

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

March 31, 2017

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The “opioid epidemic” is widely recognized throughout the law enforcement and health care professions as an epidemic of major proportions that is costing lives throughout our State. No county or group of citizens are exempt. This epidemic is widespread and affects all communities.

The term “opioid epidemic” is used to describe a problem with drug addiction. Many citizens originally take the drug to deal with pain for a medical condition. Because of the strength of the drug, and its easy availability from some doctors, many of our citizens are getting addicted to these drugs and many are dying from overdoses.

Law enforcement professionals and medical care professionals have recognized the problem and are getting support from elected State officials.

On Thursday of this week, Attorney General Josh Stein, along with legislative bill sponsors, sheriffs, chiefs of police and a district attorney held a press conference to educate the public on important legislation being considered by this year’s General Assembly that is designed to address this issue. A similar press conference was held a few weeks ago by leaders in the General Assembly when related legislation was introduced.

The key legislative bills designed to address this issue are House Bill 243 and Senate Bill 175, and House Bill 464 and Senate Bill 347. This legislative effort is supported by the North Carolina Sheriffs’ Association and we are optimistic that the General Assembly will enact this important legislation into law this year.

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

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## BILLS OF INTEREST

HOUSE BILL 483, Vet. Posttraumatic Stress/Mitigating Factor, is identical to Senate Bill 402, which is referenced below in this Weekly Legislative Report. This bill would allow a court to consider posttraumatic stress disorder as a mitigating factor when sentencing a defendant who is also a veteran. In order to be considered for this mitigating factor, the defendant would have to be diagnosed as having posttraumatic stress disorder which is connected to the defendant’s service in the armed forces. **Introduced by Representatives G. Martin, Zachary, Reives and Rogers, and assigned to the Committee on Homeland Security, Military and Veterans Affairs.**

[HOUSE BILL 484](#),  Servicemembers Civil Relief Act, is identical to Senate Bill 405, which is referenced below in this Weekly Legislative Report. This bill would create the North Carolina Servicemembers Civil Relief Act. This Act, which is substantially similar to the Federal Servicemembers Civil Relief Act, would give certain protections to National Guard members who are called into service by a state's governor. For example, a National Guard member who is unable to fulfill the requirements of a contract due to their state military service could be relieved from their contractual obligation for services such as telecommunication services and internet services. **Introduced by Representatives G. Martin and Grange, and assigned to the Committee on Homeland Security, Military and Veterans Affairs.**

[HOUSE BILL 487](#),  Nat. Guard Reemployment Rights/Definitions, is identical to Senate Bill 404, which is referenced below in this Weekly Legislative Report. This bill would clarify that an employer has an obligation to reemploy any National Guard member who has been released from active duty after having been called into service by the governor of a state. **Introduced by Representatives G. Martin and Szoka, and assigned to the Committee on Homeland Security, Military and Veterans Affairs.**

[HOUSE BILL 489](#),  Child Abuse & Neglect/Military Affiliation, is identical to Senate Bill 403, which is referenced below in this Weekly Legislative Report. This bill would require a local director of social services to notify military authorities if the director finds evidence that a juvenile may have been abused or neglected by a parent, guardian, custodian or caretaker that has military affiliations. Currently, a local director of social services is only required to notify the district attorney and local law enforcement agencies of cases involving abuse or neglect. **Introduced by Representatives G. Martin, Szoka, Hardister and Strickland, and assigned to the House Committee on Health.**

[HOUSE BILL 492](#),  Increase Penalties for Certain Assaults, would create new assault offenses and would increase the penalties for certain other assaults:

1. The punishment for assaulting a legislative officer, executive officer or court officer would be increased from a Class I felony to a Class H felony. The punishment would be increased from a Class F felony to a Class E felony if a deadly weapon is used in the assault. The punishment would be increased from a Class F felony to a Class E felony if serious bodily injury is inflicted on the officer.
2. The punishment for threatening to injure or kill a legislative officer, executive officer or court officer would be increased from a Class I felony to a Class H felony. The punishment for threatening these officers using written correspondence would be increased from a Class I felony to a Class H felony.
3. The Class F felony of assault with a firearm or other deadly weapon on government officers or employees, such as law enforcement officers, would be expanded to also include firefighters.
4. The punishment for assaulting a firefighter, emergency medical technician, medical responder or hospital personnel would be increased from a Class I felony to a Class H

