

North Carolina Sheriffs' Association

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Weekly Legislative Report

June 23, 2017

As anticipated, the final version of [Senate Bill 257, Appropriations Act of 2017](#), was posted on the General Assembly's website just before midnight on Monday night. The Senate gave the bill a preliminary vote on Tuesday and gave it final approval on Wednesday.

In the House rules that govern the operation of the House, Rule 44(b) provides that consideration of a conference report on the appropriations bill cannot be voted upon until the third legislative day following the report. Under this rule, since the appropriations bill conference report was not filed until Monday, technically the House could not consider the bill until Thursday for the first vote and Friday for the final vote. The House agreed to suspend the rule and have the first vote on the budget bill on Wednesday and the third vote on Thursday. The rule was suspended because no member of the House objected to this expedited schedule. By the House members agreeing to suspend the rule and the expedited schedule, they were able to adjourn and leave Raleigh on Thursday rather than being required to stay in Raleigh for final vote on Friday.

Senate Bill 257 containing the 2017–2018 State budget is on its way to Governor Roy Cooper for his consideration. There is wide speculation that Governor Cooper will veto the bill and that the legislature will then override the Governor's veto and enact the State budget bill.

The House and Senate concluded their business on Thursday and are scheduled to reconvene on Monday.

BILL STATUS

[HOUSE BILL 216, Informant Statements/Innocence Comm'n Changes](#), has passed the House and has been amended in the Senate. This bill, as amended, would prevent a defendant from being convicted of a crime based solely on the testimony of an “in-custody informant,” unless the testimony is supported by other evidence. An in-custody informant is a person, other than a co-defendant, who was incarcerated with the defendant and whose testimony is based on statements made by the defendant. All interviews with in-custody informants would have to be visually recorded.

Additionally, the North Carolina Courts Commission would be required, with input from the North Carolina Administrative Office of the Courts, the North Carolina Conference of District Attorneys, the North Carolina Sheriffs' Association and the North Carolina Office of Indigent Defense Services, to conduct a study of the Innocence Inquiry Commission (Commission) on topics such as the roles of the Director and the Commission; whether cases should be referred to the

Commission if a court grants a motion for appropriate relief; whether the Commission should be subject to the public meeting laws; and whether victims should be able to attend closed meetings of the Commission.

[HOUSE BILL 325](#), Amend Arson Law, has passed the House and has been amended in the Senate. This bill, as amended, would make it a Class D felony to knowingly damage, or assist or pay someone else to cause damage to any structure, dwelling or conveyance (such as an automobile or bus) using fire or an explosive during the commission of a felony, and the fire or explosion causes damages valued at \$10,000 or more.

The current Class E felony of committing arson that results in serious bodily injury to a firefighter or emergency medical technician would be expanded to also include fire investigators and law enforcement officers who are injured while carrying out their duties.

[HOUSE BILL 451](#), Regulate Massage & Bodywork Therapy Estmts, has passed the House and has been sent to the Senate for consideration. This bill, as amended, would prohibit the practice of massage or bodywork therapy, such as soft tissue massage, at an "adult establishment." An adult establishment would be defined as an adult bookstore, adult motion picture theater, adult mini motion picture theatre or adult live entertainment business.

The bill would also require a massage and bodywork therapy establishment to be licensed by the North Carolina Board of Massage and Bodywork Therapy. It would be a Class 1 misdemeanor for any person, association, partnership or corporation to engage in, or to hire or employ someone to engage in, massage therapy or bodywork therapy without the person or entity being properly licensed to do so.

[HOUSE BILL 464](#), Revise Schedule of Controlled Substances, has passed the House and has been amended in the Senate. This bill, as amended, would expand the offense of second degree murder to include the death of a drug abuser that is caused by the unlawful distribution and ingestion of a depressant, methamphetamine, or any opium, opiate, or opioid (including any preparation of these substances). This bill would also revise and add to the schedule of controlled substances: synthetic fentanyl, designer hallucinogenics, synthetic cannabinoids, system depressants and other substances.

