

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 7, 2017

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Now that the Senate deadline for introduction of new bills has passed, with limited exceptions there will be no new bills introduced in the Senate. However, existing bills can always be amended to include new ideas.

The House deadline for filing new bills that do not include financial provisions is next Tuesday, so a large number of bills have been introduced this week in the House and more are expected to be introduced early next week.

The House and Senate have agreed to recess and not have any formal activity from Wednesday, April 12<sup>th</sup> through Tuesday, April 18<sup>th</sup>. That one week break will include Good Friday, which is a State holiday, and will also include Easter. That will result in a "short" week next week and the week after, and a much welcome break for all involved in the legislative process.

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

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## BILLS OF INTEREST

[HOUSE BILL 544](#), Healthy Families & Workplaces/Paid Sick Days, would require all employers who have employees who are not exempt from the Wage and Hour Act, such as those employees that are subject to overtime rules, to provide those non-exempt employees with paid sick time. The paid sick time would accumulate at the rate of one hour of pay per 30 hours worked. This requirement would not apply to volunteer employees and to employees who are exempt from the Wage and Hour Act, such as management staff. **Introduced by Representatives Fisher, Farmer-Butterfield, Cunningham and Insko, and assigned to the House Committee on Health.**

[HOUSE BILL 546](#), Rabies Quarantine Amendments, is identical to Senate Bill 74, which was summarized in the February 17, 2017 Weekly Legislative Report. The bill would modify current law on how animals such as dogs, cats and ferrets would be handled when they are suspected of being rabid. This bill 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 Representative W. Richardson, and assigned to the House Committee on Health.**

[HOUSE BILL 551](#), Strengthening Victim's Rights, is identical to Senate Bill 595, which is

referenced below in this Weekly Legislative Report. This bill would submit to North Carolina voters a proposed amendment to the North Carolina Constitution to strengthen the rights of victims of crime.

If passed by the voters, this bill would require the “timely” payment of restitution to the victim, and the victim would be given the right to be heard at any hearing regarding the release, plea or parole of the defendant. Currently, a victim can only be heard during sentencing.

The bill would also provide a victim with the “right” to be protected from the accused. **Introduced by Representatives Dollar, R. Turner, Destin Hall and Earle, and assigned to the Committee on Rules, Calendar and Operations of the House.**

[HOUSE BILL 553](#), Lane Departure Driver Education Curric/Study, would direct the Department of Public Instruction to study the benefits of adding instruction on changing lanes to the driving portion of the driver education curriculum. **Introduced by Representative White, and assigned to the House Committee on Education K-12.**

[HOUSE BILL 555](#), Funds/Street Gang Prevention & Intervention, would appropriate funds to the Governor’s Crime Commission to be used for grants to strengthen gang violence prevention efforts. The bill would allow these funds to go to private or public entities for this use. **Introduced by Representative Michaux, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 558](#), Study/Texting While Driving Enforcement, would direct the “Department of Justice and Public Safety” (the bill is unclear if it applies to both the Department of Justice and the Department of Public Safety) to consult with the Department of Transportation, the Conference of District Attorneys, the Administrative Office of the Courts, the North Carolina Sheriffs’ Association and the North Carolina Association of Chiefs of Police, and to study how to improve the enforcement of the law prohibiting the use of mobile telephones while operating a motor vehicle. **Introduced by Representatives Ross, Faircloth, Hardister and McNeill, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 559](#), Outdoor Heritage Enhanced, would expand hunting with firearms on Sunday to allow hunting upland game birds, such as quail, and migratory birds, such as duck. **Introduced by Representatives Millis and J. Bell, and assigned to the House Committee on Wildlife Resources.**

[HOUSE BILL 562](#), Enhanced Penalty for Second Degree Trespass, would increase the punishment from a Class 3 misdemeanor to a Class 1 misdemeanor for second degree trespass, if the crime occurs in multi-occupancy bathrooms, showers or changing facilities. **Introduced by Representatives Brenden Jones, Murphy, Grange and Malone, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 564](#), Revise IVC Laws to Improve Behavioral Health, would make numerous changes to the involuntary commitment process and is identical to [Senate Bill 630](#), referenced below in this Weekly Legislative Report. Those changes to the involuntary commitment process

of interest to the criminal justice community are:

