

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Special Legislative Report

October 6, 2017

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The General Assembly reconvened in session on October 4 to consider numerous bills that were awaiting action by the General Assembly and to consider bills vetoed by Governor Roy Cooper.

While many bills were eligible for consideration, the legislature only considered a few of them and then adjourned late in the day on Thursday, October 5. It has been announced that the legislature does not intend to consider any legislation for the remainder of this year, but that they will return in January to decide if they would like to consider additional legislation before next year's session begins in May.

They are technically going to stay in session for several more weeks this Fall in case they need to come back to consider a veto of any of the bills that have been vetoed by Governor Roy Cooper. The legislature technically remains in session by having a "skeleton" session every three days. During a "skeleton" session, only a few members attend and they merely open the session, and then close it. By doing this they only allow 10 days for Governor Cooper to decide if he wants to veto any recently enacted legislation. If they completely adjourned, Governor Cooper would have 30 days to consider whether to veto any legislation.

If any legislation related to criminal justice matters occurs later this year during another session, we will publish another Special Legislative Report to keep you updated. However, at this time we do not anticipate any additional action on legislation involving criminal justice matters until 2018.

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## BILL STATUS

[SENATE BILL 181](#), [Electronic Notice-Guilford County](#), has passed the General Assembly and is now law. The bill makes numerous changes to the laws concerning the publication of legal notices in Guilford County. These changes may be of interest to civil process deputy sheriffs across North Carolina since in the future this law may be considered for expansion beyond Guilford County to other counties.

1. This bill allows Guilford County and any municipality located in that County to publish any legal notice electronically if an ordinance is enacted by the Guilford County Board of

Commissioners or an appropriate city council authorizing electronic filing. This electronic publication may be in lieu of or in addition to the required print publication or advertisement.

2. The Guilford County Commissioners, or city council as appropriate, are required to publish specific instructions regarding how to access notices published electronically at least once a month for 12 months in a newspaper having general circulation for that jurisdiction.
3. Ordinances allowing for electronic publication may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons, or the posting of signs on certain property.
4. Additionally, Guilford County is allowed, in the discretion of the Board of County Commissioners, to adopt an ordinance establishing the county Website as a central location for publishing and advertising legal notices.
5. A Guilford County employee's sworn written statement is sufficient evidence that the County placed the notice, paper, document, or legal advertisement on its Website for the stated period of time.

Effective: December 1, 2017, and applies to notices published on or after that date.

[SENATE BILL 582](#), [Agency Technical Corrections](#), has passed the General Assembly. The bill has been sent to Governor Roy Cooper for his consideration. Of interest to the criminal justice community:

1. This 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.
2. The North Carolina Attorney General would not be allowed to delegate his duties to represent the State in criminal appeals to any district attorney's office or to any other entity.
3. This bill would provide that misdemeanors must be "charged" within two years of the commission of the offense. The statute of limitations would stop running when a person is charged with the misdemeanor by any type of criminal process, such as an order for arrest or an arrest warrant. Currently, State law states that the misdemeanor must be presented for grand jury action within two years of the commission of the crime in order to stop the running of the statute of limitations.
4. The bill would also include 2-[(dimethylamino)methyl]-1-(3methoxyphenyl)cyclohexanol and its salts, optical and geometric isomers, and salts of these isomers (including Tramadol) in the list of Schedule IV controlled substances.

5. Additionally, “farmers markets” would be removed from the list of authorized locations where the holders of certain unfortified wine permits could give free tastings or sell wine.
6. Finally, a witness, such as a law enforcement officer, would be allowed to testify as an expert witness solely as to whether a person was impaired, based on the results of a Horizontal Gaze Nystagmus (HGN) Test when the test is administered in accordance with the person’s training. The person would not be able to testify on the specific concentration level of any impairing substance. This change in the law would eliminate the need for a witness to be qualified as an expert in the principles and methodology of the HGN Test in order to testify as to the results of a HGN Test.

[SENATE BILL 656](#), [Electoral Freedom Act of 2017](#), has passed the General Assembly. The bill has been sent to Governor Roy Cooper for his consideration. This bill would make it easier to form a new “political party” by reducing the number of signatures of voters required to file a petition with the State Board of Elections requesting that a new political party be formed.

The bill would also eliminate party primaries in the spring of 2018 prior to the November 6, 2018 general election for the following offices: 1) Justices of the Supreme Court; 2) Judges of the Court of Appeals; 3) Judges of the superior courts; 4) Judges of the district courts; and 5) district attorneys.

[SENATE BILL 694](#), [Further Modifications to Appointments](#), has passed the General Assembly and is now law. This bill makes numerous appointments to State commissions and boards. Among those of interest to the criminal justice community are:

The Speaker of the House of Representatives makes the following appointments:

1. Sheriff Hans J. Miller of Onslow County is appointed to the Domestic Violence Commission for a term expiring on August 31, 2018, to fill the unexpired term of Charles Campbell.
2. Michael J. Reitz of Chatham County is appointed to the 911 Board for a term expiring on December 31, 2018, to fill the unexpired term of Deputy Chief Dinah Jeffries.

The President Pro Tempore of the Senate makes the following appointment:

1. William M. (Marc) Nichols of Wake County is reappointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2020.

A correction is also made for the appointments of Benjamin J. Curtis of Rockingham County and Sheriff Ernie L. Coleman of Beaufort County to the Governor's Crime Commission to clarify that their terms expire on February 28, 2019.

Additionally, a correction is made for the appointment of James S. Stewart of Hoke County to the

911 Board to clarify that his term expires on December 31, 2018.

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

North Carolina Sheriffs' Association, Inc.

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