

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 13, 2017

When the Senate bill filing deadline ended last week, 675 new Senate bills had been introduced. In the House, finance and appropriations bills can still be introduced for two more weeks but the major deadline for introduction of bills was on Tuesday of this week. So far, in the House 857 bills have been introduced. Of the 857 House bills introduced, 211 of them were introduced on Monday and Tuesday of this week, approximately 25%. So far this session, between the House and the Senate, 1532 bills have been introduced, with more to come in the House in the next two weeks.

As we reported last week, the House and Senate have agreed to recess and not have any formal activity scheduled from Wednesday, April 12 through Tuesday, April 18 which will provide a one-week break that will include Good Friday, which is a State holiday, and will also include Easter.

When the legislature returns next week after their break, the pace will undoubtedly be "fast and furious" as bill sponsors work diligently to get many of the introduced bills passed out of the chamber where they were introduced, whether it was the House or the Senate.

The House and Senate adjourned on Tuesday this week and will reconvene on Wednesday, April 19th.

BILLS OF INTEREST

[HOUSE BILL 629](#), Amend Funeral Procession Law, would give vehicles in a funeral procession the right of way when the lead vehicle in the procession has gone through an intersection, regardless of any change to a traffic control device, such as a traffic light turning from green to red. The bill would require each vehicle in a funeral procession to exercise reasonable care towards other vehicles when participating in a funeral procession. **Introduced by Representatives Alexander, Hunter and Boles, and assigned to the House Committee on Transportation.**

[HOUSE BILL 635](#), Electronic Pawn & Metals Database, is identical to [Senate Bill 28](#), which was summarized in the February 3, 2017 Weekly Legislative Report. This bill would require the North Carolina Office of Information Technology Services to contract with a third party for the operation of a statewide pawnbroker and metal dealer's database that is accessible to law enforcement, but not the general public. The bill would require pawnbrokers, currency converters, secondary metals recyclers and precious metals dealers to enter into this database the information they are required to compile for transactions in their respective businesses. The bill

would exempt any business from participating in the program if the business does not possess the technology to access the database. **Introduced by Representatives Riddell and Ross, and assigned to the House Judiciary III Committee.**

[HOUSE BILL 642](#), Brewery/Sales at Brewery & Retail Locations, would increase the number of retail locations to 10 where a brewery could sell their malt beverages. Currently, a brewery wholesaler permit allows a brewery to sell their malt beverages at up to three locations in the State. The bill would also require a city or county governing body to approve the sale of malt beverages at a brewery. **Introduced by Representatives Hardister, Bradford, Malone and Harrison, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 648](#), Responsible Deer Hunting, would require any person using dogs to hunt deer to first obtain a Deer-Dog Use Stamp from the Wildlife Resources Commission. The stamp would cost hunters \$10, but would be free to a lifetime hunting license holder.

The bill would make it unlawful for a person to pursue or chase deer with dogs unless the person either owns the property or leases the property where the chase is taking place for hunting, receives permission from the owner to use the property for hunting or is on public hunting grounds that has authorized the use of dogs. The bill would require the hunter to have the hunting lease or permission of the landowner in writing before chasing deer with dogs. **Introduced by Representatives Malone and Adams, and assigned to the House Committee on Wildlife Resources.**

[HOUSE BILL 649](#), Sweepstakes Control Act, is identical to Senate Bill 406, which was summarized in the March 31, 2017 Weekly Legislative Report. The bill 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 Representative Malone, and assigned to the House Committee on Regulatory Reform.**

[HOUSE BILL 653](#), Report/Car Accident Caused by Seizure or Coma, would require a person submitting a motor vehicle crash report, if the person has facts to support the finding, to state the fact that the operator of the vehicle that caused the crash suffered from a seizure or diabetic coma.

The bill would require the Division of Motor Vehicles (DMV) to assess whether or not the driver who suffered from a seizure or diabetic coma could continue to operate a motor vehicle safely due to the medical condition. The person’s drivers license would be suspended during this evaluation period. If a determination is made that the driver cannot safely operate a motor vehicle because of the medical condition, then the DMV would be required to cancel the person’s drivers license. The person’s drivers license would be restored if the DMV determines the person can again safely operate a motor vehicle. **Introduced by Representatives Dobson, Dollar and Torbett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 664](#), Retroactive Sex Offender Registration, would require a person that has been convicted of a sex offense that would ordinarily require the person to register as a sex offender, but who was not required to register due to certain issues such as the date of the offense, to have to register as a sex offender if certain conditions occur. An unregistered person with a previous sex offense conviction would have to register as a sex offender if any of the following conditions apply:

- (1) On October 1, 2017, the person is required to register for a separate registerable sex crime.
- (2) On October 1, 2017, the person is serving an active sentence for any crime.
- (3) On October 1, 2017, the person is on probation or parole for any crime.
- (4) The person is convicted of any crime on or after October 1, 2017.