1. Each local management entity/managed care organization (LME/MCO) would be required to adopt a Community Crisis Services Plan ("Plan"). Among other responsibilities, the Plan would designate the area facilities that respondents under an involuntary commitment (IVC) order would be taken to for examination.
2. LME/MCOs would have the authority to designate individuals other than law enforcement officers to provide all or part of the custody and transportation requirements for an IVC. Currently, only a city or county has the authority to designate individuals other than law enforcement officers to provide the custody and transportation of respondents.
3. The Plan would identify transportation and custody training courses for law enforcement officers and other designated persons. To the extent feasible, law enforcement officers would be required to participate in the training. Persons other than law enforcement officers who are designated in the Plan to provide custody and transportation of respondents would also be required to participate in the training.
4. The training on custody and transportation issues would address the use of de-escalation strategies and techniques, the use of restraints, respondent rights and the proper completion of custody orders.
5. Law enforcement agencies, hospitals, magistrates and clerks of court would be required to participate in the development of transportation plans for respondents.
6. Law enforcement officers would be required to use the least restrictive and most reasonable restraint methods when transporting respondents. Law enforcement officers would be required to give the respondent as much dignity as the circumstances permit, taking into consideration the age, medical condition, special needs and behavior of the respondent.
7. When restraining a respondent, law enforcement officers would be required to avoid aggravating or worsening a respondent's pre-existing injuries or medical conditions. To the extent feasible, law enforcement officers would be required to consult a parent, caretaker or other responsible person prior to restraining a minor.
8. Law enforcement officers would be required to record the type of restraint used on the return of service of an IVC custody paper.
9. If a respondent is required to be transported to a 24-hour facility, law enforcement officers or other designated persons would be required to commence the transport within six hours of receiving a request for transportation.

**Introduced by Representatives Dobson, S. Martin, Lambeth, and Malone.**

[HOUSE BILL 565](#), Modify Composition/911 Board, would expand the North Carolina 911 Board from 17 members to 20 members. The three new members would have to be current managers of a Public Safety Answering Point, and would be chosen by the Governor and the General Assembly. **Introduced by Representative Clampitt.**

[HOUSE BILL 571](#), Automatic Expunction/Wrongful Conviction, would require a person's criminal history record to be automatically expunged of any crime for which a person was found by a court to have been wrongfully convicted and imprisoned. **Introduced by Representatives Hanes, Hardister, Dobson and Quick.**

[HOUSE BILL 572](#), Legal Notices/Require Internet Publication, is substantially similar to Senate Bill 435, summarized in the March 31, 2017 Weekly Legislative Report. This bill would provide for the publishing of legal notices on newspaper Internet Web sites. **Introduced by Representatives Ross, Davis, Goodman and Malone.**

[HOUSE BILL 586](#), NC Am. Indian Hunting/Fishing Rights, would allow a resident of North Carolina, who is also a member of a recognized Indian tribe to hunt, trap or fish outside of tribal lands without having to obtain a license to do so from the Wildlife Resources Commission. **Introduced by Representative C. Graham.**

[HOUSE BILL 588](#), Omnibus Gun Changes, would make a number of changes to North Carolina firearms laws. Among the changes:

1. This bill would eliminate the requirement that the applicant for a pistol purchase permit provide the sheriff with a signed and notarized release for mental health orders. The bill would instead require any holder of a mental health order (such as clerks of court) to provide such court orders directly to the sheriff upon the sheriff's request.
2. The elimination of mental health release orders for pistol purchase permits would be effective until June 30, 2018 when this bill would repeal all requirements for pistol purchase permits in North Carolina. If this provision of the bill is enacted into law, any person could receive a handgun in North Carolina without having a pistol purchase permit issued by a sheriff. The pistol purchase permit process requires the sheriff to conduct a thorough background check of the applicant's ability to possess firearms under State and federal law.
3. This bill would also allow a person with a valid concealed handgun permit to carry a concealed handgun on the property of the Constituent Institutions of the University of North Carolina and on the property of the community colleges.
4. Weapons would be able 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 on educational campus; and (iv) a medical facility that is used primarily for patient care rather than education.

