

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 26, 2017

The House Appropriations subcommittees met on Thursday to consider the initial draft of the House version of the State budget bill. Each subcommittee, like the Justice and Public Safety subcommittee, considered the relevant portions of the bill. Details about raises for State employees, which will be considered by the full Appropriations Committee, are expected to be released next week.

The House version of the State budget bill proposes to spend \$22.9 billion in the fiscal year that begins July 1st. This total amount of spending is identical to the amount in the Senate version of the State budget bill that was released about two weeks ago. While the amounts of spending are the same, the items on which the funds will be spent are different and the House and Senate will spend the next few weeks resolving the differences.

Next week, it is expected that the House version of the State budget bill will be considered: (1) on Tuesday by the House Finance Committee; (2) on Wednesday by the full House Appropriations Committee; (3) by the full House on Thursday and Friday; and (4) then be sent back to the Senate. If the bill is approved by the House next week as anticipated, then the House and Senate will begin the process of resolving the differences between the two versions of the bill. The goal of the legislative leadership is to get an agreed-upon version of the State budget bill approved by the General Assembly and sent to Governor Roy Cooper for his signature prior to the beginning of the new fiscal year on July 1st.

Once the General Assembly sends an agreed-upon bill to Governor Cooper for his consideration, the Governor can sign the bill into law, allow it to go into effect without his signature, or he can veto it. If the Governor vetoes the bill, the General Assembly will need to either override the Governor's veto or make amendments to the bill to address the Governor's concerns and then send it back to the Governor for his signature.

The House and Senate concluded their business on Thursday and will return next Tuesday after the long Memorial Day holiday weekend.

BILL STATUS

[HOUSE BILL 125](#), [Threatened Weapon Inc. in First-Degree Rape](#), 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 include 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. Currently, the law addresses employing or displaying the weapon in each of these offenses.

[HOUSE BILL 337](#), [Unmanned Aircraft Systems Law Revisions](#), as amended, would allow an emergency management agency to operate an unmanned aircraft system (UAS) (commonly referred to as a drone) for all functions related to emergency management, such as reconnaissance, search and rescue, damage assessment and hazard risk management.

The bill would also eliminate the current restrictions on imaging technology (such as infrared imaging) on private and commercial UASs. Currently, the use of imaging technology is limited to only scientific and farming operations. By eliminating these restrictions, the imaging technology could be used for other reasons, such as law enforcement activities.

The bill would adopt the standards for the issuance of commercial drone operator permits established by the Federal Aviation Administration.

Finally, the permitting and testing requirements for drones established by the Division of Aviation of the North Carolina Department of Transportation would not apply to drones used solely for hobby or recreational purposes, as opposed to drones used for commercial or governmental purposes which are subject to the permitting and testing requirements.

[HOUSE BILL 449](#), [Henderson Cty/Law Enforcement Training Center](#), has been approved by the General Assembly and became effective May 25, 2017. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly. This law authorizes Henderson County to construct community college buildings on the campus of Blue Ridge Community College to be used for law enforcement training. This law applies only to construction and renovation projects by Henderson County on the campus of Blue Ridge Community College located within Henderson County between January 1, 2016 and December 31, 2021.

[HOUSE BILL 511](#), [Game Nights/Nonprofit Fund-Raiser](#), as amended, 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.

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 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.

The bill would require the nonprofit organization to obtain a permit from the Alcohol Law Enforcement Branch of the Department of Public Safety for each game night, at a cost of \$100 for each permit. No more than 4 game nights could be held in one year. It would be a Class 2 misdemeanor for any nonprofit organization to operate a game night without the permit.

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 684](#), Sex Offender Registry Fee, as amended, would require a sex offender to pay a registration fee of \$90 when the offender is initially registered on the sex offender registry. The fee would be paid to the sheriff of the county where the sex offender resides. The bill would also require each registered sex offender to pay an annual registration fee of \$90 to the sheriff of the county where the offender resides on the anniversary of the sex offender's initial registration date each year that the offender is required to register. The registration fees could be used by the Sheriff's office "only to offset the costs associated with the registration of sex offenders."

The sheriff would be required to maintain a list of all sex offenders who do not pay their registration fees, and the sheriff would provide this information to the Attorney General at the end of each calendar year. The bill would allow, but not require, the Attorney General to pursue a civil lawsuit against the sex offender for nonpayment of registration fees. If the Attorney General chooses to pursue a civil lawsuit to recover past due registration fees, the Attorney General must bring the civil lawsuit within 10 years of the date the registration fees were due.

Further, a sex offender petitioning to be removed from the registry would also have to demonstrate that the initial registration fee and all subsequent annual registration fees have been paid before the sex offender could be removed from the registry. Currently, certain sex offenders may petition to be removed from the sex offender registry after 10 years if: (1) removal from the registry complies with federal law; (2) the sex offender has not been arrested for a new sex crime that would require sex offender registration; and (3) the court is satisfied that the sex offender is not a threat to public safety.

[SENATE BILL 53](#), Law Enforcement Authority/Custody of Child, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. This bill, as amended, would require a court, whenever it issues a temporary child custody order in North Carolina that requires a law enforcement officer to take physical custody of a minor child, to also issue a warrant to take physical custody of the minor child. A warrant to take physical custody of a child would be enforceable throughout the State. When issuing a warrant to take physical custody of a child, a court may, but would not be required to, authorize law enforcement officers to enter private property to take custody of the child. An officer executing a warrant to take physical custody of a child would not incur criminal or civil liability for serving the warrant within the scope of the terms set out by the court in the warrant. This law is effective October 1, 2017 and applies to orders for temporary custody on or after that date. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 185](#), Abolish Columbus/Cleveland County Coroner, has been approved by the General Assembly and became effective May 22, 2017. Since this bill applies to fewer than 15

counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. This local bill became law when it was approved by the General Assembly.

The Office of Coroner in Cleveland County is abolished whenever a vacancy occurs in the office or upon the expiration of the current elected term of office, whichever occurs first. The Office of Coroner in Columbus County was abolished effective May 22, 2017.

[SENATE BILL 547](#), Restitution Remission/Notice and Hearing Req, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper. A district or superior court is now required to provide at least 15 days written notice to the district attorney and the victim of a crime, notifying them of the right to be heard before entering an order excusing a criminal defendant from paying restitution owed to the victim. This law becomes effective on December 1, 2017, and applies to all orders to excuse payment of restitution entered on or after December 1, 2017.

[SENATE BILL 628](#), Various Changes to the Revenue Laws, as amended, would make many changes in the tax laws. Of interest to the criminal justice community, the amended bill would increase the punishment for willfully failing to file a tax return from a Class 1 misdemeanor to a Class H felony for a second or subsequent offense. Additionally, the bill would provide that anyone who knowingly uses the identifying information of another person (such as the person's name, date of birth or social security number) to make a false submission to the North Carolina Department of Revenue would be guilty of a Class G felony. If the person whose identifying information was used suffers any adverse financial impact from the submission, then the person who made the submission would be guilty of a Class F felony.

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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