

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

October 2, 2015

As anticipated, the General Assembly adjourned this week. Both the House and the Senate adjourned shortly after 4:00 a.m. (yes, a.m.) on Wednesday morning. Many of the legislative bills that were approved in the last week or so are now on Governor Pat McCrory's desk for his review. For each of the legislative bills, Governor McCrory will have the option of signing the bill into law, allowing it to become law without his signature or vetoing the bill. It is likely that he will sign most of them into law. Whether or not he will veto any of them remains to be seen.

Now that the General Assembly has adjourned, this will be the final edition published of the NCSA Weekly Legislative Report for this year. If Governor McCrory decides to veto any important criminal justice related legislation, we will issue a NCSA Special Legislative Report. The NCSA Weekly Legislative Reports will resume publication when the legislature reconvenes in April, 2016.

In the next few weeks, we will be publishing a NCSA Final Legislative Report that will include a summary of all relevant criminal justice legislation enacted by this year's General Assembly.

In addition, the Association will be conducting our annual Legislative Update Training classes on the schedule listed below. These classes are open to all sheriffs and sheriffs' office personnel, as well as all personnel of any other law enforcement or criminal justice related agency in North Carolina. Anyone who is interested in attending the training that has not received registration information should send an email to ncsa@ncsheriffs.net and we will send you registration information on the training classes.

The schedule for the NCSA annual Legislative Update Training classes is as follows:

Martin County - Tuesday, October 20th
Duplin County - Wednesday, October 21st
Wake County - Thursday, October 22nd
Haywood County - Tuesday, November 17th
Catawba County - Wednesday, November 18th

Next year, which is an even numbered year (2016), the legislature would normally reconvene in early May after the May primary election. For 2016 the General Assembly has moved primary election day to March 15th for all national and State elections. Since the primary election will not be held in May, the legislature decided to convene next year's session earlier than normal. The 2016 session of the General Assembly is scheduled to convene on Monday,

April 25th at 7:00 p.m. Some legislative leaders have speculated that the topics to consider next year will be limited and that the session will be short. Other legislative leaders have speculated that numerous issues will be considered next year, and if so it could result in a longer legislative session.

BILL STATUS

[HOUSE BILL 8](#), Court of Appeals Election Modifications, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 173](#), Omnibus Criminal Law Bill, has been signed into law by Governor Pat McCrory with various effective dates.

[HOUSE BILL 215](#), Procedure for Waiver of Jury Trial, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 259](#), General Government Technical Corrections.-AB, was amended by both the Senate and the House, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature. This bill was amended to provide that the relocation of the State Capitol Police as a section within the State Highway Patrol (SHP) does not affect the subject matter jurisdiction of those officers nor does it entitle them to SHP statutory salary increases.

[HOUSE BILL 272](#), Appointments Bill 2015, has been enacted into law with an effective date of September 29, 2015

[HOUSE BILL 297](#), End Marketing/Sale Unborn Children Body Parts, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 318](#), Protect North Carolina Workers Act, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 327](#), EMS Personnel Technical Changes, was amended by conference committee, has been approved by the General Assembly, and sent to Governor Pat McCrory for his signature. This bill was amended to delete the requirement to study whether or not handguns should be possessed by emergency medical service personnel to reduce the threat of bodily harm to them while performing their duties. This bill instead makes technical changes to the titles of emergency medical technicians and paramedics.