5. The Governor and the Governor's immediate family would be authorized to possess weapons in the Executive Mansion or in the Western Residence of the Governor.
6. Off-duty State probation or parole officers, off-duty State correctional officers, persons authorized by the Secretary of the Department of Public Safety to carry concealed firearms and administrative law judges would be deleted from the list of individuals who are currently allowed to carry a concealed weapon on educational property. These individuals would not be able to carry concealed weapons on educational property if this bill is enacted into law.
7. Currently, State correctional officers, State probation or parole officers and North Carolina law enforcement officers, who have been retired two years or less, are exempt from taking the firearms safety and training course for purposes of applying for a concealed handgun permit. This bill would allow State correctional officers, State probation or parole officers and North Carolina law enforcement officers retired for five years or less to be exempt from taking the firearms safety and training course.
8. A North Carolina issued concealed handgun permit would be valid for a period of 10 years, as opposed to their current life span of five years.
9. An individual would only be disqualified from getting a concealed handgun permit based on their military discharge if the individual has received a dishonorable discharge. Currently, anyone discharged from the military "under conditions other than honorable" would be disqualified from getting a concealed handgun permit. Therefore, if this bill is enacted into law, individuals who have been discharged from the military "under other than honorable conditions" or who received a "bad conduct discharge" (given to an individual only after they have been convicted at a court-martial) would be eligible to receive a concealed handgun permit.
10. Legislators and legislative employees with a valid concealed handgun permit would be able to carry a concealed handgun on the premises of the State legislative buildings and grounds.
11. Defendants convicted of crimes involving the use of a firearm would not be able to have the firearm returned to them after their conviction of the crime.
12. The common law offense (a crime developed by the courts as opposed to the General Assembly) of "going armed to the terror of the people" would be written into the General Statutes of North Carolina. This new statute would restate the current common law that makes it a Class 1 misdemeanor for a person to go armed on the public highways with a dangerous weapon, for example a firearm, for the purpose of terrifying others. This bill would also clarify that a person would not be guilty of going armed to the terror of the people based only on the fact that a person is possessing or carrying a handgun.

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**Introduced by Representative Speciale. The North Carolina Sheriffs' Association is OPPOSED to the repeal of North Carolina's pistol purchase permit statutes.**

[HOUSE Bill 590](#), Interior Design Profession Act, would require all interior designers to be registered with the North Carolina Department of Insurance before engaging in interior design. It would be a Class 2 misdemeanor to engage in interior design without being registered. **Introduced by Representatives Riddell, McElraft, Saine and S. Martin.**

[HOUSE BILL 591](#), Study/LEO Interaction With Disabled Drivers, would require the “Department of Justice and Public Safety” (it is unclear if the bill is referring to both the Department of Justice and the Department of Public Safety), in collaboration with the North Carolina Sheriffs’ Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission, to study what training would improve a law enforcement officer’s interaction with a person that has a hearing, developmental or mental impairment that could impact the person’s ability to comply with an officer’s commands. **Introduced by Representative Graham.**

[HOUSE BILL 594](#), Healthy Mother, Healthy Child, is identical to [Senate Bill 639](#), which is referenced below in this Weekly Legislative Report. This bill would prohibit any correctional institution or local confinement facility, including local jails, from using any restraints on an inmate the facility knows to be pregnant, including during transport to and from a medical facility for treatment. This restriction would not apply if the inmate is a flight or a safety risk. **Introduced by Representatives Fisher, Cunningham and Insko.**

[HOUSE BILL 597](#), Willful Injury of Person/Trap in Public Park, would create the new criminal offense of “malicious injury through use of a trap in a public park.” It would be a Class A1 misdemeanor to maliciously set a trap in a public park, or to assist in doing so, for the purpose of injuring a person. A public park would include walking trails, horse trails, greenways and State forests. A trap would include any explosive device, gun or ammunition attached to a tripwire. It would also include nails, spikes or devices that produce toxic gases or fumes. The punishment would be increased to a Class H felony if the trap actually causes physical injury to a person and a Class E felony if the trap causes serious physical injury. The bill does not define physical injury or serious physical injury.

