

North Carolina Sheriffs' Association

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Weekly Legislative Report

March 3, 2017

In an historic event, a confirmation hearing was held on Thursday by the Senate's Commerce and Insurance Committee for former Representative Larry Hall to serve as Secretary of Military and Veterans Affairs. In December, the General Assembly enacted new legislation to require a governor's nominees for appointment to cabinet positions to appear before the Senate for confirmation. Since December, there has been much public discussion between Senate leaders and the Governor about this requirement, as well as pending litigation in court.

Nevertheless, Mr. Hall appeared before the Committee, responded to the Committee's questions, and received a unanimous vote of support from the Committee. The Committee's recommendation for confirmation of Mr. Hall as Secretary is scheduled for consideration by the full Senate on Monday evening.

Mr. Hall formerly served in the House of Representatives, is a Marine veteran from a military family and was joined at the confirmation hearing by a number of other military veterans to demonstrate their support for his confirmation.

Subject to the outcome of the pending court litigation, other nominees by the Governor for cabinet secretary positions may be considered by the General Assembly in the coming weeks.

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

BILLS OF INTEREST

[HOUSE BILL 201](#), NC Constitutional Carry Act, is similar to [House Bill 69](#), [Constitutional Carry Act](#), summarized in the February 10, 2017 Weekly Legislative Report, and would make a number of changes to North Carolina's firearms laws. Among these changes:

1. 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 the person 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.

2. Current North Carolina law regulating the carrying of firearms into establishments where alcoholic beverages are sold and consumed and into assemblies where a fee is charged for admission would be modified. The bill would allow anyone to carry a concealed handgun into the establishment or assembly if the person is lawfully able to carry a concealed handgun under the criteria set out in paragraph 1 above and the property is not posted prohibiting the concealed carry of handguns. Those individuals currently authorized to carry concealed firearms under G.S. §14-269(b) would be exempt from these prohibitions.
3. Current North Carolina law regulating weapons at parades and funeral processions would be modified. The bill would allow anyone to carry a concealed handgun at a parade or funeral procession if the person is lawfully able to carry a concealed handgun under the criteria set out in paragraph 1 above and the parade or funeral procession is not posted prohibiting the concealed carry of handguns. Those individuals currently authorized to carry concealed firearms under G.S. §14-269(b) would be exempt from these prohibitions.
4. 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.
5. 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.
6. 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.
7. Finally, this bill would repeal North Carolina's pistol purchase permit laws. If this bill is enacted into law any person could purchase or 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 Representative Millis, and assigned to the House Judiciary I Committee. The North Carolina Sheriffs' Association is OPPOSED to the repeal of North Carolina's pistol purchase permit statutes.

[HOUSE BILL 204](#), School-Justice Partnership/Training SROs, would require local boards of education to develop a "school-justice partnership" with local law enforcement agencies for the purpose of reducing in-school arrests and expulsions.

Additionally, volunteer school safety resource officers working for a sheriff or chief of police would be required to receive training, developed by the North Carolina Justice Academy, on issues related to: (1) the social and cognitive development of students; (2) promoting better communication and interaction with students; (3) using graduated responses to disciplinary actions; (4) community services available to reduce juvenile arrests; and (5) improving

relationships between schools and law enforcement agencies. Currently, a volunteer school safety resource officer must only receive training on the social and cognitive development of students.

Volunteer school safety resource officers must be either a former sworn law enforcement officer or a former military police officer with a minimum of 2 years experience. **Introduced by Representative Pierce, and assigned to the House Committee on Education.**

[HOUSE BILL 205](#), Workers' Compensation/Prison Inmates, 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. **Introduced by Representatives McNeill and Zachary, and assigned to the House Judiciary III Committee.**

[HOUSE BILL 207](#), Motorcycle License/Exempt Antique Scooters, would allow an individual, without a motorcycle endorsement, to operate an antique motorcycle on a public roadway or public vehicular area. An antique motorcycle would be a motorcycle that was manufactured prior to 1960, and has an engine that produces more than 8 horsepower but does not exceed 150 cubic centimeters in size. **Introduced by Representative Speciale and Ford, and assigned to the House Committee on Transportation.**

