

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

March 10, 2017

At 4:45 PM last Friday, March 3rd, Governor Roy Cooper signed into law his first legislative bill since being elected in November. House Bill 39, Amend Appointments/UNC Board of Governors, had been approved by the General Assembly and sent to the Governor for his consideration. While this may be the first bill sent to the Governor this session, there certainly will be numerous other bills to follow throughout the legislative session.

It has been suggested that the number of legislative bills introduced so far this session is lower than the number of bills introduced at this point in previous legislative sessions. While no detailed analysis has been done, we have heard that there are a lot of legislative bills pending at the Bill Drafting Division of the General Assembly. The Bill Drafting Division is staffed by attorneys who are responsible for drafting bills at the request of legislators. If the Bill Drafting Division is currently "swamped" with requests for new legislative bills, it is likely that the number of bills introduced will increase dramatically as we get closer to the deadline for filing bills this session.

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

BILLS OF INTEREST

[HOUSE BILL 176, Pensions Integrity Act of 2017](#), would make various changes to the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System and the State Health Plan. Among the changes, it would allow sheriffs to transfer their sick leave accrued under the Local Governmental Employees' Retirement System to the Sheriffs' Supplemental Pension Fund, so that the sick leave would count towards the sheriffs' eligible service under the Sheriffs' Supplemental Pension Fund. This bill would provide that if a sheriff transfers their sick leave between the two systems, the sheriff would have to transfer all of the sick leave, as opposed to a portion of it. **Introduced by Representatives Ross, Collins and McNeill, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 274, Increased Penalties for Debt Adjusting](#), would increase the penalty from a Class 2 misdemeanor to a Class 1 misdemeanor for a person to engage in, or attempt to engage in, the business of "debt adjustment." Debt adjusting is acting as an intermediary (for profit) between a debtor and creditor. The bill would make the crime a Class H felony if the debt adjustment business involves five or more clients (debtors), or involves total payment of money or property exceeding \$5,000, regardless of the number of debtors. **Introduced by Representatives Stevens and Davis, and assigned to the House Committee on Commerce and Job Development.**

[HOUSE BILL 276](#), Strengthen Youth Tobacco Use Prevention/Funds, would create the Tobacco Use Prevention Fund. This fund of money would be used to support tobacco use prevention programs, education campaigns on the health risks of tobacco use, and the education on and enforcement of the laws preventing the underage sale or distribution of tobacco products. **Introduced by Representatives Lambeth, Adcock, Dobson and Watford, and assigned to the House Committee on Health.**

[HOUSE BILL 277](#), Expand Rx Drug Abuse Advisory Committee, would add a representative from the Department of Public Safety's Division of Adult Correction and Juvenile Justice to the Prescription Drug Abuse Advisory Committee. This Committee is responsible for developing a statewide plan to combat the problem of prescription drug abuse. Currently, the Committee is composed of representatives from the Department of Health and Human Services, the State Bureau of Investigation, the Attorney General's Office and various healthcare regulatory boards (such as the North Carolina Medical Board and North Carolina Board of Pharmacy). **Introduced by Representative Faircloth, R. Turner, Murphy and Ross, and assigned to the House Committee on Health.**

[HOUSE BILL 279](#), Fantasy Sports Regulation, would require the registration of fantasy sports contest operators with the Secretary of State. A fantasy sports contest would be defined as an on-line simulated game where a player pays an entry fee and, based on the statistical performance of sports athletes in simulated games, has the possibility of winning a prize.

The bill would provide that fantasy sports contests would not be considered gambling, a lottery or gaming. The bill would also provide that the primary responsibilities of Alcohol Law Enforcement agents would be expanded from their current obligations to enforce ABC and lottery laws to also include the enforcement of fantasy sports contests laws. **Introduced by Representatives Saine, Hardister, Hanes and Duane Hall, and assigned to the House Committee on Regulatory Reform.**

[HOUSE BILL 280](#), Juvenile Justice Reinvestment Act, is substantially similar to [Senate Bill 146](#), Juvenile Reinvestment Act, which was summarized in the March 3, 2017 Weekly Legislative Report. This bill would raise the age at which an individual is treated as an adult criminal offender from the age of 16 to the age of 18, but would provide exceptions to allow a juvenile to be tried as an adult for the commission of certain felony offenses. No source of funding to implement these changes to the juvenile justice system is included in this bill. Both the House and Senate bills do however establish the Juvenile Jurisdiction Advisory Committee, which would have the duty, in part, to develop a plan to cover the costs associated with these changes.

Introduced by Representatives McGrady, Lewis, Duane Hall and S. Martin, and assigned to the House Judiciary I Committee.

