

# North Carolina Sheriffs' Association

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Weekly Legislative Report

February 8, 2019

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While it is likely that there will be over 2000 legislative bills introduced during this two-year session, only 80 bills have been introduced so far. This does not mean that there is little activity going on at the General Assembly.

Many legislators are talking to their fellow members about various ideas for potential legislation. They are also contacting lobbyists for interested parties to get input prior to filing bills. By doing this, many legislators try to fix any potential problems with their bills before they are actually introduced. They also try to secure the support of various legislators that are recognized as being experts on a particular topic.

This process of drafting bills, discussing them with others, and getting them prepared for introduction will continue for the next several weeks. As the session progresses, more and more bills will be introduced in advance of the bill introduction deadlines that will come later this spring.

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

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## BILLS OF INTEREST

[House Bill 29](#), [Standing Up for Rape Victims Act of 2019](#), would establish a statewide protocol for the processing and testing of Sexual Assault Examination Kits (SAEKs). For any SAEK that is collected on or after July 1, 2019, the bill would require the collecting entity, such as a hospital, to report to a law enforcement agency the use of the SAEK no later than 24 hours after the collection of samples has been completed.

The law enforcement agency that was notified of the completion of the SAEK would be required to take custody of the SAEK within seven days of receiving this notification and would be required to retain and preserve the SAEK. The law enforcement agency would also be required to submit the SAEK to the North Carolina State Crime Laboratory, or another laboratory approved by the State Crime Laboratory, within 45 days of taking custody of the completed SAEK if the victim has consented to participating in the criminal justice process. For any SAEK that is reported to a law enforcement agency where the victim does not consent to participate in the criminal justice process, the law enforcement agency would be required to submit the “unreported” SAEK to the North Carolina Department of Public Safety for storage.

The bill would require every law enforcement agency that possesses SAEKs completed on or before January 1, 2018 to establish a review team to conduct a case review of each SAEK to

determine the priority for submitting untested SAEKs to the State Crime Laboratory, or an approved laboratory for testing. The bill would require the establishment of the review team and completion of all SAEK case reviews no later than 3 months following [House Bill 29](#) being enacted into law.

Law enforcement agencies would not be allowed to submit for testing any untested SAEKs under the following circumstances: 1) the allegations are unfounded; 2) the victim does not consent to participate in the criminal justice process; or 3) a criminal prosecution has resulted in a conviction and the defendant does not seek DNA testing and the defendant's DNA profile is already in the State's Combined DNA Index System (CODIS).

The bill would also require law enforcement agencies that receive a CODIS (the Federal Bureau of Investigation's DNA identification system) hit when they submit a suspect's DNA sample to provide to the State Crime Laboratory an electronic notification of the arrest within 15 days of the arrest of the person. The bill would require the law enforcement agency to also electronically notify the State Crime Laboratory of any person convicted of a crime that resulted from a CODIS hit within 15 days from the date of conviction.

Finally, the bill would appropriate \$3 million in nonrecurring funds to the North Carolina Department of Justice for fiscal years 2019-2021 to be used to assist in the testing of untested SAEKs. \$800,000 in recurring funds would be appropriated to the North Carolina Department of Justice for the creation of six full-time forensic scientist positions at the State Crime Laboratory to assist with the testing of submitted SAEKs and to reduce the turnaround time for SAEK testing. **Introduced by Representatives Boles, Belk, C. Smith and Richardson.**

[House Bill 37](#), [Child Sex Abuse/Extend Statute of Limitations](#), would extend the time within which a victim can file a civil lawsuit against a defendant based on sexual abuse suffered while the plaintiff was under the age of 18. This bill would provide that a victim of sexual abuse that occurred while the victim was under 18 years of age could be brought by the victim against a defendant at any time until the victim reaches 45 years of age.

Currently, a plaintiff who was the victim of sexual abuse has 10 years from the time the abuse occurred to bring a civil lawsuit against a defendant. **Introduced by Representatives Riddell, White, Torbett and B. Turner.**

[House Bill 41](#), [Allison's Law/GPS Tracking Pilot/DV/Funds](#), would create a pilot program to use global positioning system (GPS) devices to track domestic violence offenders in Forsyth County, which would be conducted by the North Carolina Department of Public Safety (DPS) in consultation with local law enforcement, the courts and other "appropriate local entities."