[HOUSE BILL 214](#), Autocycles/No Helmet Required, would allow an individual to operate an autocycle on a public road or public vehicular area without a helmet. An autocycle is a three-wheeled motorcycle that has a steering wheel, seat safety belts, antilock brakes and air bag protection. Currently, an operator of an autocycle is required to wear a helmet at all times unless the seating area is completely enclosed. **Introduced by Representative Speciale, and assigned to the House Committee on Transportation.**

[HOUSE BILL 216](#), DOC and JJ Combined Records, would require the clerk of superior court to send a certified copy of an expunction order to the Combined Records Section of the Department of Public Safety, Division of Adult Correction and Juvenile Justice, and the State Bureau of Investigation. Currently, the clerk of superior court is only required to send copies of expunctions to the arresting law enforcement agency, the Division of Motor Vehicles, and to any other State or local agency that has a record of the offense that is to be expunged. **Introduced by Representatives Rogers, Duane Hall and Destin Hall, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 217](#), Domestic Violence Fatality Review in Buncombe, is identical to Senate Bill 135, which is summarized below in this Weekly Legislative Report. **Introduced by Representatives B. Turner, Ager and Fisher, and assigned to the House Judiciary IV Committee.**

[HOUSE BILL 218](#), Prohibit Hunting From ROW/Buncombe County, would prohibit hunting from the right-of-way of any State maintained road or highway in Buncombe County. This Class 3 misdemeanor would be enforceable by Wildlife Resources Commission officers, sheriffs and

deputy sheriffs, and any other law enforcement officers with general subject matter jurisdiction. **Introduced by Representatives B. Turner, Ager and Fisher, and assigned to the Committee on Rules, Calendar and Operations of the House.**

[HOUSE BILL 221](#), Repeal HB2, was introduced this week in an effort to repeal House Bill 2, Public Facilities Privacy and Security Act (a.k.a. the “bathroom bill”), that was enacted on March 23, 2016. Unlike other bills introduced to repeal House Bill 2 this session, this bill does not contain antidiscrimination provisions and enhanced mandatory minimum sentences for certain sex crimes committed in public changing facilities. **Introduced by Representative Jackson, and assigned to the Committee on Rules, Calendar and Operations of the House.**

[HOUSE BILL 223](#), Disabled Veteran Plate for Motorcycles, would allow a disabled veteran or a partially disabled veteran to obtain a special registration plate for a motor vehicle or motorcycle that displays their disabled veteran status. The special registration plate would be provided free of charge. **Introduced by Representative Cleveland, and assigned to the House Committee on Transportation.**

[HOUSE BILL 224](#), Warrant Check of Inmate in Custody, would require a court, in all criminal cases where the defendant is in custody, to check for any outstanding warrants (and to notify law enforcement of those outstanding warrants) prior to sentencing the defendant. **Introduced by Representatives Rogers, Duane Hall, Destin Hall and John, and assigned to the Committee on Rules, Calendar and Operations of the House.**

[HOUSE BILL 225](#), Property Taken Not Preclude Attempted Robbery, would clarify that the value of any property taken (or attempted to be taken) is not an essential element to the offense of robbery with firearms or other dangerous weapons. Therefore, a person could be convicted of the crime without regard to the actual value of the property or whether the property was actually taken. **Introduced by Representatives Rogers, Duane Hall, Destin Hall and John, and assigned to the House Judiciary II Committee.**

[HOUSE BILL 229](#), GSC Technical Corrections 2017, would make numerous technical corrections throughout the General Statutes. Of interest to the criminal justice community, the crime of first-degree statutory rape (G.S. §14-27.24) would be added as a “sexually violent offense” for which a defendant would be placed on the sex offender registry. **Introduced by Representative Davis, and assigned to the Committee on Rules, Calendar and Operations of the House.**

[HOUSE BILL 233](#), Ban the Box, would prohibit a public employer, such as the State of North Carolina or any city or county, from asking about or considering an applicant’s criminal history until after a conditional offer of employment has been made to the applicant. Therefore, no initial application for employment with a public employer would be able to contain a question or inquiry regarding the applicant’s criminal history.

This bill would also provide that a public employer could not deny employment to an applicant based on the person’s criminal history unless the crimes are “substantially related” to the qualifications, functions or duties of the position.

Finally, this bill would require a public employer who denies employment due to a criminal history to notify the applicant of the denial and allow the applicant the opportunity to contest the accuracy of the criminal record.