The North Carolina Sheriffs' Association SUPPORTS the raise the juvenile age recommendation of the North Carolina Commission on the Administration of Law & Justice, which includes various improvements in the juvenile justice system and includes a requirement for adequate funding. However, the North Carolina Sheriffs' Association is

OPPOSED to an increase in the juvenile age unless adequate funds are provided before the changes are implemented.

[HOUSE BILL 284](#), 25-Year LEO Retirement Option, is substantially similar to [Senate Bill 199](#), Law Enforcement Officer Retirement/25 years, summarized in this Weekly Legislative Report. This bill would also create a provision that would allow, but not require, any State or local government employer to offer a lump sum payout of an officer's special separation allowance to the officer if the officer chooses to take a reduced retirement (such as the 25 year retirement option). The lump sum payout by the employer would not be able to exceed the total amount of money the officer would normally receive in special separation allowance payments had the officer stayed for a full 30 year retirement. **Introduced by Representatives Murphy, McNeill, Rogers and Malone, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 285](#), Suicide Prevention/Awareness School Personnel, would require the State Board of Education, in consultation with the Department of Health and Human Services, to develop a youth suicide awareness and prevention training program. This training would be provided to school personnel who work directly with students in grades Kindergarten through 12th, to include school safety resource officers. **Introduced by Representatives Murphy, Hardister, Dollar and Dobson, and assigned to the House Committee on Health.**

[HOUSE BILL 287](#), Red Light Cameras/Hope Mills and Spring Lake, would allow the towns of Hope Mills and Spring Lake to enter into a contract for the lease, lease-purchase, or purchase of a traffic control photographic system (red light camera system). The cities would be able to enter into only one contract for a red light camera system and this contract could be for no more than 60 months. After this 60 month period, the system would either become the property of the city or have to be removed and returned to the contractor. This bill would also increase the penalty for violations detected by the red light camera system by increasing the fine from \$75 to \$100. **Introduced by Representatives Lucas, Szoka, W. Richardson and Floyd, and assigned to the House Committee on State and Local Government II.**

[HOUSE BILL 289](#), Living Wage by 2022, would increase the State's minimum wage in phases. This bill is substantially similar to [Senate Bill 210](#), Living Wage by 2022, summarized in this Weekly Legislative Report. **Introduced by Representatives Fisher, Farmer-Butterfield, Harrison and Jackson, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 290](#), Abolish Columbus County Coroner, would abolish the office of the coroner in Columbus County. This bill is identical to [Senate Bill 185](#), Abolish Columbus County Coroner, which is also summarized in this Weekly Legislative Report. **Introduced by Representative Brenden Jones, and assigned to the House Committee on State and Local Government I.**

[HOUSE BILL 297](#), Amend Habitual DWI, would provide that the offense of habitual impaired driving is committed when the person drives while impaired and has been convicted of two or more driving while impaired offenses within 10 years of the date of the current offense, or has been previously convicted of habitual impaired driving.

Currently, the offense of habitual impaired driving occurs when a person drives while impaired and has been convicted of three or more driving while impaired offenses within 10 years of the date of the current offense. **Introduced by Representatives Jackson, Hurley, Bert Jones and Saine, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 298](#), 0.00 Alcohol Restriction - All DWI, would prohibit a driving while impaired defendant, who is allowed to drive with an ignition interlock system, from driving a motor vehicle with an alcohol concentration of greater than 0.00.

Currently, the offender is prohibited from operating a vehicle with an interlock system with an alcohol concentration of 0.04 or greater. **Introduced by Representatives Jackson, Conrad, Adcock and Warren, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 308](#), No Insurance While Driving/Tow Vehicle, would require a law enforcement officer that charges a motorist for driving without liability insurance to contact a towing service to have the vehicle towed and stored at the time of the charge. The motorist would not be able to retrieve the vehicle until proof of liability insurance (at least a 6 month policy) is provided to the charging law enforcement agency and all money owed for storage is paid in full. **Introduced by Representatives Cleveland, Clampitt, Collins and Millis.**

[HOUSE BILL 309](#), Responsible Deer Management Act, would require the owner or lessee of real property who takes any wildlife under a depredation permit (such as killing wildlife to protect crops) would have a duty to notify the Wildlife Resources Commission within 24 hours of taking wildlife by using an electronic mail or internet-based reporting process. The Wildlife Resources Commission would also have an obligation to require landowners or lessees of property to attempt to retrieve any animal killed on their property and properly dispose of it. **Introduced by Representatives Pittman and Henson.**

[HOUSE BILL 315](#), Kelsey Smith Act, would require the provider of a wireless service (such as a cellular telephone or an in-car security service like "On-Star") to give a law enforcement officer the location of a wireless device (such as a mobile telephone), upon request. The law enforcement officer would only be authorized to make the request in an emergency situation where there is a risk of imminent death or serious bodily injury. The law enforcement officer would not be required to obtain a warrant for the disclosure of this information.

