

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

February 1, 2019

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This has been the first week of the 2019 legislative session where bills have been introduced and activity at the General Assembly is beginning to pick up.

Legislative bills introduced in previous legislative sessions are no longer “alive” for consideration by the 2019 General Assembly. Any legislative ideas that were introduced in previous years must be reintroduced this year for any further consideration. Usually each legislative session contains a number of legislative ideas that were introduced in previous legislative sessions but not enacted into law.

The House and Senate adjourned on Thursday and will reconvene on Monday evening.

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## **BILLS OF INTEREST**

[House Bill 5](#), Close the Medicaid Coverage Gap, is identical to [Senate Bill 3](#), which is listed below in this Weekly Legislative Report.

This bill would expand the category of individuals eligible for Medicaid coverage to include individuals that meet all of the following requirements: 1) the individual has a gross income that is at or below one hundred thirty-three percent (133%) of the federal poverty level; 2) the individual is between 19 years of age and 64 years of age; 3) the individual is not entitled to Medicare benefits; and, 4) the individual is not eligible for Medicaid coverage under the North Carolina State Plan as it existed on January 1, 2019.

In North Carolina, Medicaid benefits are currently available to pregnant individuals, those individuals age 65 and older, and those individuals with disabilities.

This bill would potentially have an impact on inmates held at the county and State level. Medicaid coverage is NOT available for services provided to an inmate in the jail. However, if an inmate is kept at an off-site hospital or medical facility for **24 hours** or more, then Medicaid coverage could be available to cover some of those costs. This bill has the potential to expand the category of inmates that could be eligible for Medicaid coverage when the inmate is kept at a hospital or medical facility longer than 24 hours. **Introduced by Representatives Adcock, Cunningham, Insko and Farmer-Butterfield, and assigned to the House Committee on Health.**

[House Bill 14](#), Reconstitute Various Boards & Commissions, 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. **Introduced by Representatives McGrady, Torbett, Ross and Harrison, and assigned to the House Committee on Judiciary.**

[Senate Bill 3](#), Close the Medicaid Coverage Gap, is identical to [House Bill 5](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Clark, Blue and Robinson, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 5](#), Building North Carolina's Future, would allow State and local educational institutions, such as community colleges and local school administrative units, to have access to funds from the State Capital and Infrastructure Fund. Of interest to the criminal justice community, community colleges and local school administrative units would be able to use any funds they receive for "school safety enhancements." The term school safety enhancements is not defined in the bill. **Introduced by Senators Brown, Harrington and Krawiec, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 9](#), Female Genital Mutilation/Clarify Prohibition, would create an additional felony offense in North Carolina.

The bill would make it a class C felony to knowingly circumcise, excise, or infibulate (the surgical removal of the female genitalia) the whole or any part of the labia majora, labia minora, or clitoris of another person who has not attained the age of 18 years. The bill would also make it a class C felony for any parent, guardian or other person responsible for the minor to consent to those acts being performed on a minor, or to cause or allow the minor to be transported out of state to have those acts performed on the minor.

The bill would allow an exception for surgical operations performed by a medical practitioner which are necessary for the health of the minor or performed in connection with labor or child birth. The bill also clarifies that a person's belief that the act is required because of custom, ritual or consent is not a defense to prosecution for this offense. **Introduced by Senators Krawiec, Sawyer and Ballard.**

[Senate Bill 11](#), ABC Regulation and Reform, would make numerous changes to the Alcoholic Beverage Control (ABC) Commission's permitting process on issues such as qualifications for an ABC permit and the amount of fines the ABC Commission could assess for violations, such as violations involving acts of violence or controlled substances.

The bill also adds a definition for “private bar” to the list of those establishments which may be issued various ABC permits. A private bar would be defined as a for-profit entity, not open to the public but only open to its members and guests for recreation and socialization purposes.

This bill would also allow local law enforcement agencies to work with the ABC Commission legal division staff in certain undercover operations which could result in the suspension or revocation of ABC permits if certain criminal charges occur. Currently, only Alcohol Law Enforcement (ALE) agents or local ABC board officers have this ability. **Introduced by Senator Wells.**

[Senate Bill 12](#), [Alexander County/Sheriff Vacancies](#), would amend G.S. 162-5.1 to remove Alexander County from those counties listed in 162-5.1. G.S. 162-5.1 requires that upon a vacancy in the office of sheriff, such as due to retirement, the board of county commissioners must first consult with the county executive committee of the political party of the outgoing sheriff and must elect the person selected by the executive committee to fill the vacancy.

If Alexander County is removed from G.S. 162-5.1, then a vacancy in the office of sheriff in this county would be filled by the board of county commissioners without the input of the county executive committee of the political party of the outgoing sheriff. **Introduced by Senator Wells.**

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If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's website: [www.ncleg.net](http://www.ncleg.net).

You may also receive one copy of as many bills as you are interested in, free of charge, by calling the General Assembly's Printed Bills Room at (919) 733-5648. They will need to know if it is a House bill or a Senate bill and the bill number (for example, Senate Bill 8).

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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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