

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 28, 2017

Thursday, April 27th was the "crossover" deadline by which all bills that did not involve finance or appropriations matters must be approved by the House or Senate to remain viable for further consideration this year and next year. As usual, the two weeks prior to the crossover deadline were exceptionally busy with numerous committee meetings. Various committees held numerous meetings, sometimes on the same day.

As the crossover deadline approaches, there is always speculation about whether or not the legislature will extend the deadline. This year, there was no public indication that an extension of the deadline was considered and most of the work was completed by Wednesday, April 26th. There were only a few bills scheduled to be considered in the House and Senate on Thursday. There were a few late-night sessions necessary to wrap up the needed bills, but the sessions always adjourned before midnight.

When the legislators return, a lot of the focus will be on preparing the State Budget bill and on deciding which of the bills received from the other chamber will be considered during the remainder of the session.

On Wednesday, May 3rd at 10:30 A.M. there is scheduled a joint session of the House and Senate to honor the 2017 NCAA National Champion basketball team from The University of North Carolina at Chapel Hill.

The House and Senate adjourned on Thursday and will reconvene on Monday afternoon, however no votes are scheduled.

BILLS OF INTEREST

[HOUSE BILL 872](#), ATV & Motorcycles Off-Road Fund, would require the registration of all-terrain vehicles and off-road motorcycles with the Wildlife Resources Commission (WRC). The WRC would collect fees for the registration of these vehicles. All-terrain vehicles used for agricultural purposes or by law enforcement, fire, rescue or medical service personnel in the performance of their duties would not have to be registered.

The WRC would be required to issue an all-terrain registration plate or sticker that differs from Division of Motor Vehicles issued registration plates and stickers so that law enforcement officers would be able to identify the vehicle as one required to be operated off the roads, streets

and highways. **Introduced by Representative Yarborough, and referred to the House Committee on Appropriations.**

[HOUSE BILL 873](#), NC Consumer Fireworks Safety Act, is identical to Senate Bill 590, which was summarized in the April 7, 2017 Weekly Legislative Report. The bill would increase the age to purchase, possess or use fireworks from 16 to 18 years old. The bill would also 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 “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 4th. 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 Representatives Brody, Hardister, Szoka and Brockman, and referred to the House Committee on Finance.**

[HOUSE BILL 875](#), Establish WSSU Pilot BLET Program/Funds, would create a four-year pilot program through Winston-Salem State University that would combine the Basic Law Enforcement Training (BLET) program at Forsyth Tech Community College with the Justice Studies major at Winston-Salem State University. This would allow students earning a Justice Studies degree from Winston-Salem State to have the opportunity to also complete BLET.

The bill would also appropriate from the General Fund to the Board of Governors of The University of North Carolina \$100,000 in recurring funds for both the 2017-2018 and 2018-2019 fiscal years. These funds would be used to establish a coordinator position for the pilot program who, among other delegated tasks, would work with law enforcement agencies and the North Carolina Criminal Justice Education and Training Standards Commission to further the pilot program. **Introduced by Representative Hanes, and referred to the House Committee on Appropriations.**

[HOUSE BILL 877](#), Safer Roads and Communities Act, would require the Division of Motor Vehicles to issue a Class C drivers license to illegal aliens living in North Carolina who meet certain criteria. To be eligible for the drivers license, the applicant:

1. Must be unlawfully present in the United States;
2. Must agree to a criminal history record check;
3. Must not have been convicted of three or more motor vehicle moving violations during the previous 10 years;
4. Must provide a valid individual taxpayer identification number or a current passport issued by the United States or a foreign government;
5. Must complete a special driver orientation course established for this process;

6. Must provide proof that the applicant has lived in the United States for at least two years prior to the date of the application; and
7. Must meet all other requirements for a drivers license, including proof of financial responsibility.

The bill would prohibit the issuance of a drivers license to an applicant who has been found guilty of one of the crimes specifically set out in the bill. Disqualifying crimes for a drivers license would include crimes such as counterfeiting, murder, rape, kidnapping, arson, prostitution and obtaining property by false pretenses. An individual would be eligible for a drivers license however, despite convictions for disturbing the peace, misdemeanor possession of marijuana, misdemeanor larceny, shoplifting and public drunkenness. **Introduced by Representatives Harrison, Meyer, Fisher and Morey, and referred to the Committee On Rules, Calendar and Operations of the House.**

[HOUSE BILL 883](#), Increase Inmate Health Care, is identical to Senate Bill 458, which was summarized in the March 31, 2017 Weekly Legislative Report. The bill would require every North Carolina jail and prison to become a part of the electronic Health Information Exchange (HIE). A HIE would be a computer medical database containing a summary of inmates' medical histories as recorded by a jail or prison.

This medical database would include information about inmates such as current medical conditions, treatments received, medications prescribed to or being taken and any other special medical needs of the inmates.

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

Each sheriff and prison administrator in North Carolina would also have to certify that the HIE software system being used in the jail or prison has been designed or approved by a medical doctor with experience in providing medical care in a jail or prison. One of the approving medical doctors would have to be licensed as a psychiatrist. **Introduced by Representatives Murphy, McNeill, Dobson and Lambeth, and referred to the House Committee on Appropriations.**

[HOUSE BILL 906](#), Statewide Nondiscrimination/Funds, would establish a uniform list of criteria for which a person could not be discriminated against in areas such as housing, employment, public accommodations (such as public stores and hotels), insurance and education. The list of criteria would be race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information.