The bill would also require all wireless service providers doing business in this State to provide the State Bureau of Investigation (SBI) with contact information so that law enforcement officers could contact the wireless service provider in an emergency situation. The SBI would be required to maintain a database containing this emergency contact information and would be required to release the contact information to a law enforcement agency. **Introduced by Representatives Hurley, Faircloth, McNeill and Williams. This bill is SUPPORTED by the North Carolina Sheriffs' Association.**

[SENATE BILL 182](#), Prohibit Use of Light Bars on Motor Vehicles, would prohibit a person from driving a motor vehicle on any public roadway while using a "light bar lighting device." A light bar lighting device would be defined as a bar-shaped lighting device made up of multiple lamps

that are capable of projecting light with an intensity greater than 25 candlepower. This restriction would not apply to ambulances, law enforcement and fire department vehicles, other emergency vehicles, and motorcycles. **Introduced by Senator McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 184](#), [Evidence Passed Vehicle Is a School Bus](#), would make the testimony of a school bus driver, passenger on the school bus, or a law enforcement officer enough to prove in court that the vehicle the defendant passed was a stopped school bus. The bill would also make a certified record from the Division of Motor Vehicles stating that the vehicle was a school bus at the time of the offense sufficient proof that the vehicle was a school bus. **Introduced by Senator Krawiec, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 185](#), [Abolish Columbus County Coroner](#), is identical to [House Bill 290](#), and would eliminate the office of the coroner in Columbus County. **Introduced by Senator Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 188](#), [No Powell Bill Funds/Sanctuary Cities](#), would prohibit a municipality from receiving State funds for the repair and maintenance of public streets (known as “Powell Bill Funds”) during any fiscal year in which the municipality has a policy, procedure or ordinance that limits the enforcement of immigration laws. **Introduced by Senator Rabon, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 189](#), [Tolling of Misd. Statute of Limitations](#), would clarify how to calculate the statute of limitations for misdemeanors. This bill would provide that misdemeanors must be “charged” within 2 years of the commission of the offense. The statute of limitations would stop running when a person is charged with the misdemeanor by any type of criminal process, such as an order for arrest or an arrest warrant. Currently, State law states that the misdemeanor must be presented for grand jury action within 2 years of the commission of the crime in order to stop the running of the statute of limitations. **Introduced by Senators Britt, Randleman and J. Jackson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 192](#), [Consolidate State Offices/Digital Docs Req'd](#), would require all State agencies to store all public records in only digital format. Once stored digitally, the State agency would be required to destroy all non-digital public records and all other public records no longer required to be stored under applicable law (such as documents falling outside of the State records retention time schedule). This bill would only apply to State agencies. This bill would not apply to local government agencies such as sheriffs' offices and municipal police departments. **Introduced by Senators Tarte, Brock and Barefoot, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 199](#), [Law Enforcement Officer Retirement/25 Years](#), is substantially similar to [House Bill 284](#), and would give law enforcement officers who are members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System the option to retire after completing 25 years of creditable service. Currently, officers need to complete 30 or more years of creditable service in order to maximize their retirement benefit.

State law enforcement officers opting to retire after 25 years of creditable service would continue to use the current percentage of 1.82% of the officer's average final compensation to calculate their retirement pay. The number arrived at by multiplying this percentage by the officer's average final compensation would then be multiplied by the officer's years of service to get the officer's retirement pay. Local law enforcement officers would continue to use the current percentage of 1.85% of the officer's average final compensation to calculate their retirement pay. However, the monthly retirement benefit for an officer retiring with only 25 years of creditable service would be less than the monthly benefit for an officer retiring after 30 years of creditable service because the officer would be working fewer years, and therefore would receive less retirement money per month.

