

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 9, 2017

The Governor's Crime Commission is created within the Department of Public Safety by G.S. 143B-1100. One of the roles of the Governor's Crime Commission (GCC) is to serve as the chief advisory board to the Governor and to the Secretary of the Department of Public Safety on matters pertaining to the criminal justice system.

On Thursday of this week, the GCC held its quarterly meeting. Both Secretary of Public Safety Erik Hooks and Governor Roy Cooper addressed the GCC and shared their vision for the Commission's work. The priorities established by Governor Cooper for the GCC include:

- (1) Ensuring that law enforcement agencies and officers have the tools they need to protect the public;
- (2) Combating human trafficking;
- (3) Addressing the opioid and substance abuse crisis, focusing on the arrest of drug traffickers and the treatment of drug users (who are not drug traffickers);
- (4) Fighting domestic violence and sexual assault;
- (5) Improving reentry of prisoners back into society, and reducing recidivism;
- (6) Protecting senior citizens from scam artists.

The Governor and the Secretary of Public Safety introduced the new Executive Director of the Governor's Crime Commission Division, Caroline Valand. Ms. Valand has a distinguished career in both business and government service. She discussed her plans for changes within the Division that are designed to enhance its effectiveness in carrying out its mission and serving the criminal justice community of North Carolina.

At the General Assembly this week, much of the focus has been on the State budget bill and on committee meetings where legislators are trying to get their work done before the end of this year's session. Budget committee chairs were in town late on Thursday night and on Friday in pursuit of an agreement between the House and Senate on the final budget bill that is expected to be released and voted on next week. It has been said that most Senate committees will only have one more week of meetings before shutting down and preparing to end this year's session. While a lot of work remains to be completed, and things can certainly always change, it appears that the General Assembly is on-schedule to complete their work for this year prior to the Independence Day holiday.

The House and the Senate adjourned on Thursday and are scheduled to reconvene next Monday.

BILL STATUS

[HOUSE BILL 125](#), Threatened Weapon Inc. in First-Degree Rape, has been signed into law by Governor Roy Cooper. The law includes as an element in the offenses of first-degree forcible sexual offense and first-degree forcible rape the use, threatened use, or display of dangerous or deadly weapons in the commission of the crime. This law will become effective December 1, 2017 and applies to offenses committed on or after that date.

[HOUSE BILL 205](#), Workers' Compensation/Prison Inmates, has passed the House and passed the Senate with an amendment. The bill will be sent back to the House for consideration of the Senate amendment.

As amended, the bill would allow an inmate employed in the "Prison Industry Enhancement Program" (a program where private employers employ inmates on-site at a prison to make goods) to receive workers' compensation benefits for an injury suffered while working in the Program. This bill would not apply to State inmates held in county jails pursuant to the Statewide Misdemeanant Confinement Program (SMCP) who are injured while working in county work programs.

[HOUSE BILL 225](#), Attempted Robbery is Lesser Included, has been signed into law by Governor Roy Cooper. The law clarifies that attempted robbery with a dangerous weapon is a lesser included offense of robbery with a dangerous weapon. Evidence that is sufficient to support a conviction for robbery with a dangerous weapon will be sufficient to support a conviction for attempted robbery with a dangerous weapon. This law will become effective December 1, 2017 and applies to offenses committed on or after that date.

[HOUSE BILL 511](#), Game Nights/Nonprofit Fund-Raiser, has passed the House and has been sent to the Senate for consideration. The bill would allow a nonprofit organization that has been in continuous existence for at least 5 years to hold a "game night" at which games of chance are played and would allow for the consumption of alcoholic beverages at game nights held at facilities with alcoholic beverage permits. Participants would be allowed to play roulette, blackjack, poker, craps, and simulated horse race and merchandise wheel of fortune, but would not be able to win cash or cash prizes playing these games. Instead, the chips or markers won from playing these games would be exchanged for raffle tickets and prizes would be won through raffles.

This bill would only apply to those areas of the State east of Interstate 26, as that Interstate highway was located on November 28, 2011. Interstate 26 runs through the western part of North Carolina, from the Tennessee border to the South Carolina border. Note: Harrah's Cherokee Casino located in Cherokee, North Carolina (Jackson County) and Harrah's Cherokee Valley River Casino located in Murphy, North Carolina (Cherokee County) are both located west

of Interstate 26. Both casinos are owned by the Eastern Band of Cherokee Indians.

[HOUSE BILL 746](#), [Omnibus Gun Changes](#), has passed the House and will be sent to the Senate for consideration. This bill was summarized in the June 2 Weekly Legislative Report. A number of amendments were introduced in the House on this bill this week, with only one being approved, which would make a few technical changes to the bill. The amendment would not change the substance of the bill as reported in the June 2 Weekly Legislative Report. The bill does not propose any changes to the pistol purchase permit laws.

[SENATE BILL 223](#), [Habitual Felons/Clarify Previous Convictions](#), has passed the Senate and has been amended in the House. As amended, this bill would allow a person convicted of habitual impaired driving to be eligible to have their driving privileges restored if the person can show that they have had no criminal or traffic convictions for the 10 year period prior to the filing of the petition to have their driving privileges restored, and that the person is not currently a user of alcohol or any unlawful controlled substance.

The bill would also clarify that a "felony offense" for purposes of determining if a person is a habitual felon would include any felony crime that a defendant was found guilty of in another state, regardless of the sentence imposed on the defendant in the other state. A conviction in another state not classified as a felony but which would carry a punishment of more than one year in prison and any conviction that is a felony under federal law would also count towards determining if a person is a habitual felon.

[SENATE BILL 410](#), [Marine Aquaculture Development Act](#), has passed the Senate and has been sent to the House for consideration. As amended, the bill would require the Division of Marine Fisheries to set standards for marine aquaculture. Marine aquaculture would include the operation of marine hatcheries and fish farming operations in North Carolina. Anyone who unlawfully takes marine species from an aquaculture business without the permission of the owner of the business would be guilty of a Class A1 misdemeanor, which would include a fine of not more than \$5,000. It would also be a Class 1 misdemeanor for any aquaculture business to provide false information to the Division of Marine Fisheries, such as falsifying the amount of a harvest.

[SENATE BILL 655](#), [Change Date When Primary Elections Held](#), has passed the Senate and passed the House with an amendment. This bill will be sent back to the Senate for consideration of the amendment.

As amended, this bill would change the date on which primary elections are held, including primary elections for all county offices, from the current month of May to March. An individual who files a notice of candidacy with the State Board of Elections or a county board of elections would be required to do so no later than 12:00 noon on the third Friday in December preceding the primary. Currently, the notice of candidacy must be filed by the last business day in February. This bill would become effective [January 1, 2019](#) and would apply to even-year elections held on or after that date. Therefore, this legislation would have no effect on the schedule for the 2018 elections for the Office of Sheriff.

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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