Introduced by Representative Willingham, and assigned to the House Judiciary II Committee.

[HOUSE BILL 665](#), Sheriffs' Supp. Pension Fund Changes, would institute a method to adequately fund the Sheriffs' Supplemental Pension Fund. This bill would require the North Carolina Department of Justice to bill each county each calendar year in which there are insufficient funds to pay the full amount of the retirement benefit owed to retired sheriffs, up to the requirements of the current law. **Introduced by Representative McNeill, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 670](#), Protect Educational Property, would make it a Class H felony to threaten to commit an act of mass violence, such as a bombing or mass shooting, on educational property or at an extracurricular activity sponsored by a school. The threat would have to be made in such a way that a reasonable person would believe the threat was credible. This would apply to any public or private school. **Introduced by Representative Faircloth, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 671](#), Expand Certificate of Relief, is identical to Senate Bill 455, which was summarized in the March 31, 2017 Weekly Legislative Report. The bill 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 Representative Faircloth, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 672](#), Rear Occupant Seat Belt Use/Enforcement, would allow a law enforcement officer to initiate a vehicle stop if the officer has a reasonable suspicion to believe a rear seat passenger of the vehicle is not wearing a seat belt. Currently, a law enforcement officer may not

initiate a traffic stop based solely upon the failure of a rear seat passenger to wear a seat belt. The bill would also increase the fine for failing to wear a seat belt in the rear seat from \$10 to \$20. **Introduced by Representative Faircloth, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 673](#), DWLR/Death or Injury by Vehicle, would expand the felony offenses of death by vehicle and serious injury by vehicle by stating that these offenses could be committed if a person dies or is seriously injured as a result of the offender operating a motor vehicle when the offender's drivers license was revoked for an impaired driving offense. Currently, felony death or felony serious injury by vehicle occurs when the offender unintentionally kills or seriously injures a person when driving a motor vehicle or a commercial vehicle while impaired. **Introduced by Representative Faircloth, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 684](#), Sex Offender Registration Fee, would require a sex offender to pay a registration fee of \$90 when the offender is initially registered on the sex offender registry. The fee would be paid to the sheriff of the county where the sex offender resides. The bill would also require each registered sex offender to pay an annual registration fee of \$90 to the sheriff of the county where the offender resides.

The sheriff would be required to maintain a list of all sex offenders who do not pay their registration fees, and the sheriff would provide this information to the Attorney General at the end of each calendar year. The bill would allow, but not require, the Attorney General to pursue a civil lawsuit against the sex offender for nonpayment of registration fees.

Finally, the registration fees would be used by the sheriff's office to offset the costs associated with managing the sex offender registration program. **Introduced by Representatives Hastings, Davis, R. Turner and Zachary, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 691](#), Driving Moped at Night/Reflective Gear, would require any person operating a moped at night to wear clothing or a vest that is visible from a distance of at least 300 feet. **Introduced by Representatives Elmore and Howard, and assigned to the House Committee on Transportation.**

[HOUSE BILL 692](#), Enact Naturopathic Doctors Certification Act, is identical to [Senate Bill 258](#), which was summarized in the March 17, 2017 Weekly Legislative Report. This bill would establish the North Carolina Naturopathic Doctor Certification Board, which would create a certification system for those individuals that practice naturopathic medicine. Naturopathic medicine is a system of natural health care that uses natural medicines and therapies to treat patients. Any person who practices naturopathic medicine without being certified by the North Carolina Naturopathic Doctor Certification Board would be guilty of a Class 1 misdemeanor. **Introduced by Representatives Collins, Fisher, Lambeth and Dollar, and assigned to the House Committee on Finance.**

[HOUSE BILL 694](#), Increase Threshold/Certain Contributions, would increase the limit from \$50

to \$100 for cash campaign contributions. A campaign would not be required to report the name, address or principal occupation of any individual who contributes \$100 or less to a campaign. **Introduced by Representative Speciale, and assigned to the House Committee on Elections and Ethics Law.**

[HOUSE BILL 698](#), Increase Penalty for Voter Fraud, would increase the penalty for voter fraud from a Class I felony to a Class G felony. Examples of voter fraud would be offering money or other things of value to a person in return for the person's vote and voting at multiple precincts. **Introduced by Representative Speciale, and assigned to the House Committee on Elections and Ethics Law.**

[HOUSE BILL 703](#), Felon W/Gun/B&E/Increased Penalties, would increase the criminal penalties for a violation of the Felony Firearms Act and for the crime of breaking or entering.

The penalty for a felon being in the unlawful possession of a firearm would be increased from a Class G felony to a Class C felony.

