

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

February 17, 2017

While some things at the General Assembly are getting off to a relatively slow start, other things are moving pretty quickly.

Meetings of the various Appropriations Committee subcommittees are scheduled for next week. These meetings will be introductory in nature, and will provide both returning members and new members with an overview of the various budget provisions for which their committee has jurisdiction. If they follow the procedures from previous years, these meetings will go on for several weeks as the members get familiar with the budget items within their jurisdiction.

While this part of the budget process gets off to a slow start, there will be times later during the legislative session that the budget process moves with lightning speed. The legislature's goal will be to get a two-year State budget enacted prior to June 30th so that the new fiscal year can begin on July 1st.

Some bills appear to be on the fast track. Two bills that were introduced this week are already scheduled for consideration next Tuesday by the House Elections and Ethics Law Committee. Those two bills are House Bill 100, Restore Partisan Elections/Superior and District Court and House Bill 119, Clarify Vacancy Elections - County Commission. It will be interesting to follow these bills to see whether or not they continue to move so quickly through the remainder of the legislative process.

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

BILLS OF INTEREST

[HOUSE BILL 91](#), Require Safety Helmets/Under 21, is identical to Senate Bill 66, which was summarized in last week's Weekly Legislative Report. **Introduced by Representatives Torbett and Speciale, and assigned to the House Committee on Transportation.**

[HOUSE BILL 94](#), Emergency Management/Drone Use, would authorize emergency management services personnel, when carrying out their duties, to use unmanned aircraft systems (drones) for emergency management response purposes, such as area reconnaissance. **Introduced by Representatives Speciale, Pittman, Torbett and Cleveland, and assigned to the House Judiciary III Committee.**

[HOUSE BILL 95](#), GTP Truck Deliveries to Port/Night Travel, would authorize the Department of Transportation to issue a special permit to allow for the transportation of cargo and containers after

sunset when transporting between the North Carolina Global TransPark and the Port of Morehead City or the Port of Wilmington. **Introduced by Representatives Torbett and Presnell, and assigned to the House Committee on Transportation.**

HOUSE BILL 98, Crim.Offense/Vandalize Fire & EMS Equipment, would make it a specific Class 1 misdemeanor for a person to destroy, vandalize or interfere with the use of any firefighting equipment, ambulance, rescue squad emergency medical services vehicle or emergency medical services equipment, with the intent to temporarily or permanently prevent their use. **Introduced by Representatives Dollar, Malone, Wray and Clampitt, and assigned to the House Judiciary II Committee.**

HOUSE BILL 99, The Antidiscrimination Act of 2017, would prohibit any law enforcement officer in the State from engaging in “discriminatory profiling” in the performance of their duties. Discriminatory profiling would be defined as “subjecting a person to investigation, detention, or arrest based on the person’s real or perceived race, ethnicity, national origin, disabilities, religion, sexual orientation, or gender identity, rather than on the person’s behavior or on information identifying the person as having engaged in criminal activity.”

The Department of Public Safety (DPS) would be required to collect traffic stop information from law enforcement officers in the State on whether or not the officer making the stop attempted to determine the immigration status of the driver or passengers.

Additionally, DPS would be required to collect and maintain the following information regarding homicides committed in North Carolina:

1. The number of homicides committed;
2. The location of the homicides;
3. The race, ethnicity, age, gender identity, and sex of the offender and victim;
4. The number of homicide cases solved and unsolved; and
5. The time required to solve a homicide case.

Law enforcement agencies would be required to submit this homicide data within 60 days of the close of each month.

DPS would also be required to collect and maintain the following information regarding deaths resulting from the use of deadly force by law enforcement officers in the performance of their duties:

1. The number of deaths that were justified or excused;
2. The location where the deaths occurred; and
3. The race, ethnicity, approximate age, gender identity, and sex of the officer and victim.