[HOUSE BILL 373](#), Elections, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 495](#), OSHR Modernization/Technical Changes, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 730](#), Next Generation 911, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[HOUSE BILL 735](#), DPS Changes, has passed the Senate Committee on Rules and Operations of the Senate with amendments, the amendments were concurred in by the House, has been approved by the General Assembly, and sent to Governor Pat McCrory for his signature. This bill was amended to delete the contents of the previous bill and creates a new bill that makes various changes to the Department of Public Safety, to include:

1. Would amend Session Law 2015-241, Appropriations Act of 2015, by prohibiting the allocation of funds from Budget Code 23002 to the State Bureau of Investigation (SBI) to update the Statewide Automated Fingerprint Information System (SAFIS) and instead providing that the Department of Public Safety (DPS) can use up to \$3 million in overrealized receipts during the 2015-2017 fiscal biennium for replacement of the SAFIS.
2. Would also amend Session Law 2015-241, Appropriations Act of 2015, by adding language that provides that the Chief, special officers, and employees of the State Capitol Police Section are not considered members of the State Highway Patrol.
3. Would allow the costs of storing and maintaining public information to be added to the fee to be charged by DPS for the disbursement of information from the SBI at the request of a citizen.
4. Would amend Session Law 2015-195, Amend Firearm Laws, to continue the requirement that arresting law enforcement agencies must submit fingerprints of those charged with specific misdemeanor offenses to the SBI (but removes the statement that this is being done for the purpose of the fingerprints being reported to the National Criminal Instant Background Check System [NICS]).

[HOUSE BILL 765](#), Regulatory Reform Act of 2015, was amended by conference committee, has been approved by the General Assembly, and sent to Governor Pat McCrory for his signature. This bill was amended to make various administrative and regulatory changes of interest to criminal justice agencies, including the following:

1. Would provide that no occupational licensing board (for example, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission) would be able to contract with or employ a person licensed by the board to serve as an investigator or inspector if the licensee is actively practicing in the profession or occupation and is in competition with other members of the profession or occupation over which the board has jurisdiction. The previous version of the bill did not require the person to be in competition with members of the profession or occupation. Additionally, the bill provides that nothing in

the statute would prevent a board from contracting with licensees of the board to serve as an expert witness or consultant in cases where special knowledge and experience is required, as long as the board limits the duties and authority of the expert or consultant to serving as an information resource to the board.

2. Would no longer require the animal welfare hotline established by the Attorney General to be called the "NC Pets We Care Hotline."
3. Removes the provision which would have provided for a two hundred fifty dollar (\$250.00) court fee to be remitted to the general fund of the local governmental unit that investigated an animal cruelty violation to be used for local law enforcement.

[HOUSE BILL 792](#), [Privacy/Protection From Revenge Postings](#), has been signed into law by Governor Pat McCrory with an effective date of December 1, 2015.

[HOUSE BILL 924](#), [Highway Safety/Other Changes](#), has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[SENATE BILL 37](#), [Waive Tuition/Fallen Officer Was Guardian](#), has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[SENATE BILL 119](#), [GSC Technical Corrections 2015](#), was amended by conference committee, has been approved by the General Assembly, and sent to Governor Pat McCrory for his signature. This bill makes numerous technical changes and corrections to the General Statutes. Those changes and corrections of interest to the criminal justice community include:

1. The Division of Adult Correction of the Department of Public Safety would be removed from the list of State agencies that would automatically receive a copy of an order granting an expunction.
2. G.S. 7B-401.1 provides that a parent of a juvenile would be a party to a juvenile petition unless the parent's juvenile rights have been terminated, the parent has relinquished the juvenile for adoption, or the parent has been convicted of certain criminal offenses. This statute would be amended to clarify that these criminal offenses would be first degree forcible rape (G.S. 14-27.21), second degree forcible rape (G.S. 14-27.22), statutory rape of a child by an adult (G.S. 14-27.23), and first degree statutory rape (G.S. 14-27.24).
3. G.S. 7B-1103(c) would be amended to clarify that no person, whose actions resulted in both a conviction under G.S. 14-27.21, 14-27.22, 14-27.23, or 14-27.24 (named above) and the conception of the juvenile may file a petition to terminate the parental rights of another with respect to that juvenile.

