

# North Carolina Sheriffs' Association

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## Weekly Legislative Report

February 15, 2019

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While some things at the General Assembly are getting off to a relatively slow start, other things are moving pretty quickly.

Meetings of the various Appropriations Committee subcommittees began this week and will continue for several weeks. These meetings will be introductory in nature, and will provide both returning members and new members with an overview of the various budget provisions for which their committee has jurisdiction. If they follow the procedures from previous years, these meetings will go on for quite some time as the members get familiar with the budget items within their jurisdiction.

While this part of the budget process gets off to a slow start, there will be times later during the legislative session that the budget process moves with lightning speed. The legislature's goal will be to get a two-year State budget enacted prior to June 30<sup>th</sup> so that the new fiscal year can begin on July 1<sup>st</sup>.

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

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### BILLS OF INTEREST

[House Bill 46](#), Economic Security Act of 2019, would make numerous changes to North Carolina employment law. The changes of interest to the criminal justice community include:

1. The State minimum wage would be increased to \$15 per hour over the next five years.
2. All employers would be required to provide paid sick time (accrued at the rate of one hour of sick leave for every 30 hours worked) to an employee to be used: (1) when an employee is off work to care for an employee's immediate family member who is suffering from a physical or mental illness; (2) to care for the employee's own physical or mental illness; or (3) to allow an employee to care for either himself or herself or an immediate family member who is the victim of domestic violence, sexual assault or stalking.
3. When hiring for vacancies in either State government or with a unit of local government, a hiring authority would not be able to ask about or consider the criminal history of an applicant unless the applicant had been made a conditional offer of employment. This obligation would not be applicable to positions for which a hiring authority is required by

law to consider the applicant's criminal record, which presumably would allow law enforcement agencies to continue to ask about an applicant's criminal history record.

Additionally, no person would be disqualified from public employment (after the person's criminal history is discovered) unless the government agency can show that the criminal history is "substantially related" to the job in question.

4. The bill would repeal the prohibition on public employee collective bargaining. Consequently, it would allow public employees to form labor unions.

**Introduced by Representatives Fisher and Harrison, and assigned to the House Committee on Commerce. The North Carolina Sheriffs' Association is OPPOSED to repeal of the prohibition on public employee collective bargaining.**

[House Bill 55](#), [Alexander County/Sheriff Vacancies](#), is identical to [Senate Bill 12](#), which was summarized in the February 1, 2019 Weekly Legislative Report. The bill 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 pursuant to G.S. 162-5 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 Representative Elmore, and assigned to the House Committee on State and Local Government.**

[House Bill 61](#), [Omnibus Gun Changes](#), would make a number of changes to North Carolina's firearms laws. The changes of interest to the criminal justice community include:

1. A person able to possess firearms under State and federal law would be able to carry a concealed handgun in the State without a permit. An individual would not have this authority to carry a concealed handgun if he/she is disqualified under certain criteria (generally the same criteria currently set out in North Carolina law that would prohibit an individual from receiving a concealed handgun permit). A person carrying a concealed handgun would have to carry valid identification with them and disclose to a law enforcement officer that the person is carrying a concealed handgun when the person is approached or addressed by the officer. Any person unlawfully carrying a concealed handgun when the person does not meet the criteria for carrying a concealed handgun would be guilty of a Class 2 misdemeanor for a first offense and a Class H felony for a second or subsequent offense.
2. The bill would prohibit a person from carrying a handgun, either concealed or openly carried, on another person's private property if notice is given prohibiting the carrying of

a handgun on the property. This restriction on carrying handguns on private property would not however, apply to law enforcement officers or licensed bail bondsmen while performing their official duties.