[HOUSE BILL 469](#), Regulation of Fully Autonomous Vehicles, has passed the House and has been amended in the Senate. This bill, as amended, would create the Fully Autonomous Vehicle Committee within the Department of Transportation. The Committee would consist of 18 members, including a representative of the North Carolina State Highway Patrol, the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police.

The Committee would meet at least four times a year and would be tasked with reviewing fully autonomous vehicle technology, traffic rules and ordinances, and State motor vehicle laws. The Committee would be required to make recommendations to the Department of Transportation and the General Assembly with respect to necessary changes to traffic rules, ordinances and State law in order to facilitate the use of fully autonomous vehicles.

[HOUSE BILL 511](#), Game Nights/Nonprofit Fund-Raiser, has passed the House and has been amended in the Senate. This bill, 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. Participants would be allowed to play roulette, blackjack, poker, craps, simulated horse race and merchandise wheel of fortune. However, 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.

The bill would require the nonprofit organization to obtain a permit to operate a game night from the Alcohol Law Enforcement Branch of the State Bureau of Investigation 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.

Game nights would only be allowed in 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.

This bill would also allow a nonprofit organization to hold up to four raffles a year, and would allow the nonprofit organization to offer raffle prizes totaling \$250,000 annually. Currently, a nonprofit organization can hold two raffles a year and can offer no more than \$125,000 in raffle prizes annually. The bill would also allow a nonprofit organization to offer alcoholic beverages in the manufacturer's original closed container as prizes at a raffle, and would allow the sale of alcoholic beverages in the manufacturer's original closed container at auction to raise money if the nonprofit receives a permit from the North Carolina Alcoholic Beverage Control Commission.

[HOUSE BILL 559](#), Outdoor Heritage Enhanced, has passed the House and has been amended in the Senate. This bill, as amended, would, with some limitations, expand hunting with firearms on Sunday to allow hunting upland game birds, such as quail, and migratory birds, such as duck. Examples of limitations on hunting on Sundays would include not being able to hunt: (1) between the hours of 9:30 A.M. and 12:30 P.M.; (2) with firearms to take deer that have been run by dogs; and (3) within 500 yards of a place of religious worship.

[SENATE BILL 3](#), DOT/DMV Changes, has passed the Senate and passed the House with an amendment. The bill has been sent back to the Senate for consideration of the House amendment. This bill, as amended, would make numerous changes to our motor vehicle laws, as set out below. The bill would change the title of Division of Motor Vehicles ("DMV") license and theft "inspectors" to be "agents" and would expand the jurisdiction of the DMV "agents." The bill would allow agents to enforce the criminal laws when responding to an emergency situation that "is occurring in their immediate vicinity" and that would likely result in bodily harm or loss of

property if the agent did not intervene. It is not clear from the bill whether the agent would have to be on duty when taking such enforcement action. Currently, DMV license and theft inspectors have the authority to enforce criminal laws when a crime is committed in their presence while the inspector is enforcing DMV license and theft laws and when the inspector is asked to provide temporary assistance by the head of a State or local law enforcement agency.

The process the DMV uses to determine whether to revoke an individual's driving privilege who has been adjudicated mentally incompetent, an alcohol abuser, or drug abuser would be changed. Current law requires the Commissioner of DMV to consider the clerk of court's recommendation whether an individual who has been adjudicated incompetent should retain his or her driving privilege. This bill would require the Commissioner to immediately revoke the driving privilege of an individual when the clerk of court recommends revocation in any incompetency adjudication. The bill would also give the Commissioner the authority to conduct an independent investigation into whether the person should retain their driving privilege if the clerk of court makes no recommendation about the driving privilege or recommends that the individual's driving privilege not be revoked.

The bill would change N.C. Gen. Stat. § 20-50(b) to limit the number of temporary tags that can be issued to a particular vehicle during an annual registration period to two 10-day temporary tags. The bill would provide an exception for a car older than 1980 that is being transported to a vehicle show or exhibition. If passed into law, these changes would become effective January 1, 2018, and would apply to applications received on or after that date.