This bill does not appear to apply to law enforcement agencies. **Introduced by Representatives Pierce, R. Moore, Brockman and C. Graham.**

[HOUSE BILL 237](#), Amend Expunction, would allow an individual to have all of their convictions for non-violent felonies and non-violent misdemeanors combined for purposes of having them expunged from their record. Currently, an individual must choose to either have their non-violent felony convictions expunged or their non-violent misdemeanor convictions expunged. **Introduced by Representatives Floyd, C. Graham, Duane Hall and Hanes.**

[HOUSE BILL 238](#), Economic Security Act of 2017, is identical to Senate Bill 174, which is summarized below in this Weekly Legislative Report. **Introduced by Representatives Harrison, Fisher, B. Richardson and Holley.**

[HOUSE BILL 239](#), Reduce Court of Appeals to 12 Judges, would reduce the number of Court of Appeals judges from 15 to 12. Beginning January 1, 2017, any vacancy in the Court of Appeals (such as through death, resignation or impeachment) would result in that seat being abolished. This process of eliminating seats would continue until the Court reaches the targeted number of 12 judges. **Introduced by Representatives Burr, Lewis and Stevens.**

[HOUSE BILL 242](#), License Plate Reader Systems in State ROWs, would allow the Department of Transportation to enter into agreements with municipalities, counties and other governmental entities for the installation of automatic license plate reader systems on the right-of-way of any public roadway. The automatic license plate reader system could not interfere with any existing utility service, and would need to be removed upon the request of a public utility if the utility is affected by the use of the automatic license plate reader system. The automatic license plate reader system would have to be temporary, easily removable and completely above ground. **Introduced by Representative Faircloth.**

[HOUSE BILL 243](#), Strengthen Opioid Misuse Prevention (STOP) Act, is identical to Senate Bill 175 and would allow a medical practitioner (for example a doctor or State Health Director) to prescribe to a law enforcement agency a “standing order” (presumably unlimited supply) for opioid antagonists, so law enforcement officers could administer the opioid antagonist to individuals suspected of an opioid overdose. The bill would also allow a law enforcement agency to give or distribute the opioid antagonist to opioid addicts and to family members or friends of individuals at risk for opioid overdose. The law enforcement agency would be required to give basic instruction and information on the proper use of the opioid antagonist.

This bill would also make a law enforcement agency and law enforcement officer immune from civil or criminal liability for administering or distributing an opioid antagonist.

Finally, the bill would limit the amount of opioids a doctor could prescribe to a single patient. Prescriptions of any Schedule II through V drug would be limited to a five day supply for acute

pain, after which the doctor would re-evaluate the continued need for the drugs. **Introduced by Representatives Murphy, Davis, Malone and Horn.**

[HOUSE BILL 249](#), [Economic Terrorism](#), would create the Class H felony of “economic terrorism.” Economic terrorism would be defined as the willful and malicious commission of a criminal offense that impedes or disrupts the regular course of business, resulting in more than \$1,000 in damage, and that is done with the intent to either: (1) intimidate the civilian population or an identifiable group within the population (such as a specific ethnic group); or (2) influence through intimidation the activities or conduct of federal, State, or local government.

The bill would make the crime of economic terrorism a separate criminal offense from the underlying criminal charge (for example going armed to the terror of the people). In addition, the bill would allow a victim of economic terrorism to file a civil lawsuit against the economic terrorist, and to collect civil damages, attorneys’ fees and court costs.

This bill would also make it a Class 1 misdemeanor to remain at the scene of a riot or unlawful assembly after being ordered to disperse by lawful authority (such as law enforcement).

Finally, the bill would make an offender civilly liable to a State or local agency for the cost of responding to the scene of a disturbance, if they are convicted of participating in a riot, unlawful assembly, or obstructing traffic. **Introduced by Representative Torbett.**

[HOUSE BILL 250](#), [Body Art Regulation Changes](#), would make it a Class A1 misdemeanor to engage in body art procedures (such as tattooing, branding, body piercing, scarification or inserting subdermal implants) without first obtaining a permit to do so from the Department of Health and Human Services. **Introduced by Representatives Corbin, Bert Jones and Murphy.**

[HOUSE BILL 251](#), [Allow Concealed Carry on UNC and CC Campuses](#), would allow a person with a valid concealed handgun permit (or who is exempt from obtaining a permit, such as a law enforcement officer) to carry a concealed handgun on the property of the constituent institutions of The University of North Carolina and on the property of the community colleges. A concealed handgun permittee would not be able to lawfully carry a handgun on the property of any other educational property, whether public or private. **Introduced by Representatives K. Hall, Burr, Presnell and Destin Hall.**

[SENATE BILL 135](#), [Domestic Violence Fatality Review in Buncombe](#), is identical to [House Bill 217](#) and would add Buncombe County to the list of counties that would establish a domestic violence review team. Currently, these review teams are required in Alamance, Pitt and Mecklenburg Counties.