3. A new statute would be created regulating the carrying of firearms or other deadly weapons in the State Capitol Building, the Executive Mansion, and the Western Residence of the Governor. This statute would make it unlawful for any person to possess or carry, whether openly or concealed, any firearm or other deadly weapon in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings. This restriction would not apply to the categories of individuals currently allowed to carry concealed weapons under G.S. §14-269(b), such as law enforcement officers, district attorneys, district and superior court judges, magistrates, and clerks of court. The Governor and the Governor's immediate family would be able to possess firearms in the Executive Mansion or the Western Residence of the Governor.
4. A new statute regulating weapons in courthouses would also be created. This statute would make it unlawful for a person to possess or carry, whether openly or concealed, a firearm or any other deadly weapon in any building housing any court of the General Court of Justice. Those individuals currently allowed to carry concealed firearms under G.S. §14-269(b) would not be subject to this restriction. Additionally, a district attorney or assistant district attorney would be able to carry a concealed weapon while in a courtroom.
5. A new statute would be created regulating weapons at picket lines or demonstrations at health care facilities. This statute would make it unlawful for any person participating in, affiliated with, or present as a spectator at any picket line or demonstration at health care facilities to possess or have access to a firearm or other dangerous weapon. Again, those individuals currently allowed to carry a concealed firearm under G.S. §14-269(b) would not be subject to this restriction. Additionally, a person would be able to seek a permit to carry a dangerous weapon at a picket line or demonstration from the sheriff or police chief of the locality where the event is to take place.
6. This bill would also modify the State's concealed handgun permit statutes to provide that the State of North Carolina, via the sheriffs, shall continue to make a concealed handgun permit available to any person who applies for and is eligible to receive a concealed handgun permit. The rationale for keeping the concealed handgun permit is that it is often convenient to have a concealed handgun permit for the purpose of reciprocity when traveling in another state, to make the purchase of a firearm more efficient, or for various other reasons.
7. All company police officers would have the authority, if authorized by their superior officer, to carry a concealed weapon statewide. Currently, company police officers do not have this authority.
8. Campus police officers would have the authority to carry concealed weapons statewide, if authorized by their campus police agency and by the sheriff of the county where the campus police agency is located. Currently, campus police officers do not have this authority.

9. Currently, State correctional officers, State probation or parole officers and North Carolina law enforcement officers, who have been retired two years or less, are exempt from taking the firearms safety and training course for purposes of applying for a concealed handgun permit. This bill would allow State correctional officers, State probation or parole officers and North Carolina law enforcement officers retired for five years or less to be exempt from taking the firearms safety and training course.
10. The bill would also make changes to the criteria for the denial of a concealed handgun permit based on mental illness. Before a sheriff could deny or revoke a concealed handgun permit due to a mental illness, the bill would require the applicant or permittee to have a current diagnosis and ongoing mental disorder under the Diagnostic and Statistical Manual of Mental Disorders. If the applicant or permittee has such a diagnosis, the sheriff would then have to determine if the diagnosis would prevent the safe handling of a handgun.

Currently, sheriffs evaluate any available mental health evaluations and mental health orders of applicants and permittees to determine if the applicant or permittee suffers from a “physical or mental infirmity” that prevents the safe handling of a handgun. This proposed change has the potential to allow individuals with serious mental illnesses who have not yet been diagnosed to be eligible for a concealed handgun permit.

11. Currently an applicant for a concealed handgun permit must sign a release requiring disclosure to the sheriff of “any records concerning the mental health or capacity of the applicant.” This bill would change this requirement to only require the disclosure of records concerning an applicant’s current diagnosis and ongoing mental disorder under the Diagnostic and Statistical Manual of Mental Disorders or records showing that the applicant has been or is currently “adjudicated by a court to be a danger to self or others due to mental illness or lack of mental capacity.” This proposed change has the potential to reduce the information a sheriff receives about an applicant’s mental health background.
12. The bill would also require sheriffs who choose to schedule appointments for concealed handgun permit applicants, to schedule an in-office appointment for an applicant within 15 business days from the date the applicant informs the sheriff that the applicant possesses all documentation necessary for the application.
13. The sheriff would also be required to issue or deny the concealed handgun permit within 90 calendar days of the application, regardless of whether or not all of the application background materials, such as mental health records, have been submitted to and reviewed by the sheriff. If the sheriff has not received the required records concerning the mental health or capacity of the applicant after 45 days of the request, the bill would require the sheriff to request the records again.
14. The bill would increase the cost for a concealed handgun permit from \$80 to \$81, and the extra \$1 increase would be added to the \$45 that currently goes to the Department of Public Safety for the costs of State and federal criminal history record checks.