The bill would change N.C. Gen. Stat. § 20-7(f)(1) to extend the duration of a provisional drivers license issued to a person under the age of 18 from their 21st birthday to 60 days following their 21st birthday.

The bill would change N.C. Gen. Stat. § 20-7(f)(6) to allow an individual with a provisional drivers license to remotely (through the mail or other means approved by DMV) convert a provisional drivers license into a Class C drivers license if they are at least 18 years old and meet other requirements set out in the statute.

The bill would also change the definition of "fuel cell electric vehicle" and "plug in electric vehicle" contained in N.C. Gen. Stat. § 20-4.01. The definition of these vehicles would be changed to include language stating that each type of vehicle "does not have the ability to be propelled by a gasoline engine."

The North Carolina Sheriffs' Association is OPPOSED to the provisions of this bill that expand the jurisdiction of DMV license and theft inspectors.

[SENATE BILL 5, Mecklenburg/Police Countywide Jurisdiction](#), has been approved by the General Assembly and became effective June 22, 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 provides that, subject to the approval of the Board of Commissioners, Mecklenburg

County and any municipality in Mecklenburg County, is 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.

[SENATE BILL 160](#), [Handicap Parking Privilege Certification](#), has passed the Senate and passed the House with an amendment. The bill has been sent back to the Senate for consideration of the amendment. This bill, as amended, 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. For an initial application for a temporary removable windshield placard only, a licensed certified nurse midwife can certify that a person is handicapped.

[SENATE BILL 257](#), [Appropriations Act of 2017](#), has passed the General Assembly and the State budget bill for 2017-2018 has been sent to Governor Roy Cooper for consideration. Those items of interest to the criminal justice community in the amended bill include:

1. There would be a \$10 million budget reduction to the North Carolina Department of Justice. This provision does not specify what part of the Department of Justice budget must be reduced. It would require the Attorney General to decide where to make the budget cuts. The Attorney General is prohibited by this provision from making funding cuts to the State Crime Laboratory or the Criminal Justice Division of his office.
2. The bill would prohibit State funds from being used to pay for the litigation services of private legal counsel for any State agency, institution, department, bureau, board or commission, unless specifically authorized by the General Assembly.
3. The Board of Governors of The University of North Carolina would be required to study the feasibility of establishing a pilot program for Basic Law Enforcement Training (BLET) at Winston-Salem State University. The Board of Governors would be required to report their findings on the costs and financial benefits of such a program to the Senate and House of Representatives no later than March 1, 2018.
4. \$2.4 million, disbursed over two consecutive years, would be appropriated to the Department of Health and Human Services, Division of Central Management and Support, to improve the security and functionality of the North Carolina Controlled Substances Reporting System ("CSRS"). The CSRS is used by medical practitioners and pharmacists to identify individuals that misuse controlled substances, and to avoid the overprescribing of controlled substances such as opioids.
5. The Prescription Drug Abuse Advisory Committee would be expanded and renamed the Opioid and Prescription Drug Abuse Advisory Committee. The Committee would be comprised of representatives from various State entities, such as the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, the State Bureau of Investigation, the Division of Adult Correction and Juvenile Justice and the North Carolina Attorney General's Office. This Committee would be tasked with developing and implementing a Statewide plan to address the problem of opioid and prescription drug

addiction.

