prosecution, the defendant is not convicted of the crime.

A person who pleads guilty to or is found guilty of a Class H or I felony or a misdemeanor will be able to, on a joint motion of the defendant and the prosecutor, ask the court to defer the proceedings and not enter a judgment of guilt so that the defendant can demonstrate his/her good conduct. If the defendant fulfills the terms of the conditional discharge, the court will withdraw the plea or finding of guilt and dismiss the charge against the defendant. If the defendant violates the terms of the conditional discharge, the court will have the authority to enter an adjudication of guilt.

- New G.S. 90-113.22A is created and reduces the penalty for the possession of marijuana drug paraphernalia from a Class 1 misdemeanor to a Class 3 misdemeanor. Possession of paraphernalia used for any other controlled substance will remain a Class 1 misdemeanor pursuant to G.S. 90-113.22. Possession of marijuana drug paraphernalia will be considered a lesser included offense of the crime of possession of any other controlled substance paraphernalia.
- The Human Trafficking Commission, established in the North Carolina Department of Justice pursuant to G.S. 114-70, is required to study the prevention of sexual abuse of children. This study will entail gathering information concerning the occurrence of child sexual abuse throughout the State; identifying goals to prevent child sexual abuse; and increasing student, teacher, and parent awareness of the issue. The Human Trafficking Commission must submit a final report of their study and its recommendations, including any proposed legislation, to the 2015 General Assembly.
- The penalty for giving or selling a mobile telephone or other wireless communications device, or component of one of these devices, to an inmate of either the Division of Adult Correction and Juvenile Justice or a local confinement facility (county jail) in violation of G.S. 14-258.1 is increased from a Class 1 misdemeanor to a Class H felony. It is also a Class H felony for a prison or jail inmate to possess a mobile telephone or other wireless communications device or a component of one of these devices.
- The crime of assaulting a legislative, executive, or court officer in violation of G.S. 14-16.6 is expanded to penalize assaulting a person as retaliation against any legislative, executive, or court officer because of the exercise of that officer's duty. Assaulting a person in retaliation for the exercise of that officer's duty is punishable as a Class I

felony. G.S. 14-16.7(a) is also modified to provide that threats to kill or injure another person as retaliation against a legislative, executive, or court officer because of that officer's duty is a Class I felony. Additionally, G.S. 14-16.7(b) is modified to provide that it is a Class I felony to deposit any letter or writing in the mail that threatens to kill or injure another person as retaliation against a legislative, executive, or court officer because of that officer's duty.

- G.S. 14-415.10 is modified to provide that, effective September 18, 2014, State correctional officers who have been retired for less than two years and were authorized to carry a handgun in the performance of their duties are exempt from taking the handgun safety class for purposes of receiving a concealed handgun permit.
- G.S. 15A-1225.3 and G.S. 20-139.1 are both modified by adding a new subsection which allows forensic analysts to testify remotely in either criminal proceedings or administrative hearings about their findings, effective September 1, 2014, if all of the following procedures occur: i) a copy of the forensic report is provided to the defendant or his/her attorney; ii) the State gives 15 business days notice of its intent to use the report; and iii) the defendant or his/her attorney fails to object in writing at least five business days before the proceeding.
- G.S. 14-269.2 is modified to allow detention officers employed by and authorized by the sheriff to carry firearms to be able to carry firearms on educational property when the officer is acting in the discharge of his or her official duties.
- G.S. 14-316 is modified to add Anson, Caswell, Chowan, Cleveland, Cumberland, Harnett, Stanly and Surry counties to those counties where air rifles, air pistols and BB guns are not defined as "dangerous firearms." As a result, children under the age of 12 will be able to possess these air guns without the supervision of an adult in these counties, in addition to the other counties where this is allowed.
- G.S. 15A-145.5 is modified to clarify what Department of Justice (DOJ) databases are affected by an expunction. Expunctions currently do not apply to information maintained by the DOJ in the State DNA database, State DNA databank and fingerprint records. This modification, effective September 18, 2014, eliminates fingerprint records from this list and therefore allows expunctions issued pursuant to G.S. 15A-145.5 before, on, or after the effective date to apply to DOJ fingerprint records.
- G.S. 14-269 is modified to increase the penalty for carrying a concealed firearm for a second or subsequent offense. A first offense for unlawfully carrying a concealed firearm without a concealed handgun permit will remain a Class 2 misdemeanor. However, the penalty for a second or subsequent offense for unlawfully carrying a concealed handgun is increased from a Class 2 misdemeanor to a Class H felony. The penalty for carrying any other weapons concealed (for example daggers or swords) remains a Class 2 misdemeanor. A concealed handgun permittee who fails to disclose the presence of a concealed handgun to a law enforcement officer or who is carrying a concealed handgun without the permit in his or her possession is properly charged under G.S. 14-415.21(a).