Finally, if the trap was camouflaged or concealed, then the punishment would increase by one classification level. **Introduced by Representatives Bradford, Bert Jones, Zachary and Clampitt.**

[HOUSE BILL 599](#), Body-Worn Camera Recordings, would repeal the current North Carolina statutes regulating the use of law enforcement recordings, such as body-worn camera recordings and dashboard camera recordings.

This bill would create a new process for the use and release of body-worn camera and dashboard camera recordings. The bill would apply to all law enforcement agencies except for those law enforcement agencies located in a county with a population of less than 200,000 people. This bill would also apply to State correctional officers.

A law enforcement officer would be required to wear an activated body-worn camera during any "recordable interaction." A recordable interaction would be any interaction between law enforcement officers in their official capacity and a member of the public, including inmates at a State correctional facility. Examples of recordable interactions would be traffic stops, arrests, searches, interrogations and interviews with victims and witnesses.

A law enforcement officer would not be able to deactivate a body-worn camera until the conclusion of the recordable event, the law enforcement officer has left the scene or a supervisor authorizes the law enforcement officer to deactivate the camera.

A law enforcement officer would not be required to activate a body-worn camera during interactions with confidential informants and undercover officers, personal conversations, restroom breaks or when conducting strip searches.

Upon request, a law enforcement agency may, but would not be required, to show or provide a copy of the recording to any person. A person denied access to a recording would be able to seek a court order for the recording.

If a law enforcement vehicle is equipped with a dashboard camera, a law enforcement officer would be required to activate the camera when the officer is engaged in a traffic stop, vehicle pursuit, vehicle search or other interaction with the public. A law enforcement officer would not be allowed to deactivate the camera until the law enforcement incident is concluded, the officer has left the scene or a supervisor has authorized the camera to be deactivated.

The North Carolina Department of Justice would be required to develop a model policy for law enforcement agencies on the use of body-worn and dashboard cameras. The policy would have to include information on disciplinary action against an officer for failing to activate a body-worn camera. **Introduced by Representative Brockman.**

[HOUSE BILL 604](#), Repeal Death Penalty, would eliminate the death penalty and would provide that all current prisoners sentenced to death would be resentenced to life imprisonment without the possibility of parole. **Introduced by Representative Meyer.**

[HOUSE BILL 612](#), Comprehensive Firearm Ed. Elective/Schools, would require the State Board of Education to develop a firearm education course to be offered as an elective at the high school level. The bill would prohibit the use of live ammunition in the course, and would require the presence of a person approved under "G.S. 14-296.2(g)(1)." While G.S. 296.2(g)(1) does not exist under our current statutes, it appears as though the statute numbers were transposed when the bill was drafted and that the bill intended to refer to G.S. 14-269.2(g)(1). G.S. 14-269.2(g)(1) allows a school superintendent to allow certain individuals to possess firearms on school grounds for school related purposes. **Introduced by Representatives Adams, Henson, Boswell and Presnell.**

[SENATE BILL 547](#), Restitution Remission/Notice and Hearing Req, would require a district or superior court to provide written notice to the district attorney and the victim of a crime, notifying them of the right to be heard before entering an order excusing a criminal defendant

from paying restitution owed to the victim. Currently, a court can excuse the payment of restitution by a defendant without giving notice to the district attorney and the victim.