6. \$25,000 a year for two years (2017-2019) would be appropriated to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, to be used to buy opioid antagonists to be given at no charge to North Carolina law enforcement agencies.
7. The Department of Public Safety ("DPS"), in conjunction with the City of Wilmington, would be required to create a Quick Response Team ("QRT") that would provide overdose treatment services for opiate and heroin victims who are not receiving follow-up treatment. The QRT would consist of law enforcement officers, firefighters and medics. DPS and the City of Wilmington would be required to work together to determine what services would be provided by the QRT, such as counseling services and follow-up care, for opiate and heroin addicts, such as counseling services and follow-up care.
8. Funds previously appropriated to the Department of Public Safety in 2015 for body-worn camera grants would be required to be used to provide "matching grants" to local and county law enforcement agencies to purchase and use body-worn or dashboard video cameras. The grants would be administered by the Governor's Crime Commission. The maximum grant amount would be \$100,000, and the receiving law enforcement agency would have to match dollar for dollar the amount of the grant. The grant recipient would also be required to have in place appropriate policies and procedures for the use of dashboard or body-worn cameras, and for the proper storage of images recorded with these devices. The 2015 grant provisions required the grant recipient to provide \$2 in local funds for every \$1 received in grant funds.
9. The State Capitol Police would be authorized to contract with State agencies to provide security services in the buildings occupied by those agencies.
10. The Department of Justice and the Department of Public Safety would be prohibited from using federally forfeited assets for new personnel positions, new projects, acquisitions of real property and repair of buildings without having the prior approval of the General Assembly.
11. The Class I felony offense of assault or affray on a firefighter, emergency medical technician, medical responder or hospital personnel would be expanded to also include hospital security personnel.
12. The Lieutenant Governor Executive Protection Detail would be created to protect the Lieutenant Governor and his family. The Commander of the State Highway Patrol would be required to appoint to this Detail three State Highway Patrol troopers selected by the Lieutenant Governor.
13. September 11 would be a legal public holiday and would be designated as "First Responders Day."

14. The North Carolina State Highway Patrol would be designated an eligible public safety answering point ("PSAP") for purposes of applying to the 911 Board for a grant.
15. The North Carolina Troopers Association would be authorized to use all trademarks of the North Carolina State Highway Patrol.
16. The North Carolina State Highway Patrol would be required, upon 48 hours' notice, to provide a security detail for the Speaker of the House of Representatives and the President Pro Tempore of the Senate while that person is traveling within North Carolina on State business.
17. The subject matter jurisdiction of the State Bureau of Investigation ("SBI") would be expanded to allow the SBI, upon request of either the Governor or Attorney General, to investigate human trafficking crimes and crimes involving nuclear, biological and chemical weapons of mass destruction.
18. The State Capital Police, which currently is a section of the North Carolina State Highway Patrol, would be relocated as a separate Division of the Department of Public Safety. The transfer of personnel to or from the State Capital Police, or changes to its current authorized budget, would be prohibited until after the State Capital Police is transferred from the North Carolina State Highway Patrol to the Department of Public Safety.
19. Alcohol Law Enforcement ("ALE") would remain a branch of the State Bureau of Investigation and the jurisdiction of ALE agents would not be modified. Currently, ALE agents may arrest for any criminal offense at any time, although their primary responsibility is the enforcement of alcoholic beverage control ("ABC") and lottery laws.

In addition, the transfer of ALE positions or changes to its current authorized budget would be prohibited unless approved by the General Assembly. Finally, any funds or property distributed to ALE as a result of any federal forfeiture would be required to be used only for ALE purposes.

20. The Department of Public Safety would continue to pay the sum of \$40 per day as reimbursement to counties for the cost of housing backlogged convicted inmates for the Division of Adult Correction and Juvenile Justice ("DACJJ") who were sentenced to imprisonment in DACJJ. **The North Carolina Sheriffs' Association SUPPORTS this reimbursement fee.**
21. The Department of Public Safety, in collaboration with the Department of Health and Human Services, would be required to study the feasibility of the State implementing a Health Information Exchange (HIE) program that would allow for the electronic transfer of inmate health information.
22. The Department of Public Safety, Division of Adult Correction and Juvenile Justice ("DACJJ"), would be required to report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for DACJJ employees: (i) the number

of employees charged with a criminal offense that occurred while they were working in a State Prison; (ii) the number of employees disciplined, demoted or separated due to misconduct; (iii) a description of the screening process used to select and hire employees; (iv) the average number of days between assignment of a correctional officer to duties and the completion of Correctional Officer Basic Training; and (v) the methods used by DACJJ to prevent contraband from entering the prison system and an evaluation of how effective that process is.