- G.S. 160A-20.1(b) and G.S. 153A-449(b) are modified to clarify that the E-Verify system (a system used to verify contract employees' lawful work status in the country) will have to be used by local governments when entering into a public contract subject to G.S. 143-129, effective October 1, 2014. This loosens the requirement from all local contracts to only those local contracts subject to G.S. 143-129.

Effective: December 1, 2014

[HOUSE BILL 558](#), [Soil and Water/Regional Jails Refunds](#), modifies G.S. 105-164.14(c) to allow district confinement facilities to receive a refund of sales and use taxes that it paid on direct purchases of tangible personal property and services. For example, if a district confinement facility pays tax on building materials, supplies, fixtures and equipment that become part of or annexed to any building or structure used as a district confinement facility, that amount of tax can be refunded upon request by the district confinement facility. Any request for a refund is due within six months after the end of the county's fiscal year.

Effective: July 1, 2015, and applies to sales made on or after that date

[HOUSE BILL 698](#), [Background Checks for Firefighters](#), amends G.S. 114-19.12, effective January 1, 2015, to allow for fingerprint-based criminal history background checks of current members of fire departments and emergency medical services. A current member of a local fire department or emergency medical services unit who refuses to consent to a criminal history record check may be dismissed from his or her employment. Currently, these background checks are only mandatory for applicants.

The Division of Emergency Management now has expanded powers and duties to maintain a statewide Urban Search and Rescue Program. Chapter 166A of the General Statutes is amended by adding new Article 6 creating the Urban Search and Rescue Program. The program includes contract response teams located strategically across the State that are available to provide 24-hour dispatch through the Division of Emergency Management Operations Center. The Secretary of the Department of Public Safety can contract with units of local government for the provision of a contract response team. As part of these contracts, the Secretary can loan equipment and provide reimbursement for personnel, equipment and training costs.

An Urban Search and Rescue Team Advisory Committee is also created to advise the Secretary on the establishment of the Urban Search and Rescue Program. The Committee will be chaired by either the Director or Deputy Director of the North Carolina Division of Emergency Management and the Committee will be staffed by representatives from various state organizations, to include the North Carolina State Highway Patrol, the North Carolina National Guard, the North Carolina Association of Rescue and E.M.S., Inc., the North Carolina Association of Fire Chiefs, the North Carolina State Firemen's Association, and the North Carolina Emergency Management Association.

Effective: July 1, 2014

[HOUSE BILL 777](#), [Sex Offender/Expand Residential Restrictions](#), modifies G.S. 14-208.16(b) to clarify that the term "child care center" does, for purposes of the sex offender registry restrictions, include "permanent locations of organized clubs of Boys and Girls Clubs of America." This clarification in the law applies to all sex offenders who are registered or required

to register on or after June 24, 2014, however, this restriction does not apply to a sex offender who established his or her residence prior to June 24, 2014. Consequently, a registered offender can continue to live in a residence that he or she established near a Boys and Girls Club prior to June 24, 2014.

Effective: June 24, 2014

[HOUSE BILL 1025](#), DOT/DMV Changes, amends G.S. 20-4.01 to define “ramp meter” as a traffic control device that consists of a circular red and circular green display placed at a point along an interchange entrance ramp. New G.S. 20-158(c)(6) provides that when a ramp meter is displaying a circular red display, vehicles facing the red light must stop. When a ramp meter is displaying a circular green display, a vehicle may proceed for each lane of traffic facing the meter. When the display is dark or not red or green, a vehicle may proceed without stopping. A violation constitutes an infraction but no driver’s license points or insurance surcharge shall be assessed.

