

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 21, 2017

This has been an exceptionally busy week at the General Assembly. Much of the activity has been generated by the upcoming "cross-over" deadline of next Thursday, April 27th. This is the date by which all bills, except finance and appropriations bills, must be passed out of one chamber or the bill will technically not be eligible for any further consideration this year or next year.

While the Senate has been busy, the bulk of activity has been in various House committees, many of whom have had their meeting times extended or additional meetings added to the schedule to allow them to take care of all of the pending business.

Although committee meetings on Mondays are rare, next Monday there are currently six House committees already scheduled, some of which begin at 12:00 p.m. So far the Senate has two committee meetings scheduled for Monday and one meeting scheduled for Tuesday.

While the House and Senate concluded their business on Thursday, both held a brief "skeleton" session on Friday morning. These "skeleton" sessions are designed to allow committee staff to submit reports on committee activity so that the Principal Clerks' staff can process the reports and update the computer system before the legislature returns next week. The House and Senate are scheduled to return to session on Monday evening.

BILLS OF INTEREST

[HOUSE BILL 858](#), Medicaid Expansion/Healthcare Jobs Initiative, would greatly expand Medicaid in this State. Among other changes, the bill would reduce by \$7.8 million the appropriation from the General Fund for the 2018-2019 fiscal year for the Inmate Health Care Program within the Division of Adult Correction and Juvenile Justice. This reduction in Program funding is represented in the bill to be based on "savings to other State programs that currently serve the population to be included in the Medicaid expansion." **Introduced by Representatives Farmer-Butterfield, Earle, Autry and B. Richardson.**

BILL STATUS

[HOUSE BILL 37](#), Protect Law Enforcement Officers, would prohibit a police department from taking disciplinary action against or otherwise discriminating against a municipal law enforcement officer on the basis of the officer either reporting or attempting to report

misconduct. The officer would be required to report the misconduct in writing. This bill would also prevent these agencies from disciplining or discriminating against a municipal law enforcement officer based on the officer's refusal to carry out a directive that would in fact constitute a violation of State or federal law, rule, or regulation or pose a substantial and specific danger to the public health and safety. The bill would allow an aggrieved officer to bring a civil lawsuit against the agency in superior court for damages, which could be awarded plus court costs and attorney's fees.

The bill has now been amended and would make it a Class 2 misdemeanor for a municipal law enforcement officer to make a false writing relating to any reporting of misconduct. In addition, the amendment would provide that the provisions in the bill would not apply if the employing agency already has a personnel policy, code of conduct or other procedures that protect the employee from retaliation.

This bill has been approved by the House Judiciary III Committee and referred to the House Committee on State and Local Government II and is scheduled to be considered on Monday, April 24, 2017. **This bill is OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 94, Emergency Management/Drone Use, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 110, DOT/DMV Changes – Megaproject Funding, was approved by the House Committee on State and Local Government II, then approved by the full House and sent to the Senate for further consideration.

HOUSE BILL 395, Add Member to NC Training Standards Commiss, would give the North Carolina Police Benevolent Association (PBA) a seat on the North Carolina Criminal Justice Education and Training Standards Commission.

This bill was approved by the House Committee on State and Local Government II and was sent to the full House for consideration. **This bill is OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 409, State Agencies/Adjust Hiring Practices, passed the House and has been assigned to the Committee on Rules and Operations of the Senate.

HOUSE BILL 438, Concealed Handgun Standardization Act, was withdrawn from the House Judiciary I Committee and referred to the House Judiciary IV Committee.

HOUSE BILL 464, Revise Schedule of Controlled Substances, has been referred from the House Committee on Health to the House Judiciary I Committee.

HOUSE BILL 511, Game Nights/Nonprofit Fund-Raiser, 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. The bill would allow participants to play roulette, blackjack, poker, craps, simulated horse race and merchandise wheel of fortune. Participants would not be able to win

cash 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. In addition, it would be a Class 2 misdemeanor for any nonprofit organization to operate a game night without the permit.