**Introduced by Senators Randleman and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 548](#), [Strengthen Human Trafficking Laws/Studies](#), is substantially similar to [House Bill 451](#), that was summarized in the March 24, 2017 Weekly Legislative Report. The bill would make it a Class 1 misdemeanor for any person, association, partnership or corporation to engage in, or employ someone to engage in, massage therapy or bodywork without being properly licensed to do so. Massage and bodywork therapy would include treatments such as soft tissue massage.

The bill would also require adult establishments, such as an adult bookstore or adult “live entertainment” business to post in a conspicuous location a public awareness sign and hotline telephone number for human trafficking help.

Finally, the bill would increase the penalty for the human trafficking of an adult from a Class F felony to a Class C felony. If the victim is a minor, the penalty would be increased from a Class C felony to a Class B1 felony. **Introduced by Senators Randleman, Daniel and Brock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 549](#), [Juvenile Reinvestment Act](#), would raise the age a person is treated as an adult criminal offender from the age of 16 to the age of 18. This change would only apply to misdemeanor crimes, excluding motor vehicle law violations. Juveniles charged with felonies would be handled under the current procedure for processing juveniles alleged to be juvenile delinquents.

The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission would be required to develop training on juvenile justice issues. No source of funding to implement these changes to the juvenile justice system is included in the bill. The bill does however, establish the Juvenile Jurisdiction Advisory Committee, which would develop a plan to address the costs of these changes. **Introduced by Senators Randleman, Britt and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 550](#), [Modernization of Drug Court Program](#), would require the Administrative Office of the Courts to manage the funding of drug courts and to also approve judicially managed programs for drug abuse recovery. The bill would require that if a judicial district chooses to establish a judicially managed drug abuse recovery court, then a Recovery Court Committee would have to be established. The Committee would be composed of the local sheriff, or their designee, the district attorney, the public defender and other stakeholders in the criminal justice system. **Introduced by Senators Randleman, J. Davis, Britt, Lee and Smith-Ingram, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 553](#), [Revoke Consent for Intercourse](#), would provide that a woman could withdraw her consent for vaginal intercourse, even after initially consenting. The bill would

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provide that once consent is clearly withdrawn, if intercourse then takes place, then a crime would be committed called “vaginal intercourse by force and against the will of the other person.” This would be considered a Class C felony. **Introduced by Senator J. Jackson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 556](#), [Healthy Families & Workplace/Paid Sick Days](#), is identical to [House Bill 544](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Bryant, Robinson, Foushee and Waddell, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 559](#), [Fingerprinting Upon Arrest](#), would require a court to order a defendant to be fingerprinted when a person is charged with an offense that requires fingerprinting, but the defendant was not arrested for the crime. The court would be required to order the Sheriff, or other appropriate law enforcement agency, to take the defendant’s fingerprints at the earliest practical time. The court could hold the defendant in contempt of court for failing to comply with an order to submit to fingerprints. **Introduced by Senators J. Jackson and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 560](#), [Citizen’s Warrants](#), would allow a magistrate to issue a “citizen’s warrant” for arrest when the warrant is based only on information provided by the private citizen. A citizen’s warrant is the same as an arrest warrant except it is issued solely on the information presented by a private citizen. **Introduced by Senators J. Jackson, Britt, Tucker and Lee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 561](#), [Expunction – Charges Dismissed/Not Guilty](#), would allow a person to have any number of misdemeanor or felony charges expunged as long as the charges were dismissed or the person was found not guilty. Therefore, the bill would provide for an unlimited number of expungements based on the charges being dismissed or the defendant being found not guilty. Currently, courts have to consider how many expungements a defendant has had before granting an expunction. **Introduced by Senators J. Jackson, Britt, B. Jackson and Smith-Ingram, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 564](#), [Juvenile Justice Reinvestment Act](#), is identical to [House Bill 280](#), which was summarized in the March 10, 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 certain felony offenses.