Effective: December 1, 2014

[HOUSE BILL 1050](#), Omnibus Tax Law Changes, modifies G.S. 105-113.35, effective June 1, 2015, to provide for an excise tax on vapor products at the rate of five cents per fluid milliliter of consumable product. “Vapor products” is defined to include any nonlighted, noncombustible product that uses a mechanical heating element or battery to produce vapor from nicotine in a solution. It also includes cartridges designed to be used in electronic cigars, electronic cigarettes and electronic pipes.

G.S. 14-258.1(c) is also modified, effective December 1, 2014, to prohibit vapor products in addition to tobacco products in all buildings and grounds of a state correctional institution operated by the Division of Adult Correction and Juvenile Justice.

Note: Provisions related to vapor products and other tobacco products in local confinement facilities (county jails) are discussed below in the summary of [House Bill 1133](#).

Effective: May 29, 2014

[HOUSE BILL 1060](#), Military Student Identifier, modifies G.S. 115C-12 and requires the State Board of Education to develop a process to allow schools to annually identify enrolled military-connected students. Since many in the criminal justice system are National Guard or reserve members, this new requirement will affect those with family members in the school system. The list would not be a public record and could not be used to determine school achievement. A military-connected student is any student who has a parent, step-parent, sibling, or any other person living in the household serving in any branch of the military, either active duty or reserve. Similarly, G.S. 115C-288 is modified to require principals, effective July 1, 2015, to develop a means for serving the unique needs of students identified as military-connected students.

Effective: June 19, 2014

[HOUSE BILL 1103](#), Verification/Jurisdiction in Juvenile Cases, modifies G.S. 7B-800.1 to require courts in juvenile proceedings to consider whether a juvenile petition was properly verified and properly invoked the jurisdiction of the court before holding an adjudicatory hearing in juvenile abuse and neglect cases.

Effective: October 1, 2014

[HOUSE BILL 1131](#), Clay County Opossum Exclusion/Wildlife Laws, provides that no State statute, rule, or regulation related to the capture, captivity, treatment, or release of wildlife will apply to the “Virginia Opossum” between December 26th of each year and January 2nd of each subsequent year. This law applies only to Clay County and is intended to address the controversy surrounding the annual “Possum Drop.”

Effective: Retroactive to December 30, 2013

[HOUSE BILL 1133](#), Technical and Other Corrections, makes a number of changes related to criminal law and procedure. Those provisions of importance to criminal justice agencies include the following:

- G.S. 15A-830 is modified to change the definition of “victim” for purposes of the Crime Victim’s Rights Act (Act). A victim for purposes of the Act is defined by the type of crime committed against the person. This revised definition of victim deletes references to repealed North Carolina crimes and adds crimes for which the penalties have increased in severity.
- G.S. 7A-273(2) is modified to add open burning offenses under Article 78 of Chapter 106 of the General Statutes to the list of offenses for which magistrates are able to accept written appearances, waivers, pleas, and enter judgments.
- G.S. 14-258.1 is modified, effective December 1, 2014, to allow local confinement facilities (county jails) to give or sell vapor products (such as electronic cigarettes) or FDA-approved tobacco cessation products (such as nicotine gum, patches and lozenges) to inmates in the custody of the local confinement facility. Other than this narrow exception, it is unlawful to sell or give vapor products to inmates in county jails and for inmates to possess vapor products in county jails. The sale or possession of traditional tobacco products remains unlawful in both State prisons and county jails. Before December 1, 2014, vapor products are not restricted by State law in county jails, but may be regulated by jail rules.
- G.S. 14-404(c1) is modified effective January 1, 2015 to alter when the clerks of superior court must transmit information to the National Instant Criminal Background Check System (NICS). In the 2013 session, the General Assembly enacted legislation requiring the clerks of superior court to transmit to NICS any judicial findings, court orders or other factual matters that would disqualify a person from receiving a pistol purchase permit within forty-eight (48) hours of receipt of the information. This requirement is modified, effective January 1, 2015, so that the clerks of superior court would first evaluate any court orders or other information to determine what information could be practicably sent to NICS. After that determination is made, the clerks will then have 48

hours to transmit the information to NICS. By October 1, 2014, the Administrative Office of the Courts shall report to the Joint Legislative Oversight Committee on Justice and Public Safety its findings and recommendations regarding what information can be practicably transmitted to NICS.