The North Carolina Human Relations Commission would be tasked with administering these antidiscrimination provisions. The bill would appropriate from the General Fund to the Human

Relations Commission \$1 million for the 2017-2018 fiscal year to be used to support nonprofit community organizations that support youth that identify as lesbian, gay, bisexual, transgender or queer. **Introduced by Representatives Meyer, Beasley, Brockman and Butler.**

[HOUSE BILL 910](#), Human Trafficking: Resistance and Rescue, would require the State Board of Education, in conjunction with local boards of education, to establish a pilot program to educate students in grades six, eight and 10 about the dangers and signs of human trafficking.

Additionally, the Department of Public Safety (DPS), in conjunction with local police departments and sheriffs' offices, would be required to establish a pilot program to train law enforcement officers to identify signs of human trafficking. The DPS would be required to report to the Joint Legislative Oversight Committee on Justice and Public Safety on the number of sessions held with law enforcement officers, the types of information and materials found to be helpful in the training, and the feedback received from law enforcement officers regarding the effectiveness of the training. The report would also include an analysis of the costs and benefits of providing the training to law enforcement officers across the State. **Introduced by Representatives Brawley, Malone, Dollar and Davis.**

[HOUSE BILL 914](#), Enhance Suicide Prevention Awareness and Svcs, would require the Department of Health and Human Services (DHHS) to establish and administer a statewide suicide prevention and awareness program designed to assist veterans and first responders who are at risk for suicide. First responders would include law enforcement officers, fire, rescue and medical services personnel.

The bill would require DHHS to designate a suicide prevention coordinator, who would help to develop and oversee the suicide prevention program and services. **Introduced by Representative Cunningham.**

[HOUSE BILL 918](#), Post Crime On Social Media/Enhanced Sentence, would increase the penalty by 24 months imprisonment for any person that commits a Class A, B1, B2, C, D or E felony and who intentionally posts a "clip" of the crime on the internet, such as on a social media website.

The bill would also appropriate from the General Fund to the Administrative Office of the Courts \$120,000 for the 2017-2018 fiscal year, which would be allocated to the Conference of District Attorneys to fund a special prosecutor who would prosecute offenders who post clips on the Internet of their crimes in the classes listed above. **Introduced by Representatives Pierce, John, Setzer and Blust.**

BILL STATUS

[HOUSE BILL 37](#), Protect Law Enforcement Officers, passed the House and has been sent to the Senate for consideration. **This bill is OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 110, DOT/DMV Changes, passed the House and has been sent to the Senate for consideration. The bill has been referred to the Committee On Rules and Operations of the Senate. **The provisions of this bill that expand the jurisdiction of DMV License and Theft Inspectors are OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 395, Add Member to NC Training Standards Commiss, would have added a representative of the Police Benevolent Association to the membership of the North Carolina Criminal Justice Education and Training Standards Commission. This bill failed to pass the House. **This bill is OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 469, Regulation of Fully Autonomous Vehicles, was amended to allow local governments to enact local laws or ordinances regulating the use of fully autonomous vehicles, provided the local regulations do not conflict with State law.

HOUSE BILL 551, Strengthen Victims' Rights (a.k.a. Marsy's Law), passed the House and will be sent to the Senate for consideration. **This bill is SUPPORTED by the North Carolina Sheriffs' Association.**

HOUSE BILL 665, Sheriffs' Supp. Pension Fund Changes, passed the House and will be sent to the Senate for consideration. **This bill is SUPPORTED-HIGH PRIORITY by the North Carolina Sheriffs' Association.**

HOUSE BILL 706, Landlord/Tenant-Alias & Pluries Summary Ejectment, passed the House and will be sent to the Senate for consideration. **The provisions of this bill allowing private service of civil process are OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 797, Changes to Current BWC Law, has been amended and would allow, but not require, a law enforcement agency to release recordings, such as those made by body-worn cameras or dashboard cameras, within the agency only for administrative and training purposes. Currently, an agency can release a recording within its own agency for administrative, training or law enforcement purposes.

The bill has also been amended to allow a law enforcement agency to release recordings to another law enforcement agency only for mutual law enforcement investigative purposes. Currently, a law enforcement agency can release a recording to another law enforcement agency for law enforcement purposes.

In addition, the bill has been amended to allow the release of recordings to a municipal manager or county manager, upon request by the manager, but this allowance would only apply to municipal police agencies and city-and-county police agencies. This provision would not apply to sheriff's offices.

SENATE BILL 3, DOT/DMV Changes, passed the Senate and has been sent to the House for consideration. The bill has also been referred to the Committee on Rules, Calendar and Operations of the House.

SENATE BILL 162, LEO Assistance and Protection Act of 2017, was amended to remove the provision allowing expanded jurisdiction for company police officers on streets that are adjacent to, or that pass through the property they are hired to protect. The bill was also amended to remove the provision allowing company police officers to activate their blue lights on a public roadway during an emergency situation, when they are stopped to assist a motorist or when assisting another law enforcement officer or first responder.

The bill would still allow company police agencies to enter into mutual aid agreements with municipal police departments and sheriffs' offices and would also allow company police officers to provide "as needed" assistance to a chief of police or to a sheriff without the need to enter into a mutual aid agreement, if the assistance is requested by the head of a law enforcement agency.

The bill passed the Senate and will be sent to the House for consideration. **This bill is OPPOSED by the North Carolina Sheriffs' Association.**

SENATE BILL 346, Salvage Yards/Waiting Period, was amended to clarify that a secondary metals recycler or salvage yard would be required to wait 48 hours before dismantling or otherwise disposing of a motor vehicle when the vehicle was purchased by the secondary metals recycler or salvage yard without a valid title.

SENATE BILL 561, Expunction – Charges Dismissed/Not Guilty, passed the Senate and will be sent to the House for consideration.

SENATE BILL 559, Fingerprinting Upon Arrest, passed the Senate and will be sent to the House for consideration.

The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

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