15. Legislators, legislative employees, retired law enforcement officers with concealed handgun permits, and current sworn law enforcement officers would be able to carry a concealed handgun on the premises of the State legislative buildings and grounds. The Legislative Services Commission would be able to adopt a rule requiring the Chief of the General Assembly Police to be notified by these individuals before carrying a handgun on the premises.
16. Weapons would be able to be possessed, either concealed or not concealed, at school extracurricular activities if the person is not a participant in, or chaperone, or spectator of the activity and the activity is conducted in a public place such as a restaurant, public park or museum.
17. Weapons would also be able to be possessed by a person in a vehicle on a road crossing educational property.
18. A person with a valid concealed handgun permit would also be able to possess a handgun on public school property, other than an institution of higher education such as colleges and universities, in a place used both as a school and a religious institution (church), so long as the handgun is possessed and carried on school property outside of school operating hours.
19. This bill would eliminate the requirement that the applicant for a pistol purchase permit provide the sheriff with a signed and notarized release for mental health orders. The bill would instead require any holder of a mental health order (such as clerks of court) to provide such court orders directly to the sheriff upon the sheriff's request.
20. Defendants convicted of crimes involving the use of a firearm would not be able to have the firearm returned to them after their conviction of the crime.
21. The common law offense (a crime developed by the courts as opposed to the General Assembly) of "going armed to the terror of the people" would be written into the General Statutes in North Carolina. This new statute would restate the current common law that makes it a Class 1 misdemeanor for a person to go armed on the public highways with a dangerous weapon (for example a firearm) for the purpose of terrifying others. This bill would also clarify that a person would not be guilty of going armed to the terror of the people based only on the fact that a person is possessing or carrying a handgun.
22. Finally, the State Board of Education, in consultation with law enforcement agencies and firearms associations, would be required to develop a firearm education course to be offered as an elective at the high school level. The State Board of Education, in consultation with the Wildlife Resources Commission, the Division of Marine Fisheries, and the Wildlife Management Institute, would also be required to develop a course on the North American Model for Wildlife Conservation that would be offered as an elective at the high school level.

**Introduced by Representatives Pittman, Potts and Kidwell, and assigned to the House**

**Committee on Judiciary.**

[House Bill 66](#), Req Active Time Felony Death MV/Boat, would require a period of continuous confinement of one-fourth the maximum sentence of imprisonment imposed for a conviction of felony death by vehicle or felony death by impaired boating. **Introduced by Representatives Pittman, Speciale, Jackson and Graham, and assigned to the House Committee on Judiciary.**

[House Bill 67](#), Road Barrier Prohibition, would clarify that the Class 1 misdemeanor offense of driving onto roadways that have been closed by the North Carolina Department of Transportation due to construction or hazardous conditions would not apply to law enforcement, first responders, emergency management personnel, or Department of Transportation personnel when they are acting within the scope of their official duties. **Introduced by Representatives McNeill, Shepard, Goodman and R. Turner, and assigned to the House Committee on Transportation.**

[House Bill 74](#), 2019 School Safety Grants Program, would require the Superintendent of the North Carolina Department of Public Instruction to establish the 2019 School Safety Grants Program (Program) for the purpose of improving school safety. Public schools, including charter schools, would be allowed to apply for grants under this Program to pay for services for students in crisis, school safety training, safety equipment in schools, and for school mental health support personnel.

In order to qualify for these grants, a public secondary school would be required to have an assessment performed, in conjunction with a local law enforcement agency, that would help identify current and ongoing safety needs.

The bill would appropriate the following funds to the Department of Public Instruction to award grants under the 2019 School Safety Grant Program:

1. Up to \$4.5 million in recurring funds to award grants for providing crisis services for students, such as behavioral therapy, parent-child interaction therapy and peer-to-peer mentoring.
2. Up to \$4.5 million in recurring funds to award grants for providing training to students, school employees (including school mental health support personnel), and first responders on how to improve school safety and to respond to trauma and significant stress.
3. Up to \$6.1 million in nonrecurring funds to award grants for school safety equipment.
4. Up to \$18.2 million in recurring funds to award grants to provide all or a portion of the salary needed to employ school mental health support personnel.