The law enforcement and criminal justice members of the review team would be: (1) the Sheriff of Buncombe County, or his designee; (2) a law enforcement officer appointed by the Chief of Police of the largest municipality in Buncombe County; (3) a law enforcement officer from the other police departments in the county; (4) the district attorney or a designated assistant district attorney; (5) a magistrate; (6) a probation and parole officer; and (7) a district court judge.

The Buncombe County domestic violence review team would report on domestic violence issues every 3 years to the board of county commissioners, the North Carolina Domestic Violence Commission and the Governor's Crime Commission. **Introduced by Senators Edwards and Van Duyn, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 145](#), [Government Immigration Compliance](#), would make numerous changes to State law designed to address illegal immigration. Those provisions of importance to the criminal justice community are:

1. Law enforcement officers would not be able to use identity documents issued or created by individuals, organizations, or local governments for the purpose of assisting in determining the identity or residence of a person, when no other such documents are available. Currently, law enforcement officers have the authority to look at identity documents issued by persons, organizations, or local governments to determine the identity or residency of a person, when no other document is available to identify the person or where they live.
2. Any person would be able to submit a complaint to the North Carolina Attorney General alleging that a city, county or law enforcement agency is not in compliance with State law related to immigration. If, after an investigation, the Attorney General finds that the unit of local government or law enforcement agency is not in compliance with State laws related to immigration, the unit of local government or the law enforcement agency would be ineligible to receive certain money from the State.
3. The Attorney General would be required to maintain a database of the local governments and law enforcement agencies that are ineligible to receive funds from the State because they are not enforcing State laws related to immigration. This database would be available to the public.
4. Anybody who lives in the jurisdiction of a city, county or law enforcement agency that the person believes is not in compliance with State immigration laws would be able to bring a lawsuit in Wake County Superior Court to try to stop that local government or law enforcement agency from refusing to enforce State laws related to immigration.
5. Neither The University of North Carolina, nor any of its constituent institutions, would be able to have any policy that would restrict the enforcement immigration laws or prohibit law enforcement officials from gathering immigration information.
6. The Secretary of the Department of Public Safety would be required to enter into a memorandum of agreement with the Director of the United States Immigration and Customs Enforcement Agency to permit designated North Carolina law enforcement officers to perform immigration law enforcement functions.

Introduced by Senator Sanderson, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 146](#), Juvenile Reinvestment Act, would increase the age of who is considered a juvenile for purposes of juvenile court jurisdiction to include 16 and 17 year old offenders. Therefore, this bill would raise the age at which an individual is treated as an adult criminal offender to the age of 18.

The bill, however, would require a 16 or 17 year old, when probable cause has been found by the court to believe the juvenile committed a Class A, B, C, D or E felony, to be transferred to superior court to be tried as an adult.

This bill would give a court the discretion to transfer to superior court any 16 or 17 year old charged with the commission of a Class F, G, H or I felony.

This bill would also allow (but not require) a juvenile court counselor to share information in a juvenile's record with a law enforcement officer. If a law enforcement officer is allowed to see information in a juvenile's record, the law enforcement officer would not be able to copy any part of the record.

Additionally, local boards of education would be required to develop a "school-justice partnership" with local law enforcement agencies designed to reduce in-school arrests and expulsions. The Division of Adult Correction and Juvenile Justice would be required to develop regular training for law enforcement officers, in consultation with the Department of Justice, on handling juveniles. **Introduced by Senators Lowe and Ford, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 148](#), Juror Excused by Clerk of Sup. Ct., would allow a chief district court judge to delegate to the clerk of superior court the authority to excuse persons from jury duty. **Introduced by Senators Britt and Randleman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 154](#), Charitable Fundraising for Nonprofit Orgs, would increase the number of raffles that a nonprofit organization could conduct in a year. A nonprofit organization would be able to hold no more than four raffles per year, with no more than one raffle occurring per quarter. Currently, nonprofit organizations are limited to two raffles per year.