The penalty for breaking or entering into buildings would be increased from a Class H felony to a Class G felony. Any person who breaks or enters into an occupied building with the intent to commit a felony or larceny in the building would be punished as a Class D felony. **Introduced by Representatives Brawley, Dollar and Henson, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 706](#), Landlord/Tenant-Alias & Pluries Summary Eject, would provide that in summary ejectment cases which include a demand for money damages, if the service of process has been achieved solely by first class mail and affixing the summons and complaint to the premises (and not by personal service on the defendant), then the plaintiff (landlord) can ask the magistrate to separate the claim for summary ejectment from the claim for money damages.

In summary ejectment cases occurring in counties with 200,000 or more residents, the plaintiff would be able to elect to have the summons returned by the clerk of superior court to the plaintiff for service by a private process server or the plaintiff could have the sheriff serve the summons.

A private process server would be any person over the age of 21 who is not a party to the action, who is not related by blood or marriage to a party to the action, and who is hired by the plaintiff or the plaintiff's agent for the purpose of serving the summons in summary ejectment cases. **Introduced by Representatives Jordan, Bradford and Earle, and assigned to the House Judiciary III Committee. The private process server provisions of this bill are OPPOSED by the North Carolina Sheriffs' Association.**

[HOUSE BILL 710](#), Private Parking/Immobilization Device, would allow for the owner or lessee of a privately owned parking space to have an immobilization device put on a vehicle that is unlawfully parked in the privately owned parking space. An immobilization device is any device attached to the wheel of a vehicle for the purpose of preventing the vehicle from being moved.

A person unlawfully parked in a privately owned parking space would be guilty of an infraction

punishable by a fine of not more than \$100. Any person unlawfully parked in a private parking space that causes damage to the immobilization device would be guilty of a Class 1 misdemeanor. **Introduced by Representatives Jordan and Setzer, and assigned to the House Committee on Transportation.**

[HOUSE BILL 711](#), Increase Hate Crime Punishment, would increase the punishments for hate crimes and would expand the list of factors that would qualify an offense as a hate crime.

Currently, a person is guilty of a Class 1 misdemeanor if the person commits any Class 2 or Class 3 misdemeanor because of the victim's race, color, religion, nationality or country of origin. Currently, if any Class A1 or Class 1 misdemeanor crime is committed because of the victim's race, color, religion, nationality or country of origin, the person is guilty of a Class H felony.

In addition to factors such as race, color, religion, nationality and country of origin, this bill would add the criteria of age, disability, military status, employment status, socioeconomic status, political affiliation, and association with a person or group with one or more of these characteristics to the list of factors that would constitute a hate crime. If a Class 2 or Class 3 misdemeanor is committed based on one or more of these characteristics, the offender would be guilty of a Class A1 misdemeanor under this bill. If the offense committed is a Class A1 or Class 1 misdemeanor, the offender would be guilty of a Class H felony.

The crime of "ethnic intimidation" would be expanded to add the same characteristics as listed above. The punishment for ethnic intimidation would be increased from a Class 1 misdemeanor to a Class H felony if any person assaults another person or damages the property of another person because of one or more of these characteristics.

If a person is convicted of a felony, and the person is found to have committed the felony in whole or in part based on the characteristics listed above, the person would be guilty of a felony that is one class higher than the underlying felony for which the person was convicted. **Introduced by Representatives Murphy, Stevens and Faircloth, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 716](#), CMVs/Use of Platoons, would provide that the laws regulating the distance between motor vehicles traveling on the road would not apply to a commercial motor vehicle traveling within a "platoon." A platoon would mean a group of individual commercial motor vehicles traveling in a unified manner through the use of an electronically interconnected braking system. **Introduced by Representative Torbett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 722](#), Hog Lagoon Sunset/Livestock Treatment, would, among other animal management issues, establish minimum standards for the treatment of cows, poultry and swine. The North Carolina Board of Agriculture, in consultation with the State Veterinarian, would be responsible for establishing the minimum humane standards for cows, poultry and swine. Any farm owner or operator that violates the minimum humane standards established for a particular animal would be guilty of a Class 2 misdemeanor. **Introduced by Representative Harrison,**

and assigned to the Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 723](#), Gun Safety Act, would make numerous changes to North Carolina laws regarding the use of deadly force and firearms. Those changes include:

1. The current law regarding the use of deadly force by a homeowner would be repealed. Currently, a lawful occupant of a home is presumed to have a reasonable fear of death or serious bodily harm when another person is attempting to unlawfully enter, or has entered, the occupant's home. This bill would provide that a lawful occupant of a home would be justified in using deadly force against an intruder if the occupant reasonably believes the intruder may kill or inflict serious harm to the occupant or if the occupant believes the intruder intends to commit a felony in the home. This bill would remove the presumption.
2. Any person who lives in the same premises with another person who is not allowed to possess firearms, such as a convicted felon, who leaves a firearm unsecured and the unauthorized person subsequently possesses or uses the weapon in the commission of a crime, would be guilty of a Class 1 misdemeanor.
3. The owner of a firearm would have an obligation to report the loss or theft of the firearm within 48 hours after the discovery to local law enforcement or to the State Bureau of Investigation (SBI). The owner of the firearm would be guilty of a Class 3 misdemeanor for the first offense of failing to report the lost or stolen firearm and a second or subsequent violation would be punished as a Class I felony.
4. If a sheriff denies a pistol purchase permit or concealed handgun permit based on a factor that would be a disqualifier under federal law, the sheriff would have to transmit the record of that prohibitor within 48 hours of the denial to the National Instant Criminal Background Check System (NICS).
5. All firearm owners in North Carolina would have to maintain a liability insurance policy of no less than \$100,000 to cover any damages resulting from the negligent or willful acts involving the use of the firearm.
6. The North Carolina Department of Justice would be required to compile a list of other states that issue concealed handgun permits that use criteria that are at least as stringent as the criteria for concealed handgun permits in North Carolina. North Carolina would only grant reciprocity to those states that issue concealed handgun permits using criteria at least as stringent as North Carolina. Currently, all other state's concealed handgun permits are recognized in North Carolina.
7. A person would be guilty of a Class 2 misdemeanor for a first offense of possessing a "large capacity magazine." A second or subsequent violation would be a Class 1 misdemeanor. A large capacity magazine would include any type of fixed or detachable magazine that can hold more than 15 rounds of ammunition, or a fixed or detachable magazine capable of accepting more than eight shotgun shells. Tubular magazines for .22

caliber rifles and tubular magazines on lever-action rifles would not be considered large capacity magazines. The bill would allow individuals who possess large capacity magazines as of December 1, 2017 to continue to possess these magazines as long as the person "maintains continuous possession" of the large capacity magazine.

8. The Public Fund, made up of Systems such as the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, would be required to divest itself of any investments in firearms manufacturing companies.
9. No later than December 1, 2017, each State and local law enforcement agency would be required to have a written policy regarding the investigation of officer-involved deaths. The policy would have to require an investigation into the death of a law enforcement officer be conducted by investigators from an outside law enforcement agency. If the officer-involved death is traffic related, the policy must require the use of a crash reconstruction unit from an outside law enforcement agency. Additionally, the policy would have to require that the law enforcement agency conducting the investigation inform the spouse or next kin of the deceased officer that the spouse or next of kin may request the district attorney to request that the SBI investigate the incident.
10. An immediate family member of a person, or a law enforcement officer, would be able to request that a court issue a "Gun Violence Restraining Order," which would prevent the subject of the order from owning, purchasing, possessing or receiving firearms or ammunition. A Gun Violence Restraining Order would be issued by a court if there is a reasonable belief that the subject of the petition poses a danger to himself, herself or another and the Gun Violence Restraining Order is necessary to prevent potential injury.

If the subject of a Gun Violence Restraining Order lives in a city, a copy of the order would be issued to and retained by the police department of the city. If the subject of the order does not live in a city, or the city has no police department, a copy of the Gun Violence Restraining Order would be issued to and retained by the sheriff, and the county police department, if any, of the county where the subject of the order lives. A Gun Violence Restraining Order would be required to be enforced by all North Carolina law enforcement agencies.

The subject of the Gun Violence Restraining Order would be required to surrender all firearms and ammunitions owned by the subject of the order to local law enforcement. Any surrendered firearms or ammunition would be required to be retained by the law enforcement agency until the expiration of the Gun Violence Restraining Order.
Introduced by Representatives Harrison, Insko, Fisher and Cunningham, and assigned to the House Judiciary I Committee.

[HOUSE BILL 731](#), Law Enforcement Inventory SAECKs, would require law enforcement agencies to conduct an inventory of Sexual Assault Evidence Collection Kits (SAECKs) in the agency's custody or control, and report its findings to the State Crime Laboratory no later than January 1, 2018. The State Crime Laboratory would compile the information and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety.

The law enforcement agencies inventory report would include information such as: (1) the total number of SAECKs that have not undergone forensic testing; (2) the number of SAECKs that are anonymous (the victim has not reported the assault to law enforcement); (3) whether a case has been resolved in court; (4) whether a SAECK was not submitted for testing because the suspect admitted to the act; and (5) whether the kit was not submitted for testing because the allegation was unfounded. **Introduced by Representatives W. Richardson and Jordan.**

[HOUSE BILL 733](#), Require Permit for Ginseng Harvesting, would require the North Carolina Plant Conservation Board (Board) to issue permits for the harvesting of ginseng. The Board would be allowed to enter into memoranda of understanding with law enforcement agencies, including special peace officers of the Department of Environmental and Natural Resources, the Wildlife Resources Commission, and the Department of Environmental Quality, to provide for enforcement of these permits. **Introduced by Representatives Ager and Fisher.**