The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission would be required to provide education and training concerning the prohibition against "discriminatory profiling" for entry level law enforcement training and in-service law enforcement training. This training would also include information on the proper techniques for recording and storing the homicide data set forth above. **Introduced by Representatives R. Moore, Alexander, Brockman and Quick, and assigned to the House Judiciary III Committee.**

[HOUSE BILL 100](#), Restore Partisan Elections/Sup. & Distr. Court, would make the elections of superior court and district court judges partisan. **Introduced by Representatives Burr, Saine, Bumgardner and Henson, and assigned to the House Committee on Elections and Ethics Law.**

[HOUSE BILL 105](#), Const. Amendment – Limit Governor/LG to 2 Terms, would limit the terms of office for the Governor and Lieutenant Governor to a maximum of two terms. **Introduced by Representative Bert Jones, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 110](#), DOT/DMV Changes, is identical to Senate Bill 3, which was summarized in the January 27, 2017 Weekly Legislative Report. **Introduced by Representatives Torbett, Iler and Shepard, and assigned to the House Committee on Transportation.**

[HOUSE BILL 113](#), Pvt Action Local Compliance/Immigration Laws, would allow any citizen of a city or county to file a lawsuit in superior court against a city, county, or law enforcement agency for failing to enforce immigration laws. The bill would allow a citizen, if they win, to collect the costs of the lawsuit, including attorneys' fees, and would also give the superior court judge the authority to fine a city, county, or law enforcement agency up to \$10,000 each day the entity fails to follow the court's order to enforce the immigration laws. **Introduced by Representatives Cleveland, Conrad, Millis and Speciale, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 117](#), Protect Students in Schools, would require a fingerprint based criminal history check for all applicants seeking teaching positions in a school, and for all board members of nonprofit associations seeking approval for a charter school. The bill would also allow schools to conduct periodic criminal background checks for current employees. **Introduced by Representatives Warren, Boswell, Faircloth and Horn, and assigned to the House Committee on Health.**

[HOUSE BILL 118](#), U.S. Army Special Forces Registration Plate, would authorize the Division of Motor Vehicles to issue, for a \$10.00 fee, a U.S. Army Special Forces registration plate to a current or retired member of the Army Special Forces. **Introduced by Representatives Setzer, Henson, Destin Hall and Blust, and assigned to the House Committee on Transportation.**

[HOUSE BILL 122](#), Discovery Not Disseminated to Defendant, would allow a prosecutor to designate certain information in a criminal case as sensitive and subject to restricted disclosure in order to protect witnesses, victims, officers and sensitive information. The bill would provide that the defense attorney, once provided the information, may discuss the information with the defendant, but may not allow the defendant to retain copies of documents containing the sensitive

information. If the defendant is not represented by a lawyer, the prosecutor can ask for a court order preventing the defendant from disclosing the information. **Introduced by Representatives Stevens, McNeill and Destin Hall.**

[HOUSE BILL 123](#), Registration Discretionary for Sexual Battery, would give a court the discretion to decide whether someone convicted of misdemeanor sexual battery should be required to register on the State's sex offender registry. Currently, registration is required for a conviction for sexual battery. **Introduced by Representatives Stevens and Rogers.**

[HOUSE BILL 125](#), Threatened Weapon Inc. in First-Degree Rape, would include as an element of first-degree rape the use, threatened use, or display of dangerous or deadly weapons in the commission of the crime. Currently, the law addresses employing or displaying the weapon. **Introduced by Representatives Rogers, Duane Hall, Jackson and Destin Hall.**

[HOUSE BILL 126](#), Conduct and Discipline for Magistrates, would require the development of a code of conduct for magistrates, and would assign to the chief district court judge the task of investigating complaints against magistrates and, if appropriate, disciplining magistrates. **Introduced by Representatives Rogers, Duane Hall, Destin Hall and John.**

[HOUSE BILL 128](#), Prohibit Drone Use Over Prison/Jail, would prohibit the use of a drone above or adjacent to any confinement facility (local, State or federal), unless prior approval is obtained by the authority overseeing the confinement facility. The bill would also provide that it would be a Class F felony to attempt to deliver a weapon into the confinement facility with a drone. It would be a Class I felony to try to deliver contraband (such as alcohol, drugs, etc.) into the facility. Finally, the bill would make it a Class 1 misdemeanor to operate a drone in this protected area for any other purpose. Upon conviction for any of these crimes, the drone would be subject to forfeiture to the State. **Introduced by Representatives McNeill, Torbett and Faircloth.**