No source of funding to implement these changes to the Juvenile Justice System is included in the bill. The bill does however, establish the Juvenile Jurisdiction Advisory Committee, which would develop a plan to address the costs of these changes. **Introduced by Senators Barringer and Smith-Ingram, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 570](#), [Changes to the Juvenile Code A-B](#), is identical to [House Bill 362](#), that was summarized in the March 17, 2017 Weekly Legislative Report. The bill would make numerous changes to the juvenile laws. Among them, a magistrate would be required to accept petitions

for filing that allege a juvenile is neglected, abused or dependent in emergency situations when the office of the clerk of court is closed. The magistrate would be required to deliver the petition to the clerk of court's office as soon as it is open for business, but the petition would be deemed filed when the magistrate accepts the petition. Currently, only the chief district court judge can authorize a magistrate to issue a juvenile petition. **Introduced by Senators Daniel and Barringer, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 579](#), The Catherine A. Zanga Medical Marijuana Bill, is substantially similar to House Bill 185, that was summarized in the February 24, 2017 Weekly Legislative Report. The bill would allow patients with certain diagnosed terminal or chronic illnesses, such as cancer or glaucoma, to lawfully possess or use marijuana. The bill would allow for the regulated sale and distribution of marijuana to these patients by medical marijuana centers and producers. The bill would make it a Class 2 misdemeanor for an individual to make false representations to a law enforcement officer related to a person's medical use of marijuana in order to avoid arrest or prosecution. **Introduced by Senators Ford and Smith-Ingram, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 582](#), GSC Technical Corrections 2017, would make various corrections to our General Statutes, as recommended by the General Statutes Commission. Among them, first degree statutory rape under G.S. 14-27.24 would be included in the offenses listed as "sexually violent offenses," which would require a defendant to be placed on the sex offender registry. **Introduced by Senators Barringer and Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 584](#), Pilot Project: Tablets for Inmates, would require the Division of Adult Correction and Juvenile Justice to establish and implement a pilot program to supply computer tablets for use by state inmates for use in educational programs. **Introduced by Senators McKissick, Bishop and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 589](#), Fantasy Sports Regulation, is identical to House Bill 279, which was summarized in the March 10, 2017 Weekly Legislative Report. This bill 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 Senators Gunn, Blue and Lee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 590](#), NC Consumer Fireworks Safety Act, would increase the age to purchase, possess or use fireworks from 16 to 18 years old. The bill would allow "consumer fireworks" to

be sold to the general public. Consumer fireworks are defined as small firework devices that produce visible effects and are listed as a “1.4G” firework devices by the American Pyrotechnic Association.

The bill would also restrict the use of consumer fireworks to between 10:00 A.M. and 10:00 P.M. except for specific holidays, such as July 4<sup>th</sup>. It would be unlawful to use consumer fireworks on school or college campuses, unless prior written approval is obtained from the school or college.

The bill would also allow a city or county to regulate the sale or use of consumer fireworks. **Introduced by Senators Brock and Gunn, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 595](#), [Strengthening Victim’s Rights](#), is identical to [House Bill 551](#), and is summarized above in this Weekly Legislative Report. **Introduced by Senators Barringer, B. Jackson and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 596](#), [Protect Law Enforcement Officers](#), is identical to [House Bill 37](#), which was summarized in the February 3, 2017 Weekly Legislative Report. This bill 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 Senators Barringer, Randleman and Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 600](#), Britny's Law: IPV Homicide, would create a presumption that a murder is a premeditated killing and therefore would constitute first degree murder if the murder is committed by a defendant in a "personal relationship" with the victim, as that term is defined for purposes of a domestic violence protective order, and if one of the following factors is present:

1. A crime involving the violation of a domestic violence protective order was committed by the defendant;
2. Communicating threats or assault was committed by the defendant;
3. Stalking was committed by the defendant; or
4. Various other violent felonies designated in the General Statutes were committed by the defendant.