[HOUSE BILL 736](#), Provide Minor Alcohol/Felony If Death Results, would provide that a person would be guilty of a Class I felony if the person sells or gives alcoholic beverages to underaged individuals and that crime is the proximate cause of the death of another person. **Introduced by Representatives Destin Hall, Faircloth, Burr and Jackson.**

[HOUSE BILL 739](#), Ambulance Weapon Exceptions/LEO & Firefighters, would provide that the North Carolina Medical Care Commission would not be able to establish rules that would prohibit the carrying of weapons in an ambulance or EMS non-transporting vehicle by law enforcement officers or firefighters. **Introduced by Representative Ford.**

[HOUSE BILL 746](#), NC Constitutional Carry Act, is identical to House Bill 69, which was summarized in the February 10, 2017 Weekly Legislative Report. The bill would make a number of changes to North Carolina's firearms laws. Among the changes:

1. The bill would modify current State law regulating the carrying of concealed weapons, and would repeal current State laws regulating the carrying of weapons into assemblies and establishments where alcoholic beverages are sold and consumed, carrying of weapons in courthouses and carrying of weapons at picket lines and demonstrations.
2. A new concealed weapons statute would be created and would provide that any person who is a citizen of the United States and at least 18 years old would be able to carry a concealed handgun in the State without a permit. An individual would not have this authority to carry a concealed handgun if he/she is disqualified under certain criteria (generally the same criteria currently set out in North Carolina law that would prohibit an individual from receiving a concealed handgun permit). Any person unlawfully carrying a concealed handgun would be guilty of a Class 2 misdemeanor for a first offense and a Class H felony for a second or subsequent offense.
3. A new statute would be created regulating the carrying of firearms into establishments where alcoholic beverages are sold and consumed. It would be a Class 1 misdemeanor for a person to carry a firearm openly or concealed into an

establishment where alcoholic beverages are sold and consumed, if notice is given that carrying a firearm on the premises is prohibited. These prohibitions would not apply to the following:

- a. The owner or lessee of the premises;
 - b. A person hired as a security guard by the owner, person, or organization sponsoring the event; and
 - c. Any law enforcement officer carrying out their official duties.
4. A new statute would be created regulating the carrying of firearms or other deadly weapons in the State Capitol Building, the Executive Mansion, and the Western Residence of the Governor. This statute would make it unlawful for any person to possess or carry, whether openly or concealed, any firearm or other deadly weapon in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings. This restriction would not apply to the categories of individuals currently allowed to carry concealed weapons under G.S. 14-269(b), such as law enforcement officers, district attorneys, district and superior court judges, magistrates, and clerks of court.
 5. A new statute regulating weapons in courthouses would also be enacted. This statute would make it unlawful for a person to possess or carry, whether openly or concealed, a firearm or any other deadly weapon in any building housing any court of the General Court of Justice. Those individuals currently allowed to carry concealed firearms under G.S. 14-269(b) would not be subject to this restriction.
 6. A new statute would be enacted regulating weapons at picket lines or demonstrations at health care facilities. This statute would make it unlawful for any person participating in, affiliated with, or present as a spectator at any picket line or demonstration at health care facilities to possess or have access to a firearm or other dangerous weapon. Again, those individuals currently allowed to carry a concealed firearm under G.S. 14-269(b) would not be subject to this restriction. Additionally, a person would be able to seek a permit to carry a dangerous weapon at a picket line, demonstration, parade or funeral procession, from the sheriff or police chief of the locality where the event is to take place.
 7. It would also be unlawful to carry a concealed weapon into any area of the General Assembly prohibited by General Assembly rules, any area prohibited by federal law or into any law enforcement or correctional facility. Those individuals currently authorized to carry concealed firearms under G.S. 14-269(b) would be exempt from these prohibitions.
 8. The bill would also expand the list of individuals who could possess weapons of mass death and destruction (such as explosives, suppressors, short barreled rifles and short barreled shotguns). Those individuals currently allowed to carry concealed weapons under G.S. 14-269(b) would be allowed to possess weapons of mass death and destruction.
 9. This bill would also modify the State's concealed handgun permit statutes to provide that the State of North Carolina shall continue to make a concealed handgun permit

available to any person who applies for and is eligible to receive a concealed handgun permit. The rationale for keeping the concealed handgun permit is that it is often convenient to have a concealed handgun permit for the purpose of reciprocity when traveling in another state, to make the purchase of a firearm more efficient, or for various other reasons.

10. 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.
11. All company police officers would have the authority, if authorized by their superior officer, to carry a concealed weapon statewide. Currently, company police officers do not have this authority.
12. Campus police officers would have the authority to carry concealed weapons statewide, if authorized by their campus police agency and by the sheriff of the county where the campus police agency is located. Currently, campus police officers do not have this authority.
13. This bill would also eliminate the requirement 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.

