

North Carolina Sheriffs' Association

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Weekly Legislative Report

February 10, 2017

While it is likely that there will be over 2000 legislative bills introduced during this two-year session, only 156 bills have been introduced so far. This does not mean that there is little activity going on at the General Assembly. Many returning legislators moved into larger or more preferred offices than what they had last session, and they are still unpacking and organizing their files.

Many legislators are talking to their fellow members about various ideas for potential legislation. They are also contacting lobbyists for interested parties to get input prior to filing bills. By doing this, many legislators try to fix any potential problems with their bills before they are actually introduced. They also try to secure the support of various legislators that are recognized as being experts on a particular topic.

This process of drafting bills, discussing them with others, and getting them prepared for introduction will continue for the next several weeks. As the session progresses, more and more bills will be introduced in advance of the bill introduction deadlines that will come later this spring.

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

BILLS OF INTEREST

[HOUSE BILL 46](#), [Allison's Law/GPS Tracking Pilot Prog/DV](#), would require the North Carolina Department of Public Safety (DPS), in consultation with local law enforcement agencies, courts, and other appropriate local entities, to conduct a pilot program in Forsyth County for the use of global positioning system tracking devices on domestic violence offenders. In developing the pilot program, DPS would consider issues such as the violent character of the offender being monitored, costs associated with monitoring, whether the victim's location should be monitored and any other information or practices deemed relevant. DPS would report their findings on the effectiveness of the pilot program to the Joint Legislative Oversight Committee on Justice and Public Safety. **Introduced by Representatives Lambeth, Conrad, Hanes and Terry, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 55](#), [Apex/Cary/Police Assistance on School Grounds](#), would allow the police departments in the towns of Apex and Cary to provide law enforcement assistance to each other on property owned by the county board of education. When assisting the other town, the assisting police department would have the same law enforcement jurisdiction of the requesting police department on property owned by the county board of education. While the bill title refers to only the Apex Police Department assisting the Cary Police Department, the bill as written would allow

both agencies to assist each other. In addition, since the Town of Cary lies in both Wake County and Chatham County, it is unclear in the bill whether it would apply to the county board of education in Wake County, Chatham County, or both. This bill only applies to the towns of Apex and Cary, and would expire on July 1, 2020. **Introduced by Representatives Adcock, Williams, Dollar and Duane Hall, and assigned to the House Committee on State and Local Government II.**

[HOUSE BILL 63](#), Citizens Protection Act of 2017, would amend the law that makes it unlawful to “possess or manufacture” fraudulent forms of identification (such as drivers licenses and passports) to also make it illegal to “sell” fraudulent forms of identification. The bill would increase the penalty to a Class G felony (currently a Class 1 misdemeanor) for the manufacture or sale of fraudulent identification.

This bill would also make it a Class 1 misdemeanor for someone under the age of 21 to lend, sell, or permit the use of a counterfeit special identification card, drivers license, or learners permit for the purpose of purchasing alcohol. It would be a Class 2 misdemeanor for someone under the age of 18 to lend, sell, or permit the use of false documentation for the purpose of purchasing tobacco or cigarette wrapping papers. Finally, the bill would make it a Class G felony to unlawfully counterfeit, sell, lend, or knowingly permit the use of a special identification card, drivers license, or learners permit for any other reason.

The bill would also create a rebuttable presumption that an illegal alien is a flight risk, and therefore should not be granted pretrial release, if the court finds probable cause exists to believe the individual has committed a serious crime (such as a sex crime, felony drug offense or gang offense) or if there is probable cause to believe the federal government has or will issue a detainer against the individual for removal proceedings.

Furthermore, the bill would require that any illegal alien charged with a felony or Class A1 misdemeanor would be required to post a secured appearance bond as a condition of pretrial release.

The bill would allow State or local law enforcement agencies to securely transport an illegal alien to a federal facility in this State or to a designated point of transfer outside the jurisdiction of the local agency. This bill would appear to allow a law enforcement agency to transport illegal aliens out of state to a federal point of transfer.

Finally, the bill would require that if a law enforcement officer seeks to verify a person’s immigration status, the officer must use methods authorized by federal law or the federal government. **Introduced by Representatives Warren, Collins, Jordan and Adams, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 65](#), Req Active Time Felony Death MV/Boat, would require a period of continuous confinement of one-fourth the maximum sentence of imprisonment imposed for a conviction of felony death by vehicle or felony death by impaired boating. **Introduced by Representative Pittman, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 66](#), Veterans Plates/Vehicle Weight Restriction, would increase the allowable vehicle weight from 6,000 pounds to 17,000 pounds for which certain veterans (such as 100% disabled veterans and former prisoner of war veterans) could qualify for a free registration plate. **Introduced by Representatives Speciale and G. Martin, and assigned to the House Committee on Transportation.**

[HOUSE BILL 67](#), Increase Small Brewery Limits, would increase the amount of malt beverage a small brewery could sell without having to use a wholesale distributor from 25,000 barrels annually to 100,000 barrels annually. **Introduced by Representative Speciale, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 69](#), Constitutional Carry Act, would make a number of changes to North Carolina's firearms laws. Among these 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 or demonstration from the sheriff or police chief of the locality where the picket line or demonstration 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. This bill would also expand our current statutes that prohibit weapons on educational property to allow the following categories of people to carry weapons on educational property:
 - a. Members of the armed forces in the discharge of their duties when acting under orders requiring them to carry firearms;
 - b. Civil or law enforcement officers of the United States;
 - c. Members of the militia and the National Guard who are called into service;
 - d. Officers of the State, city, county or company police agencies charged with the execution of the laws of the State, when in the discharge of their official duties;
 - e. Detention personnel and correctional officers so long as the firearm is secured in the vehicle;
 - f. Sworn law enforcement officers and off duty State probation and parole officers; and
 - g. Any person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department to carry a firearm.
 9. 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.