- felony. The punishment for inflicting serious bodily injury on one of these individuals, or assaulting one of these individuals with a deadly weapon other than a firearm would be increased from a Class H felony to a Class F felony. If a firearm is used in the assault, the punishment would be increased from a Class F felony to a Class E felony.
5. A new criminal offense would be created that would make it a Class I felony to assault an officer or employee of the State or local government when the officer or employee is discharging their official duties.
  6. The punishment for assaulting and causing physical injury to emergency personnel, such as law enforcement officers, firefighters, utility workers and medical professionals, in an area where a state of emergency exists, would be increased from a Class I felony to a Class H felony. If the assault is committed with a dangerous weapon or substance, the punishment would be increased from a Class F felony to a Class E felony.

**Introduced by Representatives Clampitt, Saine and Dollar, and assigned to the Committee on State and Local Government I.**

[HOUSE BILL 497](#), Retirement System 2% COLAs/Funds, would provide a cost of living increase of 2% for retirees of the Teachers' and State Employees' Retirement System, Local Government Employees' Retirement System, Consolidated Judicial Retirement System and the Legislative Retirement System. **Introduced by Representatives Jordan, Hurley and Strickland, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 500](#), ABC Omnibus Legislation, would allow the holder of a brewery permit to give its products to customers, visitors and employees for consumption on its premises. Currently, only employees and their guests may be given alcoholic products for consumption on the brewery's premises.

The bill would also allow agents or employees of a commercial permittee, such as a brewery or distillery, to sample alcoholic beverages on the premises of the permittee for purposes of quality control, education or sensory analysis.

The bill would also allow a homebrewer of wine or malt beverages to use their homebrewed alcoholic beverages at "organized affairs, exhibitions or competitions." The homebrewer would be prohibited from selling their wine or malt beverages.

In addition, the bill would allow a brewery that also has a taproom to sell alcoholic beverages other than what the brewery manufactures, provided the brewery taproom has an ABC permit to do so. **Introduced by Representatives McGrady, Brawley, Hardister and Harrison, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 506](#), Chemical Endangerment of a Child, would create the Class D felony offense of "Intentional Chemical Endangerment of a Child." A person would be guilty of this offense if

they intentionally cause or permit a child under the age of 16 to ingest, inhale or have contact with any illegal controlled substance, such as cocaine, marijuana, heroin or ecstasy.

The bill would also create the Class G felony offense of “Negligent Chemical Endangerment of a Child.” A person would be guilty of this offense if they, with a reckless disregard for the consequences of their actions, cause or permit a child under the age of 16 to ingest, inhale or have contact with any illegal controlled substance.

Finally, the bill would create the Class B1 felony offense of “Death of a Child by Chemical Endangerment.” A person would be guilty of this offense if a child under the age of 16 dies as a result of the person committing the crime of negligent chemical endangerment of a child.

It would be a defense to any of these crimes that the controlled substance was prescribed to the child and that it was given to the child in accordance with the prescription. **Introduced by Representative Dobson, and assigned to the House Committee on Health.**

[HOUSE BILL 511](#), [Game Nights/Nonprofit Fund-Raiser](#), is identical to [Senate Bill 395](#), which is referenced below in this Weekly Legislative Report. This bill would allow a nonprofit organization that has been in continuous existence for at least 5 years to hold a game night at which games of chance are played.

The bill would allow participants to play roulette, blackjack, poker, craps, simulated horse race and merchandise wheel of fortune. Participants would not be able to win cash playing these games. Instead, the chips or markers won from playing these games would be exchanged for raffle tickets and prizes would be won through raffles.

The bill would require the nonprofit organization to obtain a permit from the Alcohol Law Enforcement Branch of the Department of Public Safety for each game night, at a cost of \$250 for each permit. No more than 4 game nights could be held in one year. It would be a Class 2 misdemeanor for any nonprofit organization to operate a game night without the permit.