23. The bill would make various changes to the juvenile justice system. Those items of interest to the criminal justice community include:

(i) The age of who is considered a juvenile for purposes of juvenile court jurisdiction would 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 would, however, require a 16 or 17-year-old, when probable cause has been found by the court to believe the juvenile committed a Class A, B1, B2, C, D, E, F or G felony, to be transferred to superior court to be tried as an adult.

(ii) A court would have the discretion to transfer to superior court any 16 or 17-year-old charged with the commission of a Class H or I felony.

(iii) The criminal offense of contributing to the delinquency of a juvenile would be modified so that a person would have to be 18 years of age or older to be charged with this offense. Currently, a 16 or 17-year-old can be charged with contributing to the delinquency of a juvenile.

(iv) A juvenile court counselor would be required to share information in a juvenile's record with a law enforcement officer. The law enforcement officer would not be able to copy any part of the record.

(v) The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission would be required to develop education and training materials on juvenile justice issues such as detention, referral to diversionary programs and best practices for handling incidents involving juveniles.

(vi) A juvenile court counselor would be required to conduct a gang assessment when evaluating a juvenile to determine whether a delinquency petition should be filed.

(vii) If a juvenile is adjudicated delinquent and the court finds that the juvenile was involved in gang activity, the court would be required to enter a sentence that is one class higher than the class of offense the juvenile was charged with committing.

The bill does not currently provide funding for these changes to the juvenile justice system. The bill does, however, establish the Juvenile Jurisdiction Advisory Committee, which would be comprised of various State and local officials, including one Sheriff appointed by the Speaker of the House of Representatives. This Advisory Committee would be required to develop a plan to address the costs of the changes to the juvenile justice system.

The raising of the juvenile age to 18 would become effective December 1, 2019 and would apply to offenses committed on or after that date. **The North Carolina Sheriffs' Association SUPPORTS the raise the juvenile age recommendation of the North Carolina Commission on the Administration of Law & Justice, which includes various improvements in the juvenile justice system and includes a requirement for adequate funding. However, the North Carolina Sheriffs' Association is OPPOSED to an increase in the juvenile age unless adequate funds are provided before the changes are implemented.**

24. The North Carolina Department of Justice would be prohibited from hiring sworn personnel to fill vacant positions in the North Carolina State Crime Laboratory. However, current employees of the North Carolina State Crime Laboratory that have maintained their sworn status would be allowed to continue their employment at the Laboratory.
25. Company police agencies would be authorized to enter into mutual aid agreements to provide temporary law enforcement assistance with the governing board of a municipality or with a county, provided the sheriff of that county consents. Company police officers would also be authorized to provide "as needed" temporary 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.
26. Hospital emergency departments, State rest areas and welcome centers, adult "live entertainment" establishments, and adult book stores would be required to post, in a conspicuous location, a public awareness sign and hotline telephone number concerning human trafficking. The signs would be provided by the North Carolina Human Trafficking Commission.
27. Local law enforcement agencies would be required to inventory their Sexual Assault Evidence Collection Kits ("SAECKs"), and to report to the North Carolina State Crime Laboratory the total number of SAECKs in their custody or control. In addition to the total number of SAECKs, local agencies would be required to report the number of SAECKs that: (i) are associated with a case that has been resolved in court; (ii) were not submitted for testing by the agency because the suspect admitted to the sexual act; (iii) were not submitted for testing by the agency because the allegations were determined to be unfounded; and (iv) are not associated with an identifiable victim. The report would be due no later than January 1, 2018, and the North Carolina State Crime Laboratory would be required to report these findings to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2018.
28. In all criminal convictions where digital forensics was performed by the North Carolina

State Crime Laboratory, such as an analysis of a computer, the district or superior court judge would be required to include in the court costs a payment of \$600, which would be provided to the Department of Justice for use by the State Crime Laboratory.

Also, in all criminal convictions where an expert witness employed by the North Carolina State Crime Laboratory provided testimony at trial relating to digital forensics analysis, the district or superior court judge would be required to include in the court costs a payment of \$600, which would be provided to the Department of Justice for use by the State Crime Laboratory. This \$600 fee for expert witness trial testimony would be in addition to the \$600 digital forensics testing fee described above.

