

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 29, 2018

Independence Day

For those who are involved in or closely watching the legislative process, we could be tempted to remember a quotation from a very old court case that said:

“No man’s life, liberty or property are safe while the legislature is in session.”
1 Tucker 248, N.Y. Surr.18

As tempting as it is to repeat this court case quotation, the week of Independence Day is a good time for all of us to remember how fortunate we are to live in a country where citizens of our State can govern our affairs through a General Assembly. While observers of the General Assembly might agree that it is not an efficient process, we should all agree that the form of government that we enjoy in the United States of America is undoubtedly the best form of government in the entire world.

So, we should all be thankful for our country’s ancestors who took historic action 242 years ago on July 4, 1776 which resulted in our form of government being the envy of people all around the world.

General Assembly Adjourns

As expected, the North Carolina General Assembly adjourned today. Historically, when the legislature adjourns during the odd-numbered year, they do not plan to return until early in the next year when the newly-elected General Assembly convenes after the November elections.

However, the adjournment resolution effective today schedules the General Assembly to reconvene on Tuesday, November 27, 2018. This will, of course, be after the November elections. This will allow the General Assembly to address additional legislation prior to the end of the 2017-2018 legislature and prior to the convening of the 2019-2020 legislature. During the session that convenes in November, there are no restrictions on the issues that may be addressed by the General Assembly.

Speculation is that if the election results are satisfactory to legislative leadership, little or no action will occur during the November session. However, if the election results are not satisfactory to legislative leadership, there is speculation that significant issues may be addressed during the November session. Only time will tell.

The Weekly Legislative Report is published each Friday when the General Assembly is in session. Therefore, it will not be published again until after the General Assembly reconvenes on November 27, 2018. When we complete preparation of our Final Legislative Report for this session, it will be distributed to the recipients of our Weekly Legislative Report and posted on the Association's website.

BILLS OF INTEREST

[HOUSE BILL 744](#), Trespass/Eastern Band Cherokee Indians Lands, as amended, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2018. This law includes in the crime of first degree trespass the unauthorized entry onto lands of the Eastern Band of Cherokee Indians.

[SENATE BILL 808](#), Domestic Violence Fatality Review in Buncombe, has been enacted into law, effective June 28, 2018. As amended, it adds Buncombe County to the list of counties that must establish a Domestic Violence Review Team (Review Team). Currently, these review teams are required in Alamance, Pitt, Wake, and Mecklenburg Counties.

The law enforcement and criminal justice members of the Review Team will be: (1) the Sheriff of Buncombe County, or his/her designee; (2) a law enforcement officer appointed by the Chief of Police of the largest municipality in Buncombe County (i.e. Asheville); (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 Review Team will report on domestic violence issues every 3 years to the Buncombe County Board of County Commissioners, the North Carolina Domestic Violence Commission, and the Governor's Crime Commission.

[SENATE BILL 814](#), Judicial Vacancy Sunshine Amendment, has been approved by the General Assembly and will be submitted to the North Carolina voters in November 2018 to decide if the North Carolina Constitution should be amended to implement a nonpartisan merit-based system for the filling of vacancies in the offices of the Supreme Court, the Court of Appeals, Superior Court Judge, District Court Judge, and District Attorney. If approved by a majority of votes, this amendment would apply to vacancies occurring in the above referenced offices on or after the date of the next general election. Since the bill proposes a constitutional amendment, it does not go to Governor Roy Cooper for approval.

If approved, this constitutional amendment would establish the Nonpartisan Judicial Merit Commission (Commission) that would consist of a maximum of nine members who would be appointed by the Chief Justice of the Supreme Court, the Governor and the General Assembly. Vacancies in the above referenced offices would be filled by receiving nominations from citizens to the Commission. The Commission would evaluate the nominees without regard to the nominee's political affiliation and the Commission would in turn submit their evaluations of the

nominees to the General Assembly. The General Assembly, in turn, would recommend to the Governor at least two of the nominees to fill each vacancy. The Governor would then appoint the nominee the Governor deems best qualified. Currently, vacancies in these offices are filled by the Governor without a formal citizen nomination and review process.

BILL STATUS

[HOUSE BILL 9](#), Allow Election Day Service – Retired LEOs, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 22, 2018.

[HOUSE BILL 223](#), Special Plates/Handicapped Placard Renewal, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 25, 2018.