This bill would only apply to those areas of the State east of Interstate 26, as that interstate highway was located on November 28, 2011. Interstate 26 runs through the western part of North Carolina, from the Tennessee border to the South Carolina border. **Introduced by Representatives Boles, Lucas, Saine and Floyd, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 524](#), [Marine Aquaculture Development Act](#), is identical to [Senate Bill 410](#), which is referenced below in this Weekly Legislative Report. This bill would require the Division of Marine Fisheries to set standards for marine aquaculture. Marine aquaculture would include the operation of marine hatcheries and fish farming operations in North Carolina. Anyone operating a marine aquaculture business without receiving the proper license from the Division of Marine Fisheries would be guilty of a Class A1 misdemeanor, which would include a fine of not more than \$5,000. **Introduced by Representatives Boswell and Shepard, and assigned to the House Committee on Environment.**

[HOUSE BILL 525](#), Amending Body-Worn Camera Procedures, would apply only to the City of Greensboro and would allow the Greensboro Police Department to disclose (show) a law enforcement recording to the Greensboro City Council, with the consent of the city manager, upon a finding by the chief of police that the disclosure is necessary to maintain public confidence in law enforcement. **Introduced by Representatives Quick, Harrison and Brockman, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 537](#), 2017 Governor's Budget, is identical to Senate Bill 430, which is referenced below in this Weekly Legislative Report.

Prior to the filing of House Bill 537, Governor Roy Cooper submitted to the General Assembly his 2017–2019 recommended budget. The recommendations of Governor Cooper that are of interest to the criminal justice community were summarized in the March 3, 2017 Weekly Legislative Report.

While many portions of House Bill 537 are consistent with the recommendations of Governor Cooper, certain items of interest to the criminal justice community found in House Bill 537 are not the same in all respects to the recommendations of Governor Cooper.

The items of interest to the criminal justice community in House Bill 537 include:

1. The Department of Health and Human Services would establish an Opioid Advisory Group to advise the Secretary of the Department of Health and Human Services on strategies to address the opioid crisis.
2. The Department of Justice and the Department of Public Safety would be prohibited from using federally forfeited assets for new personnel positions, new projects, acquisitions of real property and repair of buildings without having the prior approval of the General Assembly.
3. The Department of Public Safety would pay the sum of \$40 per day as reimbursement to counties for the cost of housing convicted inmates.
4. Four million dollars, disbursed over two consecutive years, would be appropriated to the Department of Public Safety to be used as grants to local law enforcement agencies for use in combating opioid abuse. These grant funds would be administered by the Governor's Crime Commission.
5. State and local law enforcement officers would have 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.

It 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.

6. Funds would be provided to renovate Dormitory B and Dormitory C at the North Carolina Justice Academy of the Salem Campus and funds would be provided to construct a new dormitory on the Edneyville Campus.

**Introduced by Representatives Dollar, Johnson, McGrady and Lambeth, and assigned to the House Committee on Appropriations.**

[SENATE BILL 395](#), Hospitality Law Revisions & Game Night, is identical to House Bill 511, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Tarte and Gunn, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 402](#), Vet. Posttraumatic Stress/Mitigating Factor, is identical to House Bill 483, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Britt and J. Jackson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 403](#), Child Abuse & Neglect/Military Affiliation, is identical to House Bill 489, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Britt and J. Jackson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 404](#), Nat. Guard Reemployment Rights/Definitions, is identical to House Bill 487, which is summarized above in this Weekly Legislative Report. **Introduced by Senator Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 405](#), Servicemembers Civil Relief Act, is identical to House Bill 484, which is summarized above in this Weekly Legislative Report. **Introduced by Senator Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 406](#), Sweepstakes Control Act, would allow up to four electronic sweepstakes machines to be operated "under a single roofline." An electronic sweepstakes game is any game or other promotion where a person may enter to win or become eligible to receive any prize,

where the game is based on chance and not skill. Any law enforcement officer would have the right to inspect any premises housing these machines and inspect the machines themselves. **Introduced by Senator Wells, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 409](#), [Increase Penalties/Organized Retail Theft](#), is identical to [House Bill 384](#), which was summarized in the March 17, 2017 Weekly Legislative Report. The bill would expand larceny from a merchant to include exchanging stolen property for something of value or returning stolen property using fictitious identification.

The bill would also make it a Class G felony to act as a leader of an organized retail theft enterprise, by organizing, supervising or financing the illegal scheme.