Introduced by Representatives Millis, Pittman, Burr and Speciale. The provisions of this bill that repeal the pistol purchase permit law are OPPOSED by the North Carolina Sheriffs' Association.

[HOUSE BILL 749](#), Limited Identification Cards, would increase the punishment from a Class 1 misdemeanor to a Class G felony for a person to manufacture or sell a false or fraudulent form of identification.

This bill would also provide that illegal aliens living in North Carolina would be eligible for a limited identification card. The Division of Motor Vehicles would be required to issue limited identification cards to illegal aliens who complete the application form used to obtain a drivers license if the individual agrees to a criminal history background check. An illegal alien under the age of 16 would not be required to agree to a criminal history background check. The limited identification card could not be used for the receipt of public benefits, would not legitimize the person's presence in the United States or the State of North Carolina and would not be valid for any purpose other than showing the identity of the person.

Under this bill, no State agency or State official would be able to use any information submitted as part of the limited identification card application process to seek the removal of the person from the United States.

The bill would prohibit the issuance of a limited identification card to an individual who has been found guilty of one of the crimes specifically set out in the bill. Disqualifying crimes for a limited identification card would include crimes such as counterfeiting, murder, rape, kidnapping, arson, prostitution and obtaining property by false pretenses. An individual would be eligible for a limited identification card however, despite convictions for disturbing the peace, misdemeanor possession of marijuana, misdemeanor larceny, shoplifting and public drunkenness. **Introduced by Representatives Warren, Collins, Jordan and Adams.**

[HOUSE BILL 750](#), Gaming Commission/VLTs, would establish the North Carolina Gaming Commission (currently the North Carolina Lottery Commission) and would authorize the regulation of video lottery terminals. The Commission would be authorized to issue video lottery permits to individuals and businesses to operate video lottery terminals. A video lottery terminal would be any electronic computerized video game machine that, upon the insertion of cash or other form of lottery prize or promotional credit, is available to play a video lottery game, and which uses a video display and microprocessors in which, by chance, the player could receive free games or credits that could be redeemed for cash. The machine would not be able to directly dispense coins or cash.

The bill would establish certain background criteria that would be disqualifying for an applicant for a video lottery permit, such as a felony conviction within the previous 10 years.

The Commission would also be authorized to issue video lottery retailer licenses. A video lottery retailer would be an establishment under contract with the Commission to place video lottery terminals on certain premises. A video lottery retailer permit would not be able to be issued to an applicant if the applicant's establishment would exclusively house and operate video lottery gaming machines.

In order to limit access to video lottery terminals by minors, video lottery terminals would only be able to be placed on the premises of an establishment that has been issued an alcoholic beverage permit.

Any person who manipulates the outcome, pay off or operation of a video lottery terminal would be guilty of a "Class 5 felony." A machine owner who falsely reports or fails to report the money due to the Commission would be guilty of a "Class 6 felony." A video lottery retailer or operator who pays a prize to a person in an amount less than the specified prize would be guilty of a "Class 6 felony." The bill does not define what is meant by Class 5 and Class 6 felonies, presumably these are typographical errors. The Alcohol Law Enforcement Branch would have the sole enforcement authority of video lottery activities. **Introduced by Representative Warren and Hardister.**

[HOUSE BILL 757](#), Regulate Retail Display of Tobacco Products, would provide that retail distributors of tobacco products and cigarette wrapping papers would not be able to display

tobacco products or cigarette wrapping papers in an area that would be accessible to persons under 18 years of age or display for public view any product that could be considered drug paraphernalia, such as cigarette wrapping papers. **Introduced by Representative C. Graham.**

[HOUSE BILL 766](#), DWI for Controlled Substances, would amend the offenses of driving while impaired and driving while impaired in a commercial vehicle to include specific amounts of certain controlled substances. This bill would provide that a person would commit the crime of impaired driving and impaired driving in a commercial vehicle if the person drives with any amount of the following controlled substances in the person's blood or urine:

1. Any schedule I controlled substance;
2. Cocaine or its metabolites;
3. Phencyclidine or its metabolites;
4. Methamphetamine or its metabolites; or
5. Ketamine or its metabolites.

A person would commit the offense of impaired driving or impaired driving in a commercial motor vehicle if they have the following concentrations of delta-9-tetrahydrocannabinol (delta-9-THC) in their system:

1. At least 10 Nanograms (Ng) of delta-9-THC in the person's urine;
2. At least 2 Ng of delta-9-THC in the person's blood;
3. At least 15 Ng of delta-9-THC metabolite in the person's urine; or
4. At least 5 Ng of delta-9-THC metabolite in the person's blood.