[HOUSE BILL 284](#), 25-Year LEO Retirement Option, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of July 1, 2019. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 325](#), Amend Arson Law, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2018.

[HOUSE BILL 388](#), Modernize Mutual Assistance Statutes, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 25, 2018. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 500](#), ABC Omnibus Legislation, has been approved by the General Assembly and enacted into law on June 26, 2018 after Governor Roy Cooper failed to approve the bill within ten days of the bill being presented to him. This law has various effective dates. The effective date for those provisions previously summarized in the June 15, 2018 Weekly Legislative Report relating to the tasting of alcoholic beverages and sports and entertainment venues is June 26, 2018. The effective date for those provisions previously summarized relating to raffles and auctions is October 1, 2018.

[HOUSE BILL 551](#), Strengthening Victim's Rights, has been approved by the General Assembly and will be submitted to the North Carolina voters in November 2018 to decide if the North Carolina Constitution should be amended to expand the rights of victims of certain crimes. If approved by a majority of votes, this constitutional amendment would be effective August 31, 2019. Since the bill proposes a constitutional amendment, it does not go to Governor Roy Cooper for approval. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 613](#), Transfer Certain State Property, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of July 1, 2018.

[HOUSE BILL 670](#), Protect Educational Property, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2018. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 945](#), Rape Evidence Collection Kit Tracking Act, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 25, 2018.

[HOUSE BILL 969](#), Enhance Prison Security, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2018.

[HOUSE BILL 977](#), Admin. Changes Ret. System/Treasurer – 2018.-AB, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 25, 2018.

[HOUSE BILL 1080](#), Guilford Co. Animal Control Records, has been approved by the General Assembly and became effective June 26, 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.

[HOUSE BILL 1083](#), Appointments Bill 2018, has passed the General Assembly. The bill makes numerous appointments to State commissions and boards. Among those of interest to the criminal justice community are:

The Speaker of the House of Representatives appoints:

1. Effective January 1, 2019, Sheriff J.D. Hartman of Davie County to the 911 Board for a term expiring on December 31, 2021.
2. Effective September 1, 2018, Sheriff Hans J. Miller of Onslow County to the North Carolina Domestic Violence Commission for a term expiring on August 31, 2020.
3. Effective July 1, 2018, Sheriff James T. "Tim" Manning of Martin County to the North Carolina Industrial Hemp Commission for a term expiring on June 30, 2022.
4. Effective July 1, 2018, Sheriff James "Alan" Norman of Cleveland County to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2021.

[SENATE BILL 124](#), LEO Manage CBD Oil Drop Box, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2018.

[SENATE BILL 145](#), DOT/DMV Legislative Requests, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of July 1, 2018.

[SENATE BILL 162](#), Human Trafficking Restorative Justice, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 25, 2018.

[SENATE BILL 168](#), AOC Omnibus Changes, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of June 22, 2018. Those provisions relating to when arrest warrants may be issued are effective October 1, 2018.

[SENATE BILL 335](#), Budget Technical Corrections & Study, has been approved by the General Assembly and enacted into law on June 26, 2018 after Governor Roy Cooper failed to approve the bill within ten days of the bill being presented to him. Those provisions of interest to the criminal justice community summarized in the June 15, 2018 Weekly Legislative Report are effective July 1, 2018.

[SENATE BILL 616](#), Heroin & Opioid Prevention & Enforcement Act, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of July 1, 2018. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 630](#), Revise IVC Laws to Improve Behavioral Health, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of October 1, 2019. **The North Carolina Sheriffs' Association opposed this bill as drafted in 2017 but it was amended in 2018 to satisfactorily address concerns with the bill.**

[SENATE BILL 655](#), Change Date When Primary Elections Held, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of January 1, 2019.

[SENATE BILL 711](#), NC Farm Act of 2018, passed the General Assembly and was sent to Governor Roy Cooper on June 15 for consideration. The bill was vetoed by Governor Cooper on June 25, 2018. Governor Cooper's veto was overridden by the Senate on June 26, 2018 and overridden by the House on June 27, 2018. The bill has been enacted into law with an effective date of June 27, 2018.

[SENATE BILL 750](#), Health-Local Confinement/Vet. Controlled Sub., has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with various effective dates. Those provisions previously summarized in the May 25, 2018 Weekly Legislative Report relating to reporting the death of a prisoner in the custody of a local confinement facility, such as a county jail, are effective June 25, 2018.

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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