Additionally, the maximum value of all prizes that may be offered at raffle by a nonprofit organization would be increased from \$125,000 to \$250,000 in any calendar year.

Lastly, the Alcoholic Beverage Commission would be authorized to issue permits to allow a nonprofit organization to offer alcoholic beverages (in the manufacturer's original closed container) as a prize in a raffle, or to sell alcoholic beverages (in the manufacturer's original closed container) at auction to allow the nonprofit organization to raise funds. **Introduced by Senators Gunn, Lowe and Harrington, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 155](#), Economic and Job Growth for NC Distilleries, would expand when and where alcoholic beverages could be sold and consumed in the State.

The bill would allow the holder of a distillery permit to sell spirituous liquor in closed containers for delivery outside the State. Additionally, the holder of a distillery permit would be able to obtain a spirituous liquor special event permit that would allow the distillery to give free tastings of its liquors at ABC stores, trade shows, conventions, balloon races, and similar events approved by the ABC Commission.

Similarly, an auction firm or auctioneer licensed by the North Carolina Auctioneers Commission would be able to obtain a permit to sell malt beverages, unfortified wine, fortified wine and spirituous liquors at auctions.

Finally, restaurants would be able to sell alcoholic beverages before noon on Sundays (beginning at 10:00 AM) subject to approval by the unit of local government where the restaurant is located. **Introduced by Senators Gunn, Blue and Harrington, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 157](#), [Amend Laws Regarding Mental Commitment Bars](#), would provide that individuals who were disqualified from possessing firearms under federal law because the individual had been found to lack the capacity to manage their own affairs due to sub-normal intelligence, mental illness, incompetency or disease would be able to apply to have a competency hearing before the clerk of superior court. If the person is found to be competent, the person could again possess firearms. Currently, an individual must apply to a district court judge to seek this type of firearms rights restoration. **Introduced by Senators Cook and Randleman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 160](#), [Handicap Parking Privilege Certification](#), is nearly identical to [House Bill 11](#), [Handicap Parking Privilege Certification](#), that was reported in the January 27, 2017 Weekly Legislative Report.

This bill would allow licensed physician assistants and licensed nurse practitioners to make the certifications for a handicapped parking privilege. Currently, only physicians, ophthalmologists, optometrists or the Division of Services for the Blind can make these certifications. Previously reported [House Bill 11](#) would also allow a [licensed certified midwife](#) to make the certification. **Introduced by Senators Brock, Meredith and Hise, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 162](#), [LEO Assistance and Protection Act of 2017](#), would give company police officers the authority to take law enforcement actions such as making felony or misdemeanor arrests or charging for infractions on all public roads adjacent to the facility where they are employed, if the facility is a public school, hospital or airport.

The bill would also give company police officers the authority 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. Currently, company police officers do not have this authority.

Finally, this bill would allow company police officers to enter into mutual aid agreements with municipal police departments and sheriffs' offices. The bill 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. **Introduced by Senators Daniel, Brock and Randleman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 173](#), Housing Juveniles Under 18 in County Facility, would provide that persons under the age of 18 could not be housed in the same local confinement facility (jail) as persons 18 years of age and older, unless the custodian of the jail believes that the juvenile is a threat to the safety or security of other juveniles detained in a home or facility or to the staff of the home or the facility.

If the custodian of the facility does believe the juvenile poses a threat to other juveniles or to the staff of a juvenile home or facility, it would be up to a judge to determine if the juvenile would be transferred to an adult jail. If juveniles under the age of 18 are transferred to an adult confinement facility, a complete sight and sound barrier would have to be maintained between the persons under the age of 18 and all other inmates age 18 and older. **Introduced by Senators Robinson, McKissick and Lowe, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 174](#), Economic Security Act of 2017, is identical to House Bill 238 and would make numerous changes to North Carolina employment law. Among these changes:

1. The State minimum wage would be increased to \$15 per hour over the next five years.
2. All employers would be required to provide paid sick time (accrued at the rate of one hour of pay for every 30 hours worked) to an employee when an employee is off work to care for the employee's immediate family member who is suffering from a physical or mental illness; to care for the employees own physical or mental illness; or to allow an employee to care for either himself or herself or an immediate family member who is the victim of domestic violence, sexual assault or stalking.
3. When hiring for vacancies in either State government or with a unit of local government, a hiring authority would not be able to ask about or consider the criminal history of an applicant for public employment unless the applicant had been made a conditional offer of employment. This obligation would not be applicable to positions for which a hiring authority is required by law to consider the applicant's criminal record, which presumably would allow public law enforcement agencies to continue to ask about an applicant's criminal history record.