**Introduced by Representatives Torbett, Lewis, Dobson and Bell.**

[House Bill 76](#), School Safety Omnibus, would make numerous changes to the laws concerning school safety in North Carolina. The changes of interest to the criminal justice community include:

1. "Public school units" would be required to participate in a school safety exercise annually; coordinate with local law enforcement agencies regarding the appropriate location of crisis kits; and provide to local law enforcement the diagrams and keys to the main entrance of school buildings.

"Public school unit," would include a local school administrative unit, charter school, regional school, and a school providing elementary or secondary instruction operated by the State Board of Education (State Board) or The University of North Carolina.

2. Private church schools and schools of religious charter would be encouraged, but not required, to develop a School Risk Management Plan (SRMP), to hold annual school safety exercises, and to provide floorplans and keys to local law enforcement for safety purposes. Currently, only public schools are required to have an SRMP, to conduct annual safety training and provide floorplans and keys to local law enforcement for safety purposes.
3. The powers and duties of the Center for Safer Schools (CSC) of the North Carolina Department of Public Instruction would be expanded. Under these expanded duties the CSC would:
  - a. Assist law enforcement officers in active shooter response drills in schools;
  - b. Collaborate with the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Justice Academy to establish and maintain updated training curriculum for school resource officers; and
  - c. Coordinate grants for school resource officers in elementary and middle schools.
4. The governing body of a public school unit would be required to create and establish policies and procedures for "threat assessment teams." These teams would include law enforcement personnel and persons with expertise in counseling, instruction and school administration.

The threat assessment team would work to identify, assess, and intervene with students who might pose a threat to the safety of the school. The threat assessment team would also be tasked with determining the level of threat posed by an individual. If a threat is identified as "imminent," the threat would have to be immediately reported to the school superintendent, or their designee, who would be required to notify local law enforcement of the threat. If the threat is classified as "high risk," the superintendent, or their designee, would notify law enforcement if that action is recommended by the treat assessment team.

The bill would allow, but not require, the North Carolina Department of Public Safety to provide criminal record checks to the members of a threat assessment team on those individuals that have been identified by the threat assessment team as posing an imminent threat to school safety.

5. The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission, in collaboration with the CSC would be required to establish initial and continual training requirements for school resource officers. The training would include topics on mental health, students with disabilities, and crisis intervention and de-escalation.

A school resource officer would be defined as any law enforcement officer assigned to one or more public schools at least 20 hours per week.

**Introduced by Representatives White, Torbett, Horn and Elmore, and assigned to the House Committee on Education K-12.**

[House Bill 77](#), [Electric Standup Scooters](#), would define “electric standup scooter” as a device with no more than three (3) twelve-inch or smaller wheels with handlebars that is designed to be ridden while standing, and that is powered by an electric motor that cannot go faster than 20 miles per hour on a paved, level surface.

The bill would exclude electric standup scooters from the definitions of motor vehicle and moped but would include it in the definition of a vehicle. Therefore, riders of electric standup scooters would be subject to vehicle offenses such as driving while impaired, but would not be subject to registration and title requirements.

The bill would also allow an electric standup scooter to be operated on public highways with speed limits of 35 miles per hour or less, and on sidewalks and bicycle paths. However, municipalities would be allowed to regulate by ordinance the time, place and manner in which standup scooters could be used on sidewalks, alleys, bridges and other ways of passage within the municipality.

Finally, a municipality would be allowed to enact an ordinance requiring a person that offers a stand up scooter for hire to first obtain a business license. **Introduced by Representatives Torbett, Presnell, Iler and Shepard, and assigned to the House Committee on Transportation.**

[House Bill 80](#), [Waterfowl Hunting/Roanoke Rapids Lake](#), would make it unlawful during the waterfowl seasons to place or leave unoccupied equipment or vessels, such as temporary blinds, decoys, and boats that may be used for the purpose of taking migratory waterfowl, such as ducks.

A violation would be a Class 2 misdemeanor and would be enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with subject matter jurisdiction.

