

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 22, 2018

Last week leaders in the House and Senate publicly stated that any bills that must be sent to the Governor for his consideration should be completed by last Friday, June 15th. The reasoning behind this decision was to allow Governor Roy Cooper 10 days to either: (1) sign each pending bill into law, (2) allow them to go into law without his signature, or (3) veto some of them. The 10 day time period will expire next week. If the Governor vetoes any bills during this timeframe, the General Assembly will decide whether or not to override the veto and can still adjourn this year's legislative session by Friday, June 29 as planned.

This week, and into next week, the legislature is considering local bills and bills that could allow voters to amend the North Carolina Constitution. Local bills are those that affect 14 or fewer counties, and they do not go to the Governor for his signature or veto. Constitutional amendment bills do not go to the Governor for his signature or veto either. If constitutional amendment bills are approved by 3/5 of the House members and 3/5 of the Senate members, then the issue will go on the ballot this November for voters to decide whether or not to adopt the proposed constitutional amendment.

The remainder of this legislative session, between now and June 29th, will be interesting as the legislature decides which constitutional amendments to submit to the voters in November and Governor Cooper decides which other bills, if any, to veto. The drama will ultimately play out when the legislature then decides whether or not to override any vetoed bills. Then the General Assembly will adjourn this year's legislative session, probably on June 29th, and likely not reconvene until early 2019.

The Senate concluded their work this week on Thursday and the House adjourned on Friday, and both are scheduled to reconvene on Monday afternoon.

BILL STATUS

[HOUSE BILL 223](#), Special Plates/Handicapped Placard Renewal, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. The bill would allow a disabled veteran or a partially disabled veteran to obtain a special registration plate for a motorcycle that displays their disabled veteran status. Currently, this special registration plate is available for motor vehicles.

The bill would also allow a person 80 years of age or older to renew their handicapped windshield placard without having to obtain a medical recertification to have the placard renewed. Currently, a handicapped windshield placard is valid for 5 years and a medical recertification is required to renew the placard stating the applicant is handicapped, unless the person was declared permanently disabled at the time of their initial application or subsequent renewal application.

[HOUSE BILL 551](#), [Strengthening Victim's Rights](#), passed the House in 2017 and is pending in the Senate. The bill, as amended, would submit to North Carolina voters a proposed amendment to the North Carolina Constitution to expand the rights of victims of certain crimes.

If passed by the voters, this amendment would require the payment of restitution to the victim in a "reasonably timely" manner, and the victim would be given the right to be "reasonably heard" at any hearing regarding the release, plea, conviction, adjudication or sentencing of the accused. Currently, a victim can only be heard during sentencing. The bill would also apply to victims of certain crimes or acts of delinquency committed by juveniles.

The bill, as amended, no longer contains the constitutional requirement that a victim would have the right to "reasonable protection from the accused." This unqualified "reasonable protection" provision that has been removed from the bill could have created problems for law enforcement by requiring impractical protections, such as the guarding of a victim 24 hours a day. **The North Carolina Sheriffs' Association SUPPORTS this bill as amended.**

[HOUSE BILL 991](#), [Fox Trapping Local Omnibus](#), has been approved by the General Assembly and becomes effective October 1, 2018. 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 creates an open season for the taking of foxes with weapons and for the taking of foxes and coyotes by trapping during the trapping season set by the Wildlife Resources Commission. There will be no bag limit on coyotes and foxes taken under these methods.

This law applies only to the counties of Cabarrus, Davie, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, Stokes, and to those portions of Forsyth County outside the city limits of Winston-Salem.

[HOUSE BILL 1080](#), [Guilford Co. Animal Control Records](#), has passed the House, passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would allow the City of Greensboro to release personnel information related to the disposition of internal disciplinary charges against a Greensboro Police Department officer to the Greensboro Criminal Justice Advisory Commission or the City of Greensboro's Police Community Review Board, which are designated by the Greensboro City Council to provide citizen review of the Greensboro Police Department disciplinary process. Currently, this information may only be released to the Greensboro Human Relations Commission Complaint Subcommittee. This bill would only apply to the City of Greensboro.

[SENATE BILL 145](#), [DOT/DMV Legislative Requests](#), has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. The bill would allow the North Carolina Division of Motor Vehicles (DMV) to release information it has collected while determining whether a drivers license should have a restriction, such as prescription glasses, to any other State or federal government agency in certain circumstances. Local agencies would not be entitled to this information.

The bill would also clarify when operators of firefighting or emergency equipment used for governmental functions would be exempt from having a Commercial Drivers License (CDL). Currently, large vehicles may be used without a CDL for the purpose of “preserving life or property or to execute governmental functions.” This bill would clarify that governmental functions includes training or other official use by the governmental entity.

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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