10. 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.
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.

Introduced by Representatives Pittman, Speciale, Boswell and Adams, and assigned to the House Judiciary I Committee.

[HOUSE BILL 72](#), School Bus Cameras/Civil Penalties, would allow a county to adopt an ordinance authorizing the installment and operation of school bus cameras in any school bus located in that county in order to catch motor vehicles failing to stop for a stopped school bus. The bill would provide that citations issued to violators would be purely civil in nature, resulting in civil monetary penalties, but would not result in drivers license points or insurance points.

The bill would also allow a local board of education or board of county commissioners to enter into an agreement with a law enforcement agency for the installation and operation of the school bus cameras, and to arrange for cost-sharing and reimbursement. Finally, this bill would require that any video or photographs of motor vehicle violations must be provided to law enforcement as potential evidence. In the event law enforcement pursues criminal charges, then the offender would not be subject to the civil penalties imposed under this bill, but would instead proceed through the criminal courts. **Introduced by Representatives Hanes and Lambeth, and assigned to the House Judiciary I Committee.**

[HOUSE BILL 73](#), Prohibit Driving with Animal in Lap, would make it unlawful to operate a motor vehicle on the public streets, highways, and public vehicular areas with any "live" animal in the operator's lap. A violation would be an infraction that would result in a \$100 fine, plus costs of court. The bill would provide that a violation would not result in the assignment of drivers license points or insurance surcharges. **Introduced by Representative Pierce, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 78](#), HB2 Repeal/Equality for All, would repeal House Bill 2, Public Facilities Privacy & Security Act (a.k.a. the "bathroom bill") that was enacted on March 23, 2016. This bill

is similar to Senate Bill 25, which was reported in the February 3, 2017, Weekly Legislative Report.

This bill would also prevent State agencies and local political subdivisions from discriminating in employment or compensation based upon sexual orientation, gender identity, marital status, familial status, or veteran and/or military status.

Finally, the bill would create mandatory enhanced minimum sentences for certain sex crimes that are committed in a public changing facility, such as a locker room, restroom, changing room, or shower room. The increased sentences would range from 36 to 84 months, depending on the type of sex crime. The bill would also make it a Class I felony to commit a sexual battery (currently a misdemeanor) in a public changing facility. These enhanced sentences would become effective December 1, 2017. **Introduced by Representative Brockman.**

[HOUSE BILL 82, Equality for All/Repeal HB2](#), is identical to House Bill 78 reported above, with the exception that this bill would not create enhanced sentences for sex crimes committed in public changing facilities. **Introduced by Representatives Harrison, Fisher and Butler.**

[HOUSE BILL 84, Drivers License/Hearing Impaired Designation](#), would require the Division of Motor Vehicles, in consultation with the Department of Public Safety and State Highway Patrol, to develop a designation to be placed on drivers licenses to indicate a driver is hearing impaired, if the driver requests it. **Introduced by Representative Insko.**

[SENATE BILL 53, Law Enforcement Authority/Custody of Child](#), would require a law enforcement officer (or other authorized person designated in the order) to take physical custody of a juvenile if the officer or person is directed to do so pursuant to a written temporary child custody order issued by the court. The bill would require that the officer or person provide a copy of the order to the parent, guardian, custodian, or caretaker of the juvenile.

The bill would allow a court to authorize the law enforcement officer to enter private property to take custody of the juvenile, and under certain circumstances, to make forcible entry into property to carry out the order. **Introduced by Senator J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 55, School Bus Cameras/Civil Penalties](#), is identical to House Bill 72, which is summarized above in this week's Weekly Legislative Report. **Introduced by Senators McInnis and Alexander, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 57, Purchase Pistol Permit/Retired Veteran ID](#), would allow a retired veteran who is applying for a pistol purchase permit to produce his or her military identification card showing the veteran's retired status in lieu of producing a DD-214 (U.S. Department of Defense form reflecting a veteran's military service). **Introduced by Senator Clark, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 61, Ltd. License/Driving to School Past 9:00](#), would allow an individual with a limited provisional drivers license to operate a motor vehicle without supervision for the purpose

of driving to or from a class at a high school or postsecondary school, if the driver is enrolled in a class at the institution. Currently, such a licensee can only drive from 5:00 a.m. to 9:00 p.m., when driving to or from work, or to certain activities located at a volunteer fire department, rescue squad, or emergency medical service. **Introduced by Senators Bishop and J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 66, Require Safety Helmets/Under 21](#), would remove the requirement that an individual wear a helmet while operating or riding on a motorcycle on a highway or public vehicular area if all of the following criteria are met: (1) the operator and passenger are over the age of 21; (2) the operator and passenger have held a motorcycle license or motorcycle endorsement for over 12 months; (3) the operator and passenger have completed a Motorcycle Safety Instruction Program; and (4) the operator and passenger have individually obtained \$10,000 or more in insurance coverage for potential injuries resulting from a crash.

Finally, the bill would remove the requirement to pay court costs for any violation of the helmet law, but the \$25 penalty would remain. **Introduced by Senator Meredith.**

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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