- G.S. 14-415.14(a) and G.S. 14-415.17 are modified to specifically designate the State Bureau of Investigation (SBI) as the designated agency to develop both the concealed handgun permit application form and the concealed handgun permit itself. While the Administrative Office of the Courts was the designated agency to develop the concealed handgun permit application and the concealed handgun permit in the original statute, as a practical matter, both the application and the permit were originally developed and have always been updated by the SBI.
- As to the disposition of firearms in cases where the weapon has been seized and there is no conviction for a crime where the firearm was used in the commission of the offense, G.S. 15-11.1(b1)(4) is amended to delete the requirement that a court receive a written request from a law enforcement agency before the court turns the firearm over to the agency. Consequently, if a district attorney has petitioned for an order to dispose of a seized firearm where there has been no conviction, and the firearm has a legible, unique identification number (and therefore couldn't be destroyed) the court can now turn the firearm over to a local law enforcement agency without having a prior written request from that agency.
- The process to notify agencies when an expunction is granted is changed in G.S. 15A-150, effective December 1, 2014, to add the Department of Public Safety (DPS) to the list of agencies to be notified by the clerk of superior court. The DPS will in turn notify the Federal Bureau of Investigation (FBI). Currently, the arresting law enforcement agency receives the order from the clerk of superior court and notifies DPS.
- The definition of "serious traffic violation" is modified in G.S. 20-4.01 to include the use of a mobile telephone while operating a commercial motor vehicle. This modification has the effect of disqualifying a person from driving a commercial motor vehicle for 60 days if he or she is convicted of two serious traffic violations or 120 days if he or she is convicted of three serious traffic violations within a three-year period.
- G.S. 20-37.13 is amended to require that, in addition to other requirements, a person must have held a commercial driver learner's permit for a minimum of 14 days before that person can be issued a commercial drivers license.

The statute is also amended to add two new subsections which (i) requires the issuance of a commercial driver learner's permit to be a precondition for the upgrade of a commercial drivers license if the upgrade requires a skills test and (ii) requires the Division of Motor Vehicles (DMV) to notify any driver that fails to meet certain medical certification requirements (49 C.F.R. § 383.71). The DMV must give the driver 60 days to provide the required documentation. If the driver fails to do so, the DMV must automatically downgrade the commercial drivers license to a Class C regular drivers license.

- G.S. 90-113.73 is modified to provide that pharmacies and other entities that dispense controlled substances to individuals are no longer required to report prescriptions to the North Carolina Department of Health and Human Services when the prescription is for a non-narcotic, non-anorectic Schedule V controlled substance and the drug is being used in a study approved by the United States Food and Drug Administration.
- The requirement under G.S. 114-15.1 that the head of a State department, agency, or institution report to the State Bureau of Investigation (SBI) possible violations of criminal statutes involving the misuse of state property is amended, effective June 30, 2014, to exclude the reporting of damage or loss from motor vehicle accidents or unintentional loss of property.
- The membership requirements for the Human Trafficking Commission are modified in G.S. 114-70(b) to provide that the Speaker of the House of Representatives can appoint either a district attorney or an assistant district attorney to the membership of the Commission. Previously, the speaker could only appoint a district attorney.
- G.S. 143B-1157 is modified to clarify that the terms of office of the initial members appointed to the State Community Corrections Advisory Board commenced on July 1, 2011. Consequently, successors to the initial members will begin their terms effective July 1 of the year in which they are appointed.

Effective: August 11, 2014

[HOUSE BILL 1145](#), Registration for Mopeds, adds new G.S. 20-53.4 and requires mopeds to be registered with the Division of Motor Vehicles. Mopeds will be issued the same type of registration card and plate currently being issued to motorcycles.

This bill also requires the Joint Legislative Transportation Oversight Committee to study whether insurance should be required to operate a moped on a public street or highway. The Committee must report its findings to the 2015 Regular Session of the General Assembly upon its convening.