[HOUSE BILL 130](#), Funding to State Crime Lab, would appropriate from the General Fund \$4.75 million in recurring funds for the 2017-2018 and 2018-2019 fiscal years, to make up for a shortfall in laboratory receipts and for scientific equipment. **Introduced by Representatives Destin Hall, Rogers, Duane Hall and John.**

[HOUSE BILL 134](#), Pistol Permit/Mental Health Record to Sheriff, would streamline the pistol purchase permit process by removing the requirement that the applicant provide the sheriff with a signed and notarized release for mental health orders. The bill would instead require any holder of a mental health court order (such as clerks of court) to provide such court orders directly to the sheriff upon the sheriff's request. **Introduced by Representative McNeill.**

[SENATE BILL 74](#), Update Rabies Control Laws, would modify current law on how animals such as dogs, cats and ferrets would be handled when they are suspected of being rabid. This statute would remove the current requirement that the animal be destroyed or vaccinated in a timely manner and would instead adopt the recommendations and guidelines set out by the National Association of State Public Health Veterinarians in the most current edition of the Compendium of Animal Rabies Prevention and Control. **Introduced by Senator J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 76](#), Permit Nighttime Hunting of Coyotes, would require the Wildlife Resources Commission to allow nighttime hunting of coyotes in certain coastal counties. **Introduced by Senator Cook, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 77](#), Public Meetings/Records Law Violations, would make it a Class 3 misdemeanor to deny someone access to public records or to deny them copies of public records. It would also make a violation of the state's open meetings laws a Class 3 misdemeanor. **Introduced by Senators Cook and Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 79](#), Permanent License Plates for REACT, would authorize the Division of Motor Vehicles to issue permanent registration plates to Radio Emergency Associated Communications Teams (REACT). **Introduced by Senator Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 87](#), Allow Election Day Service – Retired LEOs – is identical to House Bill 9, which was summarized in the January 27, 2017 Weekly Legislative Report. **Introduced by Senator Pate, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 88](#), Landlord/Tenant – Alias & Pluries Summary Eject., would provide that in summary ejectment cases which include a demand for money damages, if the service of process has been achieved solely by first-class mail and affixing the summons and complaint to the premises (and not by personal service on the defendant), then the plaintiff (landlord) can ask the magistrate to separate the claim for summary ejectment from the claim for money damages.

If personal service was not obtained on one or more of the defendants, an alias and pluries summons would be issued to be served on the defendant in the claim for money damages. The alias and pluries summons would be delivered to the sheriff for service upon the defendant in the claim for money damages. If the alias and pluries summons is returned by the sheriff unserved, the plaintiff could have the summons served by a private process server. **Introduced by Senator Randleman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 100](#), Aerial Adventure Financial Responsibility, would require any zip line or challenge course to obtain liability insurance, but would exempt from this requirement any zip line or challenge course operated by law enforcement for law enforcement training purposes. **Introduced by Senators Lee, Meredith and Ford, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 109](#), Hate Crime Against Emergency Worker, would make any assault, attempted assault, or threatened assault against a law enforcement officer, emergency medical technician, or firefighter, committed because of that person's job as an emergency worker, a hate crime. A hate crime under this bill would be a Class H felony, and if serious bodily injury is inflicted, it would be a Class F felony. If a firearm is used in the assault, the crime would be a Class E felony. If the emergency worker is "lured" to a scene for the purpose of the assault, the crime would be punished as one class higher felony. **Introduced by Senator Dunn.**

The following bills were introduced this week in an effort to repeal House Bill 2, Public Facilities Privacy and Security Act (a.k.a. the “bathroom bill”), that was enacted on March 23, 2016. These bills are similar to House Bill 78 that was reported in last week’s Weekly Legislative Report. In addition to calling for the repeal of House Bill 2, these bills contain similar antidiscrimination provisions and enhanced mandatory minimum sentences for certain sex crimes committed in public changing facilities.

- House Bill 107;
- Senate Bill 84; and
- Senate Bill 93

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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