This bill applies only to Roanoke Rapids Lake in Halifax and Northampton Counties. **Introduced by Representative Wray, and assigned to the House Committee on State and Local Government.**

[House Bill 81](#), [Move Over Law/Increase Penalties](#), is identical to [Senate Bill 29](#), which was summarized in the February 8, 2019 Weekly Legislative Report. 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. Finally, 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 Representative Jones.**

[House Bill 82, Railroad Crossings/On-Track Equipment](#), would clarify that a vehicle approaching a railroad signaling device or railroad crossing must stop for any “on-track equipment” in the same manner as is required for stopping a vehicle for a train. On-track equipment would be defined as any railcar, rolling stock, equipment vehicle or other device that is operated on stationary rails.

The bill would also require the driver of the following types of vehicles to always stop at railroad tracks that are not protected by gates or signals and to look and listen for trains and on-track equipment: 1) school buses; 2) activity buses; 3) motor vehicles that carry passengers for compensation; and 4) any other motor vehicle that has a capacity to hold 16 or more passengers. Currently, the operators of these types of vehicles must stop at tracks unprotected by gates or signals to look and listen for trains.

Finally, the bill would make it an infraction for the driver of a motor vehicle to enter onto any railroad crossing in a manner that would obstruct the passage of on-track equipment. Currently, it is an infraction for the driver of a motor vehicle to obstruct the passage of a train at a railroad crossing. **Introduced by Representative Pierce, and assigned to the House Committee on Transportation.**

[House Bill 86, Gun Violence Prevention Act](#), would make numerous changes to North Carolina laws regarding firearms. The changes of interest to the criminal justice community include:

1. A person would be required to have either a pistol purchase permit or a concealed handgun permit issued by the sheriff in order to purchase or receive an "assault weapon," or other shotgun or rifle. Currently, a pistol purchase permit or concealed handgun permit issued by a sheriff can only be used for the purchase or receipt of a handgun. Additionally, this bill would make it illegal for any person to receive any firearm unless 72 hours has passed from the time of the purchase of a firearm or the agreement to transfer a firearm.
2. The term "assault weapon" would be specifically defined to mean:
  - a. A firearm capable of fully automatic fire.
  - b. 109 specifically identified rifles, pistols, and shotguns.
  - c. All semiautomatic, centerfire rifles that accept detachable magazines and have

- at least one additional feature, such as a pistol grip or flash suppressor.
- d. All semiautomatic, centerfire rifles that have a fixed magazine and will hold more than 10 rounds of ammunition.
  - e. All semiautomatic, centerfire rifles that have an overall length of less than 30 inches.
  - f. Certain semiautomatic pistols.
  - g. Certain semiautomatic shotguns.
3. A person under the age of 21 would be prohibited from possessing or carrying an assault weapon as defined above, with certain limited exceptions. It would be a Class H felony for a person to sell or transfer an assault weapon as defined above to an individual under the age of 21, with certain limited exceptions.
  4. The provisions relating to "assault weapons" would be effective December 1, 2019 and would prohibit the sale, transfer or possession of assault weapons on or after that date. People already possessing these types of firearms would not be affected.
  5. The possession of "bump stocks" or "trigger cranks" would be a Class I felony. A bump stock would be defined as a device that would increase the rate of fire of a firearm and a trigger crank would be a device that activates the trigger of a firearm through the use of a lever or other part that is turned in a circular motion. This provision would be effective December 1, 2019 and would prohibit the sale or possession of bump stocks and trigger cranks on or after that date. People already possessing bump stocks or trigger cranks would not be affected.
  6. Except when being carried or used by the owner or other person in lawful possession of a firearm, the firearm would have to be kept in a locked container, to include in the person's home. A violation would be a Class A1 misdemeanor.
  7. The North Carolina Department of Justice would be required to compile a list of other states that issue concealed handgun permits that use criteria that are at least as stringent as the criteria for concealed handgun permits in North Carolina. North Carolina would only grant reciprocity to those states that issue concealed handgun permits using criteria at least as stringent as North Carolina. Currently, all other state's concealed handgun permits are recognized in North Carolina.
  8. The owner of a firearm would have an obligation to report the loss or theft of the firearm within 48 hours after the discovery to local law enforcement or to the State Bureau of Investigation (