Effective: July 1, 2015

[HOUSE BILL 1151](#), Fayetteville Red Light Changes, applies only to the City of Fayetteville and the Cumberland County Board of Education. G.S. 160A-300.1 is modified to allow the City of Fayetteville to enter into a single contract for the lease or purchase of a red light camera system and the contract can last no more than 60 months. At the end of the contract period, the system would either become the property of Fayetteville or be returned to the contractor. The clear proceeds from the citations issued under this system would be paid to the Cumberland County Board of Education. “Clear proceeds” are the funds remaining after paying for the cost of operating the system. The civil penalty for a violation of the red light ordinance is increased from \$75 to \$100.

Effective: July 1, 2014, with the exception that the increase in the civil penalty is effective July 1, 2015

[HOUSE BILL 1220](#), Epilepsy Alternative Treatment Act, (also known as “Hope 4 Haley and Friends”) creates new Article 5G of Chapter 90 of the General Statutes and allows participating neurologists to conduct studies exploring the treatment of intractable (unmanageable) epilepsy using hemp extract (marijuana). The Department of Health and Human Services (DHHS) will create a secure, online Intractable Epilepsy Alternative Treatment Pilot Study database for the registration of neurologists, caregivers (parents and guardians) and patients involved in these alternative epilepsy treatments. This registry must be accessible to law enforcement agencies so that law enforcement can verify registration of caregivers for the epilepsy patients. This database must contain, at a minimum, the name and address of the caregiver, neurologist and patient involved in the study as well as the name of the pilot study and the university with which it is affiliated.

DHHS will coordinate with the Department of Public Safety to set up the form and content of caregiver registration cards to be used by caregivers involved in this study. A caregiver registration card is valid for one year and can be renewed annually. A neurologist who recommends or dispenses hemp as a part of an approved study is not subject to arrest, prosecution, or otherwise disciplined for his/her participation in the study. G.S. § 90-94.1 is modified to exempt persons from criminal penalties who are involved in these treatment studies and who possess or administer “hemp extract” to patients enrolled in an epilepsy treatment plan. Effective: Upon adoption of rules by the Department of Health and Human Services, which are due no later than October 1, 2014

SENATE BILLS

[SENATE BILL 226](#), Repeal 1935 Durham Co. Firearm Act, repeals a 1935 local law applicable only to Durham County. Under this 1935 local law, residents of Durham County were required to register handguns with the Clerk of Superior Court. This was the only handgun registration law in North Carolina. The repeal of this law formally abolishes this registration requirement. Effective: June 19, 2014

[SENATE BILL 463](#), Jail Dormitory Minimum Standards, modifies G.S.153A-221(d) to allow all counties to house up to 64 inmates in a dormitory-style detention facility so long as the dormitory meets specific minimum standards such as minimum floor space, minimum number of toilets and showers, etc. Previously, this allowance only applied to those counties with populations in excess of 300,000 individuals. Effective: June 24, 2014

[SENATE BILL 734](#), Regulatory Reform Act of 2014, makes numerous statutory changes to include the following:

- Amends G.S. 143B-711 and repeals G.S. 143B-715 to eliminate the Board of Correction, an advisory board to the Secretary of the Department of Public Safety.
- Amends G.S. 93B-2 to require occupational licensing boards (such as the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs’ Education and Training Standards Commission) to file their annual reports

electronically with the Secretary of State, the Attorney General, and now the Joint Legislative Administrative Procedure Oversight Committee instead of the Joint Regulatory Reform Committee. The boards are required to include new information in their reports including the total number of licensees supervised by the board and the number of applicants who failed the licensure examination.