Delta-9-THC is the psychoactive ingredient in marijuana. **Introduced by Representative Jackson.**

[HOUSE BILL 783](#), Prohibit Resale of Lottery Tickets, would make it a Class 1 misdemeanor for an individual to purchase, sell, transfer or assign the right to claim a prize under a lottery ticket. **Introduced by Representatives Collins and Bert Jones.**

[HOUSE BILL 785](#), Duty to Call 911/Violation Misdemeanor, would provide that a person would be guilty of a Class A1 misdemeanor if the person fails to dial 911 when the person knows or has reason to know that another person is in need of emergency assistance.

The punishment for this offense would be raised to a Class I felony if a person, willfully or through gross negligence, fails to dial 911 when another person is in need of emergency assistance and the other person dies as a result of the failure to dial 911. **Introduced by Representative Iler.**

[HOUSE BILL 788](#), Amend Expunction Laws, would make numerous changes to North Carolina's expunction laws. Among these changes:

1. A person convicted of a felony or misdemeanor who committed the crime before the age of 18 would be eligible for an expunction despite having a misdemeanor

boating conviction. Currently, this type of misdemeanor conviction would prevent such expunctions.

2. Similarly, individuals would be eligible for an expunction for convictions of certain gang crimes and drug offenses, despite having a misdemeanor boating conviction. Currently, this type of misdemeanor conviction would prevent expunctions such as this.
3. The list of defendants who would be eligible to receive a Certificate of Relief would be expanded. 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 Representatives Harrison and Fisher.

[HOUSE BILL 790](#), Solitary Confinement in Prisons, would require the Division of Adult Correction (DAC) and Juvenile Justice to establish guidelines for the use of solitary confinement for minors in the custody of DAC. These guidelines would have to provide that solitary confinement could not be used before trying less restrictive options, could not be used for the purposes of punishment or convenience, and could not be used to the extent that it compromised the mental and physical health of the minor. These guidelines would not apply to jails.

Introduced by Representatives Cunningham, Michaux and Harrison.

[HOUSE BILL 796](#), Expunctions Related to 50B Orders, would require the expunction of a domestic violence protective order complaint, and all materials associated with a domestic violence protective order, when a judge finds that the defendant did not commit acts of domestic violence or in cases where the plaintiff takes a voluntary dismissal of the complaint.

A judge may, but would not be required to, expunge a domestic violence protective order, if a defendant can show that at least three years has passed since the protective order was entered against the defendant, and the defendant has met other criteria set out in the bill. **Introduced by Representatives Faircloth, McGrady, Reives and Stevens.**

[HOUSE BILL 797](#), Changes to Current BWC Law, would allow, but would not require, a law enforcement agency to release recordings, such as those made by body-worn cameras and dashboard cameras, to a city manager, city council, any other city board or commission designated by the city council, provided that the city manager and all members of the city council or the city board or commission reviewing the recording have signed a statement agreeing to maintain the confidentiality of the recording.

Additionally, a law enforcement agency may, but would not be required to, release up to 10 images extracted from a recording for the purpose of identifying a potential criminal suspect. **Introduced by Representatives Faircloth and McNeill.**

[HOUSE BILL 801](#), Reentry Collaborative, would require the Joint Legislative Oversight Committee on Justice and Public Safety to establish a reentry council to study the needs of criminals who have been released from a correctional institution. **Introduced by Representatives G. Graham and C. Graham.**

[HOUSE BILL 807](#), Create Divisions—ALE and Cap. Police in DPS, would establish Alcohol Law Enforcement and the State Capital Police as separate Divisions of the Department of Public Safety. Currently, Alcohol Law Enforcement is a branch of the State Bureau of Investigation and the State Capital Police is a section of the State Highway Patrol. **Introduced by Representatives Boles, J. Bell, Willingham and McNeill.**

[HOUSE BILL 817](#), Repeal Pistol Permit Requirements, would repeal all requirements for pistol purchase permits in North Carolina. If this 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. **Introduced by Representatives Burr and Millis. This bill is OPPOSED by the North Carolina Sheriffs' Association.**

[HOUSE BILL 819](#), Protect NC Right to Work Constitutional Amend, is identical to [Senate Bill 632](#), summarized in the April 7, 2017 Weekly Legislative Report. This bill 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, among other things, any employer from limiting or denying employment to a person based on membership or non-membership in a labor union. **Introduced by Representatives Burr, Dixon, Presnell and Millis.**

[HOUSE BILL 827](#), Use of Passing Lane/Increased Penalty, is identical to [Senate Bill 303](#), summarized in the March 17, 2017 Weekly Legislative Report. This bill would require any motor vehicle operated on a multilane roadway that is traveling less than the posted speed limit or that is impeding the steady flow of traffic to use a lane other than the inside lane next to the centerline or median. **Introduced by Representatives Duane Hall, Bradford, Hardister and Murphy.**

[HOUSE BILL 831](#), Brian Garlock Act, is identical to [Senate Bill 364](#), summarized in the March 24, 2017 Weekly Legislative Report. This bill would prohibit the use of a mobile telephone or mobile electronic communication device while operating a motor vehicle, school bus or commercial motor vehicle on a public road or public vehicular area, unless the device has hands free operation capabilities and is being used hands free. **Introduced by Representative Wray.**

[HOUSE BILL 836](#), No Concealed Gun on Private Prop/Posting Reg, would set minimum standards for notices posted on private property to prohibit the carrying of concealed handguns.