Finally, the bill would make changes to our currency converter laws by including in the definition of “currency converter” anyone who purchases gift cards or merchandise cards from the public for cash. The bill would subject persons who purchase these cards to the laws regulating currency converters. **Introduced by Senators Curtis, Meredith and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 410](#), [Marine Aquaculture Development Act](#), is identical to [House Bill 524](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Cook, Sanderson and Tillman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 425](#), [Unborn Child Protection Fr. Dismemberment Act](#), would make it a Class A1 misdemeanor for any person, including a physician, to intentionally perform a dismemberment abortion. A dismemberment abortion would be one where a living fetus is removed from the uterus one piece at a time. It would not be unlawful to perform a dismemberment abortion to prevent a serious health risk to the unborn child’s mother.

The bill would also allow the spouse or guardian of the unborn child’s mother to file a civil lawsuit against the person performing the dismemberment abortion in order to recover money damages for the loss of the child. **Introduced by Senators Krawiec, Randleman and Ballard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 430](#), [2017 Governor's Budget](#), is identical to [House Bill 537](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Brown, Harrington and B. Jackson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 431](#), [Correction Enterprise and Workers' Comp](#), is substantially similar to [House Bill 205](#), which was summarized in the March 3, 2017 Weekly Legislative Report. This bill would allow an inmate employed in the “Prison Industry Enhancement Program” to receive workers’ compensation benefits for an injury suffered while working in the Program.

This bill would not apply to State inmates held in county jails pursuant to the Statewide

Misdemeanant Confinement Program (SMCP) who are injured while working in county work programs. **Introduced by Senator Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 435](#), Internet Publication of Legal Notices, would require that if a newspaper in which a legal notice is placed also maintains an Internet Web site, then the legal notice would also have to be placed, at no additional charge, on that newspaper's Internet Web site on the same day that the notice appears in the print newspaper. If the legal notice cannot be published on the newspaper's Internet Web site for any reason, the notice would have to be placed on the statewide Internet Web site maintained by the North Carolina Press Association. **Introduced by Senators Sanderson, Dunn and Horner, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 440](#), National Popular Vote Interstate Compact, would make North Carolina a member of an interstate agreement to elect the President of the United States by national popular vote instead of electoral votes. **Introduced by Senators Chaudhuri and Waddell, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 445](#), Expungement Process Modifications, would give a district attorney access to confidential expungement files maintained by the Administrative Office of the Courts (AOC). The expunged records would be provided to a district attorney in order to assist with calculating a defendant's criminal history record level during sentencing. **Introduced by Senators Tucker, Bryant and McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 446](#), LEO Next of Kin Notification, would require the Division of Motor Vehicles to develop a process to allow North Carolina residents with a State identification card or drivers license to list an emergency contact person that law enforcement officers would be able to contact if the resident is involved in a motor vehicle accident or has some other emergency situation. Any contact information would be included in the resident's motor vehicle record. **Introduced by Senators J. Davis, Foushee and Pate, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 452](#), Expand Allowable Medical Uses of CBD Oil, would expand the list of illnesses for which an individual could use and possess hemp extract. This bill would allow hemp extract to be used to treat autism, multiple sclerosis, Crohn's disease or Mitochondrial disease. Currently, hemp extract can only be used to treat uncontrollable epilepsy. **Introduced by Senators McKissick and Tucker, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 453](#), Driver Instruction/Law Enforcement Stops, is identical to House Bill 21, which was summarized in the January 27, 2017 Weekly Legislative Report. This bill would require the Division of Motor Vehicles, in consultation with the State Highway Patrol, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, to include in the driver license handbook a description of law enforcement procedures during traffic stops and the actions that a motorist should take during a traffic stop, including appropriate

interactions with law enforcement officers. These materials would be required to be taught in the driver education curriculum. **Introduced by Senators McKissick, Daniel and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 454](#), LEO Personal Info and Public Records, would provide that the only information regarding local law enforcement officers that would be public record would be the names of the law enforcement officers. This bill does not address whether or not the names of officers working in an undercover capacity would be public record. **Introduced by Senators McKissick, Britt and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 455](#), Amended Certificate of Relief, would expand the list of defendants who would be eligible to receive a Certificate of Relief. A Certificate of Relief relieves a defendant of “collateral consequences” of their crime, such as automatic disqualifications for certain jobs. A Certificate of Relief does not expunge the conviction, nor does it constitute a pardon.

