

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

February 3, 2017

This has been the first full week of the 2017 legislative session and activity at the General Assembly is beginning to pick up. So far 39 House Bills and 31 Senate Bills have been introduced, for a total of 70 new legislative bills introduced this session.

Legislative bills introduced in previous legislative sessions are no longer “alive” for consideration by the 2017 General Assembly. Any legislative ideas that were introduced in previous years must be reintroduced this year for any further consideration. Usually each legislative session contains a number of legislative ideas that were introduced in previous legislative sessions but not enacted into law.

This week the Senate released its list of committee assignments which detail those Senators who will be leading each of the standing committees, with a list of those Senators serving on each committee. A copy of the Senate committee list can be obtained [here](#) or from the front page of the General Assembly website at www.ncleg.net.

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

BILLS OF INTEREST

[HOUSE BILL 2](#), Provide Certain Property Tax Relief, would provide that the surviving spouse of certain emergency personnel who were killed in the line of duty would not have to pay property tax. A surviving spouse (who has not remarried) of an “emergency personnel officer” who was killed in the line of duty would be entitled to not pay property tax on the value of their permanent residence. The term “emergency personnel officer” would include firefighting, search and rescue, emergency medical services personnel or law enforcement officers. **Introduced by Representatives Dollar, Saine, Hardister and R. Turner, and assigned to the House Committee on State and Local Government II.**

[HOUSE BILL 27](#), Clarify Expiration of Vehicle Registration, would clarify that a motor vehicle’s registration would remain valid through midnight on February 15 of each year for vehicles when their registration is being renewed through the issuance of a new registration plate. **Introduced by Representatives Clampitt, Grange, Strickland, and White, and assigned to the House Committee on Transportation.**

[HOUSE BILL 28](#), DOT/Access of Motorcyclists, would prohibit the Department of Transportation (DOT) from taking any action that applies only to a motorcyclist, and that prohibits or limits a motorcyclist’s access to a transportation facility such as a bridge, highway, or tunnel.

The bill would also require the DOT and any State or locally funded transportation facilities to provide space for motorcycle parking at these facilities. **Introduced by Representative Torbett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 33](#), [Amend Firearm Restoration Law](#), would exempt certain convicted felons from the restrictions on possessing firearms under North Carolina's Felony Firearms Act. Individuals convicted of non-violent felonies (such as drug offenses) prior to December 1, 1995, and whose firearms rights were restored prior to December 1, 1995, would be eligible to possess any firearms that a non-felon would be able to possess. The felon would not have to seek a restoration of rights order from a district court judge as other convicted felons currently have to do. In order to be eligible for this exemption, the person convicted of the non-violent felony before December 1, 1995 could not have been convicted of a subsequent felony on or after December 1, 1995. **Introduced by Representatives Speciale, Pittman, and Boswell, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 34](#), [Acquire Two Rescue Helicopters/Funds](#), would appropriate \$18.2 million dollars to the State Highway Patrol to purchase two rescue helicopters, one helicopter to be stationed in the western part of the State and the other helicopter to be stationed in the eastern part of the State. **Introduced by Representatives Cleveland, J. Bell, Speciale and McGrady, and assigned to the House Appropriations Committee.**

[HOUSE BILL 37](#), [Protect Law Enforcement Officers](#), would prohibit a city or a city-county combined police agency from taking disciplinary action against or otherwise discriminating against a municipal law enforcement officer on the basis of the officer either reporting or attempting to report:

- A violation of State or federal law, rule, or regulation.
- Fraud.
- Misappropriation of State and local government resources.
- Substantial and specific danger to the public health and safety.
- Gross mismanagement, a gross waste of monies, or gross abuse of authority.

This bill would also prevent a city or city-county combined agency from disciplining or discriminating against a municipal law enforcement officer based on the officer's refusal to carry out a directive that would in fact constitute a violation of State or federal law, rule, or regulation or pose a substantial and specific danger to the public health and safety.

Similarly, no municipal officer could retaliate against another municipal officer for reporting actions as set forth above or for refusing to carry out a directive that may be a violation of law or pose a danger to public health and safety.

A municipal officer who believes that they are being disciplined or discriminated against under this bill would be able to bring a lawsuit against the agency in superior court for damages or an injunction. If a permanent injunction is granted, the court would be required to award costs and attorney's fees to the officer. If the court finds that the officer was injured by intentional actions

of the city, the court would be required to award damages three times the amount of the actual damages plus costs and attorney's fees.

Sheriffs and Sheriffs' offices are not covered by this bill. However, an identical bill was filed in the 2013-2014 session of the General Assembly that applied to both sheriffs' offices and municipalities. If this bill is enacted into law, we expect that a similar bill would be filed in the future that would include sheriffs' offices.

Introduced by Representatives Malone, Dollar, Conrad and Jackson. This bill is OPPOSED by the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police.

SENATE BILL 21, DL Restoration/DWI Treatment Court, would allow a DWI offender whose drivers license has been revoked for at least one year to apply to the Division of Motor Vehicles to have their license conditionally restored if the offender completes a substance abuse treatment program, presents a letter of support from the court, and pays applicable fees. This allowance would only apply to offenders who do not have a prior DWI conviction within the preceding 3 years of the current offense. The bill would also require the use of the interlock system on all vehicles owned or operated by the offender. **Introduced by Senators Davis and Van Duyn, and referred to the Senate Judiciary Committee.**

SENATE BILL 25, Repeal HB2, would repeal House Bill 2, Public Facilities Privacy & Security Act (a.k.a. the "bathroom bill") that was enacted on March 23, 2016. This bill would also provide that any local ordinance, resolution, regulation, or policy that was enacted prior to HB2 becoming law would remain valid. **Introduced by Senators J. Jackson, Bryant, and McKissick, and referred to the Committee on Rules and Operations of the Senate.**

SENATE BILL 28, Electronic Pawn & Metals Database, would require the North Carolina Office of Information Technology Services to contract with a third party for the operation of a statewide database that is accessible to law enforcement, but not the general public. The bill would require pawnbrokers, currency converters, secondary metals recyclers and precious metals dealers to enter into this database the information they are required to compile for their respective businesses. The bill would exempt any business that does not possess the technology to access the database. **Introduced by Senator Randleman, and referred to the Senate Committee on Commerce and Insurance.**

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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