The notice would have to be written and displayed in a conspicuous manner that is clearly visible to the public at all access points and would have to state the following in English and Spanish in contrasting block letters at least one inch in height:

"NO PERSON MAY ENTER THIS PROPERTY WITH A CONCEALED HANDGUN"

Failure to post private property using these standards would be an infraction punishable by a civil penalty not to exceed \$200. **Introduced by Representatives Grange, R. Turner, Hardister.**

[HOUSE BILL 842](#), Solitary Confinement in Prisons, is identical to House Bill 790, summarized above in this Weekly Legislative Report. **Introduced by Representatives Cunningham, Michaux and Harrison.**

[HOUSE BILL 856](#), Road Rage/Increased Penalty, would provide that an assault committed as an act of road rage would be considered an aggravating factor for purposes of sentencing. An assault would be committed as an act of road rage if the assault is committed by the driver of a motor vehicle against a driver or passenger of another motor vehicle, an operator of a bicycle or a pedestrian, and occurs on a highway. **Introduced by Representatives Pierce, Farmer-Butterfield and C. Graham.**

[HOUSE BILL 857](#), Study Dual Arrest in Domestic Violence Cases, would require the Joint Legislative Oversight Committee on Justice and Public Safety to study the use of dual arrest (the practice of arresting both parties in a domestic violence situation) to determine whether dual arrest should be adopted in North Carolina. The Committee would consider current State laws in their study, what domestic violence cases would be appropriate for law enforcement officers to utilize dual arrest and what measures should be taken if minor children are present during the domestic violence incident. **Introduced by Representative Terry.**

BILL STATUS

[HOUSE BILL 33](#), Amend Firearm Restoration Law, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

[HOUSE BILL 37](#), Protect Law Enforcement Officers, has been transferred from the House Judiciary I Committee to the House Judiciary III Committee.

[HOUSE BILL 110](#), DOT/DMV Changes, passed the House Transportation Committee and has been assigned to the House Committee on State and Local Government II.

[HOUSE BILL 128](#), Prohibit Drone Use Over Prison/Jail, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

[HOUSE BILL 134](#), Pistol Permit/Mental Health Record to Sheriff, passed the House and has

been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 138, Revise Gang Laws, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 174, Concealed Carry/Church School Prop, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 181, First Responders Act of 2017, has been assigned to the House Committee on Finance.

HOUSE BILL 243, Strengthen Opioid Misuse Prevention (STOP) ACT, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 284, 25-Year LEO Retirement Option, passed the House Pensions and Retirement Committee and has been assigned to the House Committee on Appropriations.

HOUSE BILL 315, Kelsey Smith Act, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 337, Unmanned Aircraft Systems Law Revisions, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 384, Increase Penalties/Organized Retail Theft, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 388, Modernize Mutual Assistance Statutes, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 409, State Agencies/Adjust Hiring Practices, passed the House and has been sent to the Senate for consideration.

SENATE BILL 53, Law Enforcement Authority/Custody of Child, has been assigned to the Senate Judiciary Committee.

SENATE BILL 189, Tolling of Misd. Statute of Limitations, has been assigned to the Senate Judiciary Committee.

SENATE BILL 292, Ordinance Violation Not a Misdemeanor, has been assigned to the Committee on State and Local Government of the Senate.

SENATE BILL 347, Revise Schedule of Controlled Substances, has been assigned to the Senate Judiciary Committee.

SENATE BILL 467, North Carolina Retirement Reform, has been assigned to the Committee on Appropriations on Pensions, Compensation and Benefits.

SENATE BILL 596, Protect Law Enforcement Officers, was reported incorrectly in the April 7, 2017 Weekly Legislative Report as being “identical” to House Bill 37. Although Senate Bill 596 is substantially similar to House Bill 37, Senate Bill 596 contains additional provisions to those in House Bill 37.

Senate Bill 596 would make it a Class 2 misdemeanor for a municipal law enforcement officer to make a false writing relating to any reporting of misconduct. In addition, the bill would provide that the protections against retaliation set out in the bill would not apply if the employing agency already has a personnel policy, code of conduct or other procedures that protect the employee from retaliation.

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