29. In all criminal convictions where a digital forensics analysis was performed by a local government crime laboratory facility, such as the analysis of a computer, the district or superior court judge would be required to include in the court costs a payment of \$600 if the court finds that the digital forensics performed by the local government crime laboratory is equivalent to the digital forensics work performed by the North Carolina State Crime Laboratory. The payment of the \$600 laboratory fee would be submitted to the general fund of the local law enforcement unit to be used for local crime laboratory purposes.

Additionally, in all criminal convictions where an expert witness employed by a local government crime laboratory facility provides testimony at trial relating to digital forensics analysis, the district or superior court judge would be required to include in the court costs a payment of \$600, which would be submitted to the general fund of the local law enforcement unit to be used for local crime laboratory purposes. This \$600 fee for trial testimony would be in addition to the \$600 digital forensics testing fee described above.

30. In all criminal cases where a defendant is convicted or enters a plea accepting guilt, the court would be prohibited from waiving all or part of any court fines or costs, unless the court first provides notice and opportunity to be heard by all government entities directly affected by the court costs. The notice would have to be given 15 days in advance of the hearing, would have to specify the date and time of the hearing and would have to advise the agency of their right to object to the waiver of costs.
31. Probation or parole officers would be eligible for the law enforcement officer's special separation allowance but probation or parole officers would not be entitled to the 5% contribution into the Supplemental Retirement Income Plan.
32. \$2,200,000 would be allocated to the Department of Public Safety to renovate the Swannanoa Correctional Center for Women to allow for portions of the facility to be used as a female Confinement Response to Violation ("CRV") facility.

[SENATE BILL 343](#), Legal Notices/Newsprint Employees, has passed the Senate and has been amended in the House. This bill, as amended, would make numerous changes to the laws concerning the publication of legal notices. Among these changes:

1. When a legal notice is required to be published by a city or county government more than once and the city or county pays for the publishing of the notice, and the cost of the publication is not paid or reimbursed by private parties, then the city or county could not be charged for the second and subsequent publication of the notice at a rate greater than 85% of the first publication rate.
2. Newspapers that carry legal notices would be required to: (i) appeal to the general public; (ii) have at least 100 paid subscribers and distribute at least 1,000 copies per issue; (iii) have a distribution that is not limited entirely to one geographical part of the community; (iv) be available to anyone in the county where the notice is required to be published; and (v) be published for at least one day in each week for at least 50 out of 52 consecutive weeks. To be eligible to carry legal notices, the owner or other authorized officer of the newspaper would have to pay a fee and file an affidavit with the clerk of superior court stating that the newspaper meets all of the above criteria.
3. If the newspaper in which a legal notice is placed also maintains an Internet Web site, then the legal notice would be required to be placed, at no additional charge, on that newspaper's Internet Web site on the same day that the notice appears in the print newspaper.
4. As part of a pilot program, the counties of Buncombe, Durham, Forsyth and Guilford would be allowed, in the discretion of the board of county commissioners, to adopt an ordinance establishing the county Web site as a central location for publishing and advertising legal notices. This pilot program authority would begin October 1, 2017 and expire December 31, 2019.

[SENATE BILL 445](#), Expungement Process Modifications, has passed the Senate and passed the House with amendments. The bill will be sent back to the Senate for consideration of the amendment. This bill, as amended, 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 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.

Additionally, prosecutors would have access to confidential expunction files maintained by the Administrative Office of the Courts if the record was expunged on or after July 1, 2018.

[SENATE BILL 615](#), North Carolina Farm Act of 2017, has passed the Senate and has been amended in the House. This bill, as amended, would allow a winery that obtains a special event permit from the North Carolina Alcoholic Beverage Control Commission to sell wine by the glass or in a closed container, or to offer wine for on-site tastings, at farmer's markets. Currently, a winery with a special event permit can engage in this activity at trade shows, conventions, shopping malls, balloon races, fund raisers and at certain festivals (such as street festivals). This bill also contains numerous other provisions related to the agricultural industry.

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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