This bill would allow defendants with any number of convictions for Class G and lower felonies to apply for a Certificate of Relief. Currently, defendants can apply for a Certificate of Relief only if they have been convicted of no more than two Class G, H or I felonies or misdemeanors in one session of court. **Introduced by Senators McKissick, Britt and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 456](#), Increase De-escalation Training for LEO's, would require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to develop crisis intervention training and de-escalation training for law enforcement officers.

Crisis intervention training would be designed to help law enforcement officers interact with people suffering with mental illness. De-escalation training would be specialized training in techniques to defuse potentially dangerous situations to prevent harm to a citizen or a law enforcement officer. **Introduced by Senators McKissick, Daniel and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 457](#), Amend Deferred Prosecution Statute, would allow a defendant who was 18 years old or younger at the time they committed a misdemeanor, except for domestic violence misdemeanors, to be automatically placed on deferred prosecution. If the defendant successfully completes deferred prosecution, the defendant's charge would be automatically expunged. **Introduced by Senators McKissick, Daniel and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 458](#), Increase Inmate Healthcare, would require every North Carolina jail and prison to become a part of the electronic Health Information Exchange. A Health Information Exchange would be a computer-based medical summary of an inmate's medical history as recorded by a jail or prison.

This medical summary would include information such as an inmate's current medical condition,

any treatments received by an inmate, any medications prescribed to or being taken by an inmate, and any other special medical needs of the inmate.

Beginning January 1, 2018, and for every year thereafter, every sheriff in North Carolina and every prison administrator in North Carolina would have to certify to the Secretary of the Department of Health and Human Services and the Chief Deputy Secretary of Adult Correction and Juvenile Justice that the jail and prison is part of the Health Information Exchange.

Each sheriff and prison administrator in North Carolina would also have to certify that the Health Information Exchange software system being used in the jail or prison had been designed or approved by a medical doctor with experience in providing medical care in a jail or prison. One of the approving medical doctors would have to be licensed as a psychiatrist. **Introduced by Senator Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 465](#), Courthouse Concealed Carry/Elected Officials, would allow a mayor, a member of a board of county commissioners or a member of a city council to carry a concealed deadly weapon in any courthouse, if the person has a concealed handgun permit, and the person is discharging their official duties. The bill would not allow the person to carry the concealed weapon inside a courtroom. **Introduced by Senator J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 467](#), North Carolina Retirement Reform, would provide that beginning July 1, 2018, no new members would be accepted into the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System and the Legislative Retirement System.

State and local government employees hired on or after July 1, 2018 would be automatically enrolled in the North Carolina 401(k) Plan, or the North Carolina 457 Plan. **Introduced by Senators Wells, Rabon and Rabin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 474](#), A Common Sense Repeal of HB2, was 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. **Introduced by Senator Tarte, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 477](#), Free Handicap Placard/Certain Organizations, would allow an organization that regularly transports handicapped persons to obtain one handicapped placard free of charge for placement on their transport vehicle's windshield. **Introduced by Senator Pate, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 478](#), Strengthen Youth Tobacco Use Prevention/Funds, is identical to House Bill 276 which was summarized in the March 10, 2017 Weekly Legislative Report. This bill would create the Tobacco Use Prevention Fund, which would be used to support tobacco use prevention programs and the enforcement of tobacco laws. **Introduced by Senators Woodard and Dunn, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 479](#), Amend Funeral Laws, would make it a Class 2 misdemeanor for any person who has physical custody of a dead human body, such as an embalmer, to willfully abuse, mutilate or fail to treat the human remains with reasonable care. **Introduced by Senators Woodard and McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 485](#), Livestock and Wildlife Protection Act, would allow the Wildlife Resources Commission to issue a lifetime trapping license to both residents of North Carolina and to non-residents. The bill would also allow the Wildlife Resources Commission to establish seasons for hunting, trapping and possessing fox. **Introduced by Senator Brock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 492](#), T and U Visa/Fees, would clarify that sheriffs, chiefs of police, district attorneys and superior or district court judges are not required, but may in their discretion, complete a law enforcement certification for an applicant for a "T" or "U" Visa. T and U Visas represent a federal law that allows individuals to remain in the United States after the expiration of their visa if one of the officials named above certifies that the individual is a necessary witness in a criminal proceeding or would be at a risk of harm if the individual left the United States. **Introduced by Senator Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 500](#), Strengthen Human Trafficking Law, would expand the definition of human trafficking to include “advertising, maintaining, patronizing or soliciting a person,” with the intent that the person be held in involuntary servitude or sexual servitude. Currently, human trafficking is defined as recruiting, enticing, harboring or transporting a person with the intent that the person be held in involuntary servitude or sexual servitude.

