

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

December 14, 2018

The 2017-2018 Session of the General Assembly reconvened in November after the election to deal with several matters. While a variety of bills were introduced for consideration, most of them were not considered or enacted into law.

This week, the legislature concluded its formal business for the remainder of the year, absent any major surprises. They will continue to hold “skeleton” sessions for a couple more weeks, which are sessions at which only a handful of members attend. The purpose of the “skeleton” sessions is to give Governor Roy Cooper time to review each bill sent to him and for him to decide whether to sign each bill into law, veto it or let it go into law without a signature.

Once Governor Cooper makes his decision on all of the bills sent to him, if he vetoes any bills the legislature will probably come back into formal session and attempt to override his veto. If all of the bills sent to Governor Cooper are enacted because he signs them into law or allows them to go into law without his signature, the legislature will probably formally adjourn for the year.

Once the legislature formally adjourns for the year, they are not expected to return to Raleigh any further until the new 2019-2020 Session convenes in late January.

We anticipate that this will be our last Weekly Legislative Report until the General Assembly reconvenes in late January. However, if there are new developments of interest to sheriffs and the criminal justice community, we will certainly report on them.

BILL STATUS

[HOUSE BILL 1114](#), Change Burden of Proof/Candidacy Challenge, was introduced by Representative Clampitt on November 28, 2018 and has been referred to the Committee on Rules, Calendar and Operations of the House. The bill would change the burden of proof in a challenge to a candidate seeking elective office, such as a candidate running for sheriff. This bill would require the challenger to carry the burden of proof unless the challenge is based on residency. In a residency challenge, the candidate would still have the burden of proving residency. Currently, once any type of challenge is filed, the candidate has the burden of proof to prove the allegation is false.

This bill was not enacted into law.

[HOUSE BILL 1120](#), [Reconstitute Various Boards & Commissions](#), was introduced by Representative McGrady on December 4, 2018 and has been assigned to the House Committee on State and Local Government II. The bill would make various changes to how appointments of members are made to certain State Boards and Commissions.

Of interest to the criminal justice community, the bill would amend G.S. 74C-4 to change the number of appointments to the Private Protective Services Board (Board) by certain State officials. The bill would increase the number of appointments to the Board by the Governor from three to seven appointments. The number of appointments by the General Assembly would be reduced from five to three appointments to the Board upon the recommendation of the President Pro Tempore of the Senate and from five to three appointments upon the recommendation of the Speaker of the House of Representatives.

Currently, the Governor is authorized to appoint three members to the Board and the General Assembly is authorized to appoint five members to the Board upon the recommendation of the President Pro Tempore of the Senate and five members upon the recommendation of the Speaker of the House of Representatives.

This bill was not enacted into law.

[SENATE BILL 117](#), [Forfeit. Retmt/Anti-Spiking/Serv. Purch/TC.](#), has passed the Senate, passed the House with amendment and has been sent back to the Senate for consideration of the House amendment. As amended, the bill makes technical corrections to clarify the effective date of the 25-year retirement option for law enforcement officers contained in [House Bill 284](#), [25-Year LEO Retirement Option](#), which passed the General Assembly and was signed into law by Governor Roy Cooper on June 22, 2018.

The bill, as amended, would clarify that the effective date of the 25-year retirement option is July 1, 2019. The bill would not make any substantive changes to the 25-year retirement option for law enforcement officers. The substantive provisions of [House Bill 284](#) were reported by the North Carolina Sheriffs' Association in the 2018 Final Legislative Report.

This bill was not enacted into law.

[SENATE BILL 469](#), [Technical Corrections](#), has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. The bill contains various provisions of interest to the criminal justice community. The bill would:

1. Require that the funds designated for use by the Dragonfly House as set forth in [Senate Bill 99](#), the State Budget Bill, be allocated to the Davie County Sheriff's Office for the purpose of providing those funds to the Dragonfly House Children's Advocacy Center in Mocksville, North Carolina. This change is necessary because the Dragonfly House is part of a larger nonprofit network that has restrictions on how its members receive grant funds.

2. Provide \$15,000 in grant funds to the Bryson City Fire Department for equipment upgrades instead of providing these funds to the Bryson City Police Department for a K-9 transport unit. In a December 6, 2018 weekly press release, Representative Mike Clampitt stated the basis for making this change is because the Bryson City Police Department no longer has a K-9 program, whereas the Bryson City Fire Department has an immediate need for equipment upgrades.
3. Make technical changes to the 25-year retirement option for law enforcement officers, identical to the changes summarized above in Senate Bill 117 and below in Senate Bill 828. The bill would clarify that the effective date of the 25-year retirement option is July 1, 2019.
4. Make technical corrections to the human trafficking law changes made in Senate Bill 162, Human Trafficking Restorative Justice, which passed the General Assembly and was signed into law by Governor Roy Cooper on June 25, 2018. Senate Bill 162 made it a Class 3 misdemeanor to inappropriately disclose the private information of a human trafficking victim. The substantive provisions of Senate Bill 162 were reported by the North Carolina Sheriffs' Association in the 2018 Final Legislative Report.

Senate Bill 469 clarifies that the effective date for the substantive provisions in Senate Bill 162 is December 1, 2018 and applies to all offenses committed on or after that date.

The bill would also amend G.S. 14-43.17 to provide that it would not be a criminal violation of law if information that identified a human trafficking victim was contained in a file kept by the clerk of court, such as in the clerk of court's office.

5. Amend G.S. 18B-1002(a) and G.S. 18B-1006(a) to allow a special one-time Alcoholic Beverage Control Commission (ABC) permit to be issued to a professional sports organization for the retail sale of malt beverages, wine, or mixed beverages at a professional sporting event held in a stadium with a seating capacity of at least 40,000 people, provided the facility is owned or leased by a constituent institution of The University of North Carolina and is in a county with a population of at least 900,000 people. This would apply to Wake and Mecklenburg Counties.
6. Allow, but not require, the North Carolina Division of Motor Vehicles ("DMV") to disclose the social security number of a person to the North Carolina Judicial Department for the purpose of enforcing the criminal and motor vehicle laws.
7. Extend the time within which the North Carolina Wildlife Resources Commission has to make recommendations on the best disposition methods for abandoned or derelict vessels (boats) to various committees within the General Assembly from March 1, 2019 to April 30, 2019.

SENATE BILL 828, Technical Corrections, has passed the Senate and has been sent to the House for consideration. The bill would clarify the effective date for the 25-year retirement option for law enforcement officers, as summarized above in Senate Bill 117, Forfeit. Retmt/Anti-

Spiking/Serv. Purch/TC. The bill would not make any substantive changes to the 25-year retirement option for law enforcement officers that was enacted into law. Rather, the bill would clarify that the effective date of the 25-year retirement option is July 1, 2019.

This bill was not enacted into law.

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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