4. G.S. 7B-901(c) would be amended to clarify that if a court order places a juvenile in the custody of the county department of social services, the court would not be required to direct that efforts be made to reunite the child with the parents if the court makes written findings that aggravated circumstances exist because the parent has committed or encouraged the commission of crimes such as sexual abuse, torture, or abandonment on the juvenile. In the previous version of the bill, the court was not required to find that aggravated circumstances existed.
5. If House Bill 318 (Protect North Carolina Workers Act) becomes law (House Bill 318 has passed the General Assembly and has been presented to Governor McCrory for his signature), then G.S. 15A-306 would be amended to provide that documents such as *matricula consular* or similar documents issued by a consulate or embassy of another country or identity documents issued or created by any person, organization, county, city, or other local authority, could be used by a law enforcement officer to assist in determining the identity or residency of a person when they are the only documents providing an indication of identity or residency available to the law enforcement officer at the time.
6. G.S. 17C-10.1 would be modified to clarify that when evaluating a veteran's military service for certification as a law enforcement officer, the North Carolina Criminal Justice Education and Training Standards Commission must evaluate the applicant's combined training and experience in the field.
7. No later than April 1, 2016, the North Carolina Criminal Justice Education and Training Standards Commission would be required to provide a compliance report on the implementation of G.S. 17C-10.1 (Certification of military members with law enforcement training and experience) to the co-chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and to the co-chairs of the House Homeland Security, Military, and Veterans Affairs Committee.
8. G.S. 20-28.9(a) would be amended to clarify that the State Surplus Property Agency is authorized to enter into contracts for statewide service or contracts for regional services to tow, store, process, maintain, and sell seized motor vehicles.
9. G.S. 20-116 would be amended to provide that the following vehicles would be able to operate on the highways of the State without an oversized permit for the purpose of Department of Transportation snow removal and snow removal training operations:
 - a. Trucks supporting snowplows with blades not exceeding 12 feet in width.

- b. Motor graders not exceeding 102 inches in width, measured from the outside edge of the tires.
10. G.S. 62A-41(2) would be amended to provide that the appointment to the 911 board by the North Carolina Firemen's Association would be limited to a fire chief with experience operating or supervising a Public Safety Answering Point (PSAP) or a director/manager of a fire-based PSAP.
11. Recently amended G.S. 20-28, which increased the punishment for driving while the person's drivers license had been revoked for impaired driving, would be amended to provide that this offense is effective December 1, 2015 and applies to offenses committed on or after that date.

[SENATE BILL 238](#), Stalking by GPS/Criminal Offense, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[SENATE BILL 258](#), Party Exec. Comm./Fill Vacancy/Washington Cty, has been enacted into law with a September 28, 2015 effective date.

[SENATE BILL 279](#), Amend Qualifications/Practice of Counseling, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature.

[SENATE BILL 313](#), Industrial Hemp, has passed the House Committee on Rules, Calendar, and Operations of the House with amendments, concurred in by the Senate, has been approved by the General Assembly, and sent to Governor Pat McCrory for his signature. This bill was amended to delete the entire contents of the previous bill and creates a new bill that would enact a new Article 50E of Chapter 106 of the General Statutes regarding "industrial hemp." Industrial hemp would be defined as "all parts and varieties of the plant Cannabis sativa cultivated or possessed by a grower...that contain a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis." The bill would create the North Carolina Industrial Hemp Commission comprised of 5 members, to include an elected sheriff or the sheriff's designee and would establish an agricultural pilot program for the cultivation of industrial hemp in order to encourage and promote the development of the industrial hemp industry in North Carolina.

[SENATE BILL 513](#), North Carolina Farm Act of 2015, was amended by conference committee, has been approved by the General Assembly and sent to Governor Pat McCrory for his signature. This bill was amended to remove the language which established "farm winery permits" that were to be issued to any winery that produced at least 75% of its wine from honey, grapes, or other fruit or grain grown in this State or that produced at least 10,000 gallons of wine per year from honey, grapes, or other fruit or grain grown in North Carolina. A farm winery permit would have permitted the holder to manufacture unfortified wine and to sell, deliver, and ship unfortified wine in closed containers to wholesalers or individual purchasers.

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

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