Additionally, no person would be disqualified from public employment (after the person's criminal history is discovered) unless the government agency can show that the criminal history is "substantially related" to the job in question.

4. The prohibition on public employee collective bargaining would be repealed by this bill. Consequently, it would allow public employees to form labor unions.

Introduced by Senators Bryant, Foushee and Van Duyn, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association is OPPOSED to repeal of the prohibition on public employee collective bargaining.

[SENATE BILL 175](#), Strengthen Opioid Misuse Prevention (STOP) Act, is identical to [House Bill 243](#), which is summarized above in this week's Weekly Legislative Report. **Introduced by Senators J. Davis, McInnis and Rabon.**

[SENATE BILL 178](#), Ltd. Driving/Remove Wait for First Offense, would allow a first time driving while impaired offender that had an alcohol concentration of 0.15 or more to immediately request a limited driving privilege, without waiting 45 days from the conviction date (the current waiting period) to obtain the limited driving privilege. The bill would require a person that was convicted of a prior driving while impaired offense to wait the 45-day waiting period before becoming eligible to obtain a limited driving privilege. **Introduced by Senator D. Davis.**

GOVERNOR'S RECOMMENDED BUDGET

Governor Roy Cooper submitted to the General Assembly his 2017–2019 recommended budget. Those items in the recommended budget of interest to the criminal justice community include:

1. Provide \$450,000 a year to modernize and maintain the Controlled Substance Reporting System database.
2. Provide additional funds (approximately \$11 million per year) to increase the availability of community-based services to treat opioid-related drug abuse and overdoses. These services would include medication-assisted treatment and individual and group therapy programs.
3. Provide additional staff to analyze data in the Controlled Substances Reporting System.
4. Fund training and certification requirements established by the Forensic Sciences Act of 2011 in the State Crime Laboratory. Five positions in the State Crime Laboratory would be converted from being supported by court fees (which are decreasing) to General Fund appropriations. \$500,000 would be appropriated to replace scientific laboratory equipment.
5. Two new positions at the North Carolina Justice Academy would be provided to train law enforcement officers on the appropriate methods of defusing and de-escalating violent confrontations, emphasizing the ability to identify and interact with individuals with mental illness.
6. Funds would be provided for an experience-based step salary pay increase for State Highway Patrol Troopers and a 5% salary increase would be proposed for State Bureau of Investigation and Alcohol Law Enforcement Agents.
7. Provide initial funding (approximately \$6 million over two years) to fund the initiatives to

raise the age of juveniles in the juvenile justice system from 16 to 18 years of age.

8. The campus of the Swannanoa Correctional Center for Women would be renovated to be a Confinement in Response to Violation (CRV) facility for females.
9. Provide funding for seven new positions within the Department of Public Safety to provide security and intelligence gathering by monitoring inmate telephone calls within the Division of Adult Correction and Juvenile Justice for possible criminal activity.
10. Provide funds to urban search and rescue teams located in Buncombe, Guilford, Mecklenburg, Wake, Pitt, Cumberland and New Hanover counties for training and equipment to prepare for statewide disaster response events.
11. Authorize bonds to renovate Dormitory B and Dormitory C at the North Carolina Justice Academy on the Salemburg Campus and to construct a new dormitory on the Edneyville Campus.
12. Would provide funding to allow State law enforcement officers who are members of the Teachers' and State Employees' Retirement System to retire with unreduced benefits after completing 25 years of service. Currently, no bills or other documents provide the specifics as to how eligibility for this 25 year retirement proposal would be determined. According to the Governor's staff: "In the next few weeks, we will be preparing a recommended special provision to implement the revised State LEO benefit."

The provision in the recommended budget also says that it "amends the special separation allowance benefit for law enforcement officers" but it does not specify how the benefit would be amended. According to the Governor's staff: "This benefit change would also ensure the Special Separation Allowance Benefit for State law enforcement officers becomes effective earlier in a manner that is commensurate with the earlier retirement date.... The Governor is NOT recommending a reduction to Special Separation Allowance Benefits that are provided to retired law enforcement at the State or local levels."

This proposal would not apply to local law enforcement officers who are members of the Local Governmental Employees' Retirement System.

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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