The bill would also create a new criminal offense of “profiting in human trafficking.” It would be a Class F felony for a person to benefit financially, or to receive anything of value, from participation in the crime of human trafficking. It would be a Class C felony if the victim is a child.

Finally, it would be a Class F felony to obstruct, or to attempt to obstruct, a human trafficking investigation or prosecution. **Introduced by Senator D. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 501](#), 2017 DOL Technical Changes, is identical to House Bill 374, which was summarized in the March 17, 2017 Weekly Legislative Report. This bill would make it a Class 2 misdemeanor to operate a carnival ride, such as a roller coaster, in an unsafe manner, or to operate the device without having it properly registered with the Department of Labor. A second or subsequent violation would be a Class 1 misdemeanor. If the unsafe operation of the device results in serious injury or death, then the crime would be a Class E felony. **Introduced by Senators Wade and Brock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 503](#), Online Paperless Pistol Permit Modernization, would eliminate the necessity for pistol purchase permits in North Carolina. This bill would require federally licensed firearms dealers to notify the sheriff whenever the dealer initiates a background check of a prospective purchaser of a handgun through the National Instant Criminal Background Check System (NICS).

By repealing North Carolina's pistol purchase permit laws, transfers of handguns from one private individual to another private individual without the transfer going through a firearms dealer, would not require any type of background check to be conducted on the receiver of the handgun. **Introduced by Senators Tarte, Brock and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 504](#), Educational Property Definition/Firearms, would allow weapons to be possessed, either concealed or not concealed, on: (i) facilities owned or controlled by educational institutions but not used for educational purposes; (ii) a religious institution (church) used as a school, so long as school is not in session; (iii) a road crossing an educational campus; and (iv) a medical facility that is used primarily for patient care rather than education. **Introduced by Senators Tarte, Brock and Britt, and assigned Committee on Rules and Operations of the Senate.**

[SENATE BILL 505](#), Add Member to NC Training Standards Commiss, is identical to [House Bill 395](#) which was summarized in the March 17, 2017 Weekly Legislative Report. This bill would give the North Carolina Police Benevolent Association (PBA) a seat on the North Carolina Criminal Justice Education and Training Standards Commission. This PBA representative would have to be a full-time sworn law enforcement officer. **Introduced by Senators Ballard and Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 506](#), Study NC Criminal Justice Size and Efficiency, would require the Joint Legislative Oversight Committee on Justice and Public Safety to study the North Carolina Criminal Justice Education and Training Standards Commission's current size and membership to determine if the number of Commission members should be decreased. **Introduced by Senators Ballard, Sanderson and Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 508](#), Impaired Driving Punishment/Use of CAM, would allow individuals convicted of Level 1 and Level 2 driving while impaired offenses to be considered for a suspended term of imprisonment if the individual abstains from alcohol consumption and is monitored by a continuous alcohol monitoring system. **Introduced by Senators Lee, Sanderson and Bishop, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 513](#), Same Firearm Protections for 50C as 50B Order, would require the surrender of a defendant's firearms when a court issues a civil 50C order (non domestic violence protective order) where the court finds the defendant:

1. Used or threatened to use a deadly weapon;

2. Threatened to seriously injure or kill the victim;
3. Threatened to commit suicide; or
4. Inflicted serious bodily injury to the victim or a minor child.

The bill would require the firearms to be surrendered to the sheriff. The bill would allow a person to apply to the court to have their firearms returned to them, after the expiration of the order.