This bill has been amended and would clarify that it would be a Class 2 misdemeanor for the person who applied for and is responsible for the event to violate any provisions of the game night law. The amendment would also allow a private person to hold a game night at a private residence, so long as there is no cost or charge to the attendees of the game night.

This bill was approved by the House Committee on Alcoholic Beverage Control and was referred to the House Judiciary III Committee for further consideration.

HOUSE BILL 588, Omnibus Gun Changes, has been referred to the House Judiciary IV Committee.

HOUSE BILL 706, Landlord/Tenant-Alias & Pluries Summary Eject, would allow for private service of civil process in summary ejectment cases. Under current law, sheriffs' offices are responsible for service of process in these cases. This bill was approved by the House Judiciary III Committee and will next be considered by the full House. **The private process server provisions of this bill are OPPOSED by the North Carolina Sheriffs' Association.**

HOUSE BILL 746, NC Constitutional Carry Act, has been withdrawn from the House Judiciary I Committee and has been referred to the House Judiciary IV Committee.

HOUSE BILL 788, Amend Expunction Laws, has been assigned to the House Judiciary I Committee.

HOUSE BILL 797, Changes to Current BWC Law, has been assigned to the House Judiciary I Committee.

HOUSE BILL 807, Create Divisions – ALE and Cap. Police in DPS, passed the House Judiciary III Committee and the full House and was sent to the Senate for further consideration.

HOUSE BILL 817, Repeal Pistol Purchase Requirements, has been assigned to the House Judiciary I Committee.

HOUSE BILL 836, No Concealed Gun on Private Prop/Posting Reg, has been assigned to the House Judiciary I Committee.

SENATE BILL 3, DOT/DMV Changes, has been approved by the Senate Judiciary Committee and was referred to the Committee On Rules and Operations of the Senate for further consideration.

SENATE BILL 5, Mecklenburg/Police Countywide Jurisdiction, was amended and would remove the original language in this bill that would have provided for countywide law enforcement jurisdiction in the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill

and Pineville.

This amendment would provide that, subject to the approval of the Board of Commissioners, Mecklenburg County and any municipality in Mecklenburg County, would be authorized to enter into an agreement to extend the jurisdiction of that municipality's police officers into the municipality's extraterritorial jurisdiction that is used for planning and development.

This bill has been approved by the Committee On Rules and Operations of the Senate and is scheduled to be considered by the full Senate on Monday, April 24, 2017

SENATE BILL 162, LEO Assistance and Protection Act of 2017, would expand the authority of company police officers to enter into mutual assistance agreements and would expand their jurisdiction in various other ways.

This bill was amended and would provide that company police officers would have the authority to take law enforcement actions on all public roads passing through and immediately adjoining the facility where company police officers are employed, if the facility is a public school, hospital or airport. This law enforcement jurisdiction would include the authority to direct traffic on all public roads passing through and immediately adjoining a public school, hospital or airport where the company police officers are employed.

As amended, this bill was approved by the Senate Judiciary Committee and the Senate Committee On Rules and Operations of the Senate. It is scheduled for consideration by the full Senate on Monday, April 24, 2017. **This bill is OPPOSED by the North Carolina Sheriffs' Association.**

SENATE BILL 523, EMS Use of UAS, has been transferred from the Committee On Rules and Operations of the Senate to the Committee on Appropriations/Base Budget of the Senate.

SENATE BILL 559, Fingerprinting Upon Arrest, has been transferred from the Committee On Rules and Operations of the Senate to the Senate Judiciary Committee.

SENATE BILL 560, Citizen's Warrants, has been transferred from the Committee On Rules and Operations of the Senate to the Senate Judiciary Committee.

SENATE BILL 561, Expunction-Charges Dismissed/Not Guilty, has been transferred from the Committee On Rules and Operations of the Senate to the Senate Judiciary Committee.

SENATE BILL 601, Gang Nuisance Abatement Act, has been transferred from the Committee On Rules and Operations of the Senate to the Senate Judiciary Committee.

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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