In developing and implementing this GPS tracking pilot program, DPS and the other entities involved would take into consideration factors such as: 1) the seriousness of the domestic violence offense; 2) the cost of monitoring the offender; 3) the staffing required to conduct monitoring; 4) the type of GPS tracking device to be used; 5) whether tracking should be 24 hours a day or some lesser amount; 6) whether the victim should be tracked; and 7) any other information that is deemed relevant such as whether other states have implemented similar tracking systems.

DPS would be required to report on the effectiveness of this program to the Joint Legislative Oversight Committee on Justice and Public Safety no later than April 1, 2022.

Finally, the bill would appropriate \$25,000 to DPS for fiscal year 2019-2020 to implement this pilot program in Forsyth County. **Introduced by Representatives Lambeth and Conrad.**

[Senate Bill 20](#), Emergency Worker Protection Act, would make numerous changes to our statutes on assaults and threats of assaults against law enforcement officers and other emergency workers.

The punishment for assault with a firearm on a law enforcement officer, probation officer, parole officer, person employed at a detention facility, or member of the North Carolina National Guard, while in the performance of their official duties would be increased from a Class E to a Class D felony.

The punishment for assault or affray on a firefighter, emergency medical technician (EMT), medical responder, or hospital personnel who are discharging or attempting to discharge their official duties which inflicts serious bodily injury or uses a deadly weapon other than a firearm would be increased from a Class H to Class G felony. An assault on any of these people causing physical injury with the use of a firearm would be increased from a Class F to a Class E felony.

The punishment for assault on a law enforcement officer, probation officer, parole officer, employee at a detention facility or member of the North Carolina National Guard while performing their official duties, which inflicts serious bodily injury, would be increased from a Class F to a Class E felony.

The punishment for assault on a law enforcement officer, probation officer, parole officer, employee at a detention facility or member of the North Carolina National Guard while in the performance of their official duties which causes physical injury would be increased from a Class I to a Class H felony.

The punishment for assault on a law enforcement officer, fireman, and other person lawfully engaged in providing essential services during a declared state of emergency or within the immediate vicinity of a riot, which causes physical injury would be increased from a Class I to a Class H felony. Any assault on these people with a dangerous weapon or substance would be increased from Class F to a Class E felony.

This bill would create a new Class D felony offense of assault and battery on a law enforcement officer, firefighter, EMT or medical responder in a maliciously secret manner with a deadly weapon with intent to kill.

This bill would also create a new Class A1 misdemeanor offense to threaten, by any means of communication, an act of violence against a law enforcement officer, EMT, medical responder, firefighter, person employed at a detention facility, or school safety officer who is not a law enforcement officer. **Introduced by Senators Britt, Ballard and McInnis.**

[Senate Bill 22](#), Waive Tuition/Correctional Officer, would add survivors of correctional officers killed in the line of duty, and the spouses and children of correctional officers who are disabled due to a traumatic injury sustained in the line of duty, to the list of individuals eligible to attend classes through the various institutions of The University of North Carolina and the North Carolina Community Colleges tuition free. A correctional officer would be defined as a person who is certified as a State correctional officer under the North Carolina Criminal Justice Education and Training Standards Commission.

Currently, these tuition waiver benefits are provided to the survivors, spouses, and children of law enforcement officers, firefighters, volunteer firefighters, and rescue squad workers killed or who have received traumatic injuries in the line of duty. **Introduced by Senators Britt, McInnis and Ballard.**

[Senate Bill 29](#), Move Over Law/Increase Penalties, would increase the penalties for drivers who fail to move over in response to a parked or standing public service vehicle, such as a patrol car, when the vehicle is operating its emergency lights.

The bill would increase the punishment from an infraction to a Class 2 misdemeanor for anyone who fails to slow their vehicle, or move the vehicle into another lane of travel, when approaching an emergency vehicle or public service vehicle operating its emergency lights.

If damage to property or injury to a law enforcement officer, firefighter, emergency vehicle operator, incident management assistance patrol member, public service vehicle operator, or any other emergency response person in the immediate area occurs, the punishment would be increased from a Class 1 misdemeanor to a Class I felony.

If serious injury or death of any of these people is caused by a failure of a driver to move over, the punishment would be increased from a Class I to a Class F felony. **Introduced by Senators Britt and McInnis.**

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North Carolina Sheriffs' Association, Inc.

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