The bill would also allow State and local law enforcement officers to collect their special separation allowance after 25 years of creditable service. The officer would still receive 0.85% of the officer's most recent annual compensation. The officer's monthly special separation allowance benefit would be less because the officer would have worked fewer years, but the officer would collect the benefit for five additional years. **Introduced by Senators Britt, Cook and Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 204](#), Allow Concealed Carry on UNC & CC Campuses, is similar to [House Bill 251](#), which was summarized in last week's Weekly Legislative Report and would allow a person with a valid concealed handgun permit to carry a concealed handgun on the property of an institution of higher education, such as on the property of the constituent institutions of The University of North Carolina and on the property of the community college campuses. Concealed handgun permittees would not be able to carry a concealed handgun on any other educational property in the State. **Introduced by Senators Cook, Britt and Brock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 210](#), Living Wage by 2022, would increase the State's minimum wage so that every employer would be required to pay each employee a minimum wage of \$15 per hour, which would be phased in annually until the \$15 level is reached in the year 2022. **Introduced by Senators Bryant, Waddell and McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 212](#), ABC Elections, would allow cities with a decreasing population (a city with a current population of 400 people or more and the same city had a population of 500 people or more during the last census) to hold, in its discretion, an election to sell malt beverages and unfortified wine. **Introduced by Senator McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 217](#), Richmond/Right of Way Safety, would make it a Class 3 misdemeanor to shoot a firearm or bow and arrow, or attempt to do so, from or across a roadway or right-of-way of any public road in Richmond County. This crime is applicable only to Richmond County and would be enforceable by Wildlife Resources Commission officers, and any other law enforcement officer with general subject matter jurisdiction. **Introduced by Senator McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 222](#), Search & Rescue Name/Funds, would change the name of search and rescue services in this State from “urban” search and rescue to “State” search and rescue. The bill would appropriate \$2,397,000 in recurring funds from the State General Fund for the purchase and maintenance of rescue equipment in support of statewide rescue services. These funds would go to the Department of Public Safety and would be used in partnership with local governments. **Introduced by Senators Lee, Krawiec and J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 223](#), Habitual Felons/Clarify Previous Convictions, would clarify that a "felony offense" for purposes of determining if a person is a habitual felon would include any felony crime that a defendant was found guilty of in another state, regardless of the sentence imposed on the defendant in the other state. A conviction in another state not classified as a felony but which would carry a punishment of more than one year in prison and any conviction that is a felony under federal law would also count towards determining if a person is a habitual felon. **Introduced by Senators J. Jackson, Britt and Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 224](#), Include B/E With Intent to Terrorize in HB/E, would provide that the offense of habitual breaking and entering would be committed if a person commits a breaking or entering offense with the intent to terrorize or injure an occupant of the building. The bill does not define the term “terrorize.” **Introduced by Senators J. Jackson, Britt and Lee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 225](#), Abolish Cleveland County Coroner, would abolish the office of the coroner in Cleveland County. **Introduced by Senator Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 229](#), Protection of Former Government Officer, would allow former State executive, legislative and court officers to be considered to still hold their public offices for a period of one year from the date the person's term of office expired or the person resigned from the office, for the purpose of State laws prohibiting assaulting or threatening executive, legislative or court officers.

Additionally, the Secretary of Public Safety, at the request of the immediate past governor, would be required to assign a State Highway Patrol member to protect the former governor for up to one year after the former governor has left office. **Introduced by Senators Bishop and B. Jackson.**

BILL STATUS

[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 when its registration is being renewed through the issuance of a new registration plate. This bill was amended to provide that the new registration plate would remain valid through midnight on the last day of the year in which the plate is issued, but would allow continued use of the plate (a grace period) through midnight, February 15th of the following year.

HOUSE BILL 98, Crim. Offense/Vandalize Fire & EMS Equipment, has passed the House and has been sent to the Senate for their consideration. This bill would make it a Class 1 misdemeanor to injure, remove or vandalize fire or EMS machinery or equipment “with the intent to temporarily or permanently prevent their useful operation.” The bill was amended to remove the requirement that the offender damage the equipment with the intent to prevent its useful operation. The amended bill would make it a crime to injure, remove or vandalize the machinery or equipment for whatever reason.

HOUSE BILL 128, Prohibit Drone Use Over Prison/Jail, would prohibit the use of a drone above or adjacent to any confinement facility, unless prior approval is obtained by the authority overseeing the confinement facility. A violation would require forfeiture of the drone to the Aviation Division of the Department of Transportation upon conviction. This bill was amended to remove the provision forfeiting the drone to the Division of Aviation and would provide instead that a drone used to commit this offense would be forfeited through the methods set out for the forfeiture of motor vehicles, boats, and airplanes seized under the State’s alcoholic beverage control laws.

HOUSE BILL 142, Increase Oversight of OLBs, would increase the reporting responsibilities of occupational licensing boards and would require occupational licensing boards to adopt rules for the handling of complaints, taking disciplinary or enforcement actions against its licensees and for taking enforcement actions against unlicensed persons who are working in a regulated profession. The bill was amended to include in the definition of an occupational licensing board 58 specific boards and commissions, including the North Carolina Sheriffs’ Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission.

SENATE BILL 8, Ease Occ. Lic. Burdens on Military Families, would eliminate the ability of occupational licensing boards to charge fees when a military-trained applicant or their spouse seeks a license or certification from a North Carolina occupational licensing board. This bill was amended to require that any military-trained applicant or military spouse seeking occupational licensing in this State not have any “pending complaints” from another jurisdiction that would form the basis of a denial, suspension or revocation of the occupational license in this State.

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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