- Amends G.S. 58-71-40(d1) to allow for the bail bondsmen shield design to be altered by stamping, inlaying, embossing, enameling, or engraving to accommodate the license number and sets the overall size of the shield to 1.88 inches wide and 2.36 inches high.
- Amends G.S. 15A-540 to allow a surety bondsman to utilize the services and assistance of any other licensed surety bondsman, professional bondsman, or runner to affect the arrest or surrender of a defendant.
- Amends G.S. 18B-1006(a) to make various changes regarding ABC permits on college campuses.
- Enacts new G.S. 18B-1114.6 to allow colleges and community colleges that teach courses on brewing, distillation, and fermentation of malt beverages to obtain authorization from the ABC Commission to manufacture, possess, and sell malt beverages as related to the school's courses.
- Amends G.S. 90-21.14 to clarify that, in order to be exempt from liability under the Good Samaritan Law, a person must voluntarily and without expectation of compensation provide first aid or emergency health care (previously, in order to be exempt from liability, the person must not receive compensation for services as an emergency medical care provider). This change will allow a Good Samaritan who did not expect compensation to nevertheless accept compensation if it is offered, and doing so will not waive the immunity from liability for the Good Samaritan.
- Amends G.S. 113-203 to make various changes regarding the transplanting of oysters and clams.
- Amends G.S. 143-116.8 to allow a person to petition the Department of Environment and Natural Resources (DENR) or the Department of Agriculture and Consumer Services for a waiver allowing the person to operate a vehicle in the State parks road system or the State forest roads system at a speed in excess of 25 miles per hour in connection with a special event. Any conditions may be imposed on a waiver but must include a requirement that the recipient execute an indemnification agreement and obtain general liability insurance in an amount not to exceed \$3 million to cover personal injury or property damage that may result from the higher speed.
- Requires the Wildlife Resources Commission to adopt rules to clarify the requirements in 15A NCAC 10B .0114 addressing which participants in retriever field trials are required to possess a hunting license. In order to develop these rules, the Commission must hold public hearings and consult with field trial groups active in the State.

- Enacts new G.S. 14-129.3 making it a Class H felony to dig up, pull up, take, or carry away, or aid in taking or carrying away, any Venus flytrap plant or seed that is growing on another's land or in the public domain with the intent to steal, effective December 1, 2014. The statute offers an exemption for anyone with a permit signed by the landowner to perform the act but the person must have the permit in his/her possession at the time of the act.
- Amends G.S. 14-129 to increase the minimum fine from \$10 to \$75 and the maximum fine from \$50 to \$175 for the Class 3 misdemeanor of digging up, pulling up, or taking any of the wild plants listed in the statute from another's land or any public domain with each plant taken constituting a separate offense, effective December 1, 2014. The change to the statute also makes the statute applicable statewide, removing the previous exemption for 22 listed counties.

Effective: September 18, 2014

[SENATE BILL 761](#), Credit for Military Training, modifies G.S. 93B-15.1 to require each occupational licensing board (such as the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission) to publish a listing of the specific requirements for licensure or certification by the board with a description of which criteria are satisfied by military training or experience and any necessary documentation needed to support those criteria. Additionally, an occupational licensing board must notify an applicant within 30 days of receiving an application when the applicant's military training or experience does not satisfy the requirements for licensure or certification and specify the criteria that the board determined the applicant failed to meet and the basis for that determination.

Effective: January 1, 2015

[SENATE BILL 797](#), 911 Board/Back-up PSAP, modifies G.S. 62A-42(a) to mandate that the 911 Board require a Public Safety Answering Point (PSAP), or the governing entity of a PSAP, to create a backup PSAP and have a plan for taking 911 calls in the event that the primary PSAP cannot do so. This plan must be in place to continue to receive distributions from the 911 fund.

Effective: July 9, 2014

[SENATE BILL 884](#), 2014 Appointments Bill, appoints Susan Bray of Guilford County, Robert A. Womble of Dare County, Armor R. Pyrtle of Rockingham County, Shaina L. Goldberg of Durham County, and Angela Harris of Franklin County to the Domestic Violence Commission effective September 1, 2014 for terms expiring on August 31, 2016 at the recommendation of the President Pro Tempore of the Senate.

The bill also appoints Johnette R. Smith of Wake County, Linda L. Moneymaker of Moore County, the Honorable Bethany A. Hale of Johnston County, Mary Catherine Stevens of Surry County, Charles Campbell II of Moore County, and Julia B. Freeman of Haywood County to the Domestic Violence Commission effective September 1, 2014 for terms expiring on August 31, 2016 at the recommendation of the Speaker of the House of Representatives.

Additionally, the Speaker appoints Sheriff Len D. Hagaman, Jr., of Watauga County and Deputy Chief Dinah L. Jeffries of Alamance County to the 911 Board effective January 1, 2015 for terms expiring on December 31, 2018. The Speaker also appoints Eric S. Cramer of Forsyth County to the 911 Board to fill the unexpired term of Jean Thaxton expiring on December 31, 2016.

Effective: August 15, 2014