The bill would make it a Class H felony for any person to possess, purchase or receive a firearm, or attempt to do so, if they are subject to a 50C order not to possess a firearm. **Introduced by Senators Chaudhuri, Van Duyn and Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 520](#), Emergency Worker Protection Act, would increase the penalty from a Class E felony to a Class D felony for a person to commit an assault with a firearm against any law enforcement officer, probation or parole officer, member of the National Guard, or on a person employed at a State or local detention facility, when the official is performing their official duties.

The bill would increase the penalty from a Class H felony to a Class G felony for committing an assault resulting in serious bodily injury, or by using a deadly weapon other than a firearm, against a firefighter, emergency medical technician, medical responder or hospital personnel. It would be a Class E felony if the person used a firearm in the commission of this crime.

This bill would also increase the penalty from a Class F felony to a Class E felony to assault and inflict serious injury upon a law enforcement officer, probation or parole officer, member of the National Guard or a person employed at a State or location detention facility.

Finally, the bill would make it a Class D felony to maliciously assault with a deadly weapon and with the intent to kill any emergency worker attempting to discharge their duties. **Introduced by Senators Curtis, Dunn and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 523](#), EMS Use of UAS, would allow emergency management agencies to use unmanned aircraft systems, commonly known as drones, for all activities related to emergency management. An emergency management agency is a State or local government agency charged with coordinating emergency management services. The bill would also allow these agencies to use drones equipped with special imaging technology, such as infrared, to be used for emergency management services. **Introduced by Senator Rabin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 532](#), Landowner Encroachment and Timber Theft Act, would increase the penalty for willfully damaging any trees, crops, plants or land of another from a Class 1 misdemeanor to a Class A1 misdemeanor.

The bill would also increase the penalty for intentionally setting fire to grass, brushlands or

woodlands from a Class 2 misdemeanor to a Class 1 misdemeanor. A second offense would be punished as a Class A1 misdemeanor. If the fire is set with the intent to damage property, it would be punished as a Class H felony.

The bill would also increase the penalty from a Class 3 misdemeanor to a Class 2 misdemeanor for any person, firm or corporation to set fire to grassland, brushland or woodland and to fail to fully extinguish the fire.

Finally, the bill would increase the penalty from a Class 2 misdemeanor to a Class 1 misdemeanor for a person, firm or corporation to clear timber and other debris from within 400 feet of a watershed, and to fail to haul away the debris within 3 months of cutting the timber. **Introduced by Senators McInnis and Brock, and assigned to the Committee on Rules and Operations of the Senate.**

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### BILL STATUS

HOUSE BILL 100, Restore Partisan Elections/Sup. & Distr. Court, would restore partisan judicial elections for Superior Court and District Court judges. The bill was vetoed by Governor Roy Cooper. The General Assembly overrode the Governor's veto and enacted the bill into law.

HOUSE BILL 128, Prohibit Drone Use Over Prison/Jail, would prohibit the use of a drone above or adjacent to any confinement facility. This bill was modified to allow drones to be operated adjacent to a confinement facility for certain limited purposes, such as law enforcement use and for use by public utilities so long as the drone is being operated within certain distances from the confinement facility.

HOUSE BILL 225, Property Taken Not Preclude Attempted Robbery. This bill has been amended and the original language of the bill has been stricken. The bill would make attempted robbery with a dangerous weapon a lesser included offense of robbery with a dangerous weapon.

HOUSE BILL 284, 25-Year LEO Retirement Option, would allow law enforcement officers who are members of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System to retire after completing 25 years of credible service. This bill has been amended to require the officer have completed at least 15 years work as a law enforcement officer in order to qualify for the 25 year retirement. This bill was unanimously approved on Wednesday by the House Pensions and Retirement Committee and has been referred to the House Appropriations Committee for further consideration.

HOUSE BILL 336, Ltd. License/Drive to School Event Past 9:00, would allow the holder of a limited provisional license to drive past 9:00 p.m. when driving to or from an extracurricular or athletic activity that a high school or postsecondary school sponsors, if the driver is participating in the extracurricular or athletic event. This bill has been amended to also allow the person with the limited driving privilege to drive past 9:00 p.m. if they are going to or from a class at a high school or postsecondary school.

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