**Introduced by Senators Barefoot, J. Jackson and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 601](#), Gang Nuisance Abatement Act, is substantially similar to House Bill 138, which was summarized in the February 24, 2017 Weekly Legislative Report. This bill would rename the current "North Carolina Street Gang Suppression Act" to the "North Carolina Criminal Gang Suppression Act." The bill would define a criminal gang as any ongoing organization, association, or group of three or more persons that has a primary goal of the commission of criminal acts and shares a common name, identification, symbols, or other types of distinguishing characteristics. The bill would also provide that an individual would be a "criminal gang member" if the person meets three or more of the following nine criteria:

1. The person admits to being a criminal gang member;
2. The person is identified as a criminal gang member by a reliable source;
3. The person has previously been involved in criminal gang activity;
4. The person has adopted symbols or hand signs associated with a criminal gang;
5. The person has adopted the display of colors or style of dress associated with a criminal gang;
6. The person is in possession of or is linked to a criminal gang by physical evidence such as photographs, rosters or membership documents;
7. The person has tattoos or markings associated with a criminal gang;
8. The person has adopted language or terminology associated with a criminal gang; or
9. The person appears in social media to promote a criminal gang.

**Introduced by Senators Lee and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 604](#), Homemade Alcoholic Beverage Tasting Permit, would allow an on-premises malt beverage permit holder to host homebrew club meetings or events that are not

open to the general public. Participants would be allowed to consume on-premises homebrewed malt beverages at the event.

The bill would also allow a non-profit organization to obtain a homebrew alcoholic beverage competition and tasting permit. The organization would be able to charge an entrance fee for an event, but would not be able to charge for the beverages consumed. The bill would require the consumption of the beverages on-site. **Introduced by Senator Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 624](#), Outdoor Heritage Enhanced, is identical to [House Bill 559](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Alexander, McInnis and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 625](#), Summons for Private Warrants, would require a judicial official to issue a criminal summons, instead of an arrest warrant, when a private citizen provides information to establish probable cause that a crime has been committed. Currently, the judicial official usually issues a warrant for the arrest of the accused. **Introduced by Senator D. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 628](#), Various Changes to the Revenue Laws, would, in addition to changing many of the tax laws, increase the punishment for willfully failing to file a tax return from a Class 1 misdemeanor to a Class H felony for a second or subsequent offense. **Introduced by Senators Tillman, Brock and Tucker, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 632](#), Protect NC Right to Work Constitutional Amend, would submit a proposed amendment to the North Carolina Constitution to the voters to decide if the Constitution should be amended to set out various aspects of employment. If passed, the amendment would prohibit any employer from limiting or denying employment to a person based on membership or non-membership in a labor organization (labor union). The amendment would also prohibit an employer from requiring an employee to join a labor organization, or to refrain from joining one.

Finally, an employer could not require an employee to pay any labor organization dues or fees, or prohibit an employee from doing so. **Introduced by Senators B. Jackson, Daniel and Edwards, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 634](#), Private Protective Services Changes, is identical to [House Bill 566](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 639](#), Healthy Mother, Healthy Child, is identical to [House Bill 594](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Smith-Ingram, Van Duyn and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 648](#), Legalize Medical Marijuana, is substantially similar to [House Bill 185](#),

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Legalize Medical Marijuana, which was summarized in the February 24, 2017 Weekly Legislative Report. The bill would allow patients with certain diagnosed terminal or chronic illnesses (such as cancer, glaucoma and rheumatoid arthritis) to lawfully possess or use cannabis (marijuana). The patient would have to obtain a registry identification card from the Department of Health and Human Services in order to lawfully use the marijuana.

The bill would also allow individuals to apply for a license to become a medical cannabis center or medical cannabis producer, which would be issued by the North Carolina Department of Agriculture and Consumer Services, and would allow for the sale of marijuana to qualified patients and qualified caregivers. These licenses to produce and sell marijuana would have to be renewed annually and could not be issued to individuals who have been convicted of certain felony offenses.

A medical cannabis center or medical cannabis producer would be required to provide information about themselves and the person(s) to whom the center or producer distributes the marijuana on a quarterly basis, and would also be required to submit 10% of their gross revenue to the North Carolina Department of Agriculture and Consumer Services. The bill would make it a Class 2 misdemeanor for an individual to make false representations to a law enforcement officer relating to the person's medical use of marijuana in order to avoid arrest or prosecution for the drug. **Introduced by Senators Van Duyn and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

SENATE BILL 649, Public Records Access-NC Residents Only, would allow only North Carolina residents to obtain public records through a public records request. Therefore, any out of state individual or entity, such as an out of state news reporting organization, could not compel the disclosure of North Carolina public records. **Introduced by Senators Daniel, Brock and Hise, and assigned to the Committee on Rules and Operations of the Senate.**

SENATE BILL 651, Drivers License/Reciprocity W/Foreign Nation, would allow the North Carolina Commissioner of Motor Vehicles to enter into drivers license and vehicle registration reciprocity agreements with foreign countries, which would allow their citizens to operate motor vehicles in this State without having a North Carolina drivers license and without having their foreign vehicle registered in this State. **Introduced by Senator Curtis, and assigned to the Committee on Rules and Operations of the Senate.**

SENATE BILL 663, The I. Beverly Lake, Jr., Fair Trial Act, is identical to Senate Bill 665, referenced below. This bill would prevent a defendant from being convicted of a crime based solely on the testimony of an "in-custody informant," unless the testimony is supported by other evidence. An in-custody informant is a person, other than a co-defendant, who was incarcerated with the defendant and who's testimony is based on statements made by the defendant. All interviews with in-custody informants would have to be visually recorded. **Introduced by Senators Britt, McKissick and Blue, and assigned to the Committee on Rules and Operations of the Senate.**

SENATE BILL 665, The I. Beverly Lake, Jr., Fair Trial Act, is identical to Senate Bill 663, summarized above in this Weekly Legislative Report. **Introduced by Senators Britt and**

**McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 666](#), Capital Procedure/Severe Disability, would prevent the death penalty from being imposed on anyone with a “severe mental disability.” A severe mental disability would mean a mental disability that prevents a person from: (1) appreciating the wrongfulness of their actions; (2) exercising rational judgment in relation to the commission of a crime; or (3) conforming their conduct to the requirements of the law. A person would not be able to claim a severe mental disability as a defense if the severe mental disability is attributable solely to alcohol or drug use. **Introduced by Senators Britt, Lee and McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 668](#), Enhanced Penalty for Second Degree Trespass, is identical to House Bill 562, summarized above in this Weekly Legislative Report. **Introduced by Senators Britt, Daniel and Ballard, and assigned to the Committee on Rules and Operations of the Senate.**

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### BILL STATUS

House Bill 84, DL/Deaf or Hard of Hearing Designation, would require the Division of Motor Vehicles, in consultation with the Department of Public Safety and the State Highway Patrol, to develop a designation to be placed on drivers licenses to indicate a driver is hearing impaired.

This bill has been amended and would require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to develop training to improve how law enforcement officers interact with deaf drivers. This bill was also amended to add the Division of Services for the Deaf and Hard of Hearing as a participating entity in the development of the drivers license designation.

House Bill 388, Modernize Mutual Assistance Statutes, would create a presumption that a law enforcement agency is authorized to lend assistance to another law enforcement agency upon request. This bill would allow a law enforcement agency to provide temporary assistance to another law enforcement agency, upon request by the head of the requesting agency, without the necessity of the governing body of the city or county adopting a resolution allowing for the law enforcement assistance. Currently, a city council or board of county commissioners must pass a resolution authorizing the head of a law enforcement agency to enter into an agreement with the head of another law enforcement agency before the assisting agency is authorized to provide assistance to the requesting agency. Under this bill, a governing body can still prohibit the assistance by enacting an ordinance to that effect.

This bill has passed the House Committee on State and Local Government II and has passed the full House (unanimously). The bill has now been sent to the Senate for consideration. **This bill is SUPPORTED-HIGH PRIORITY by the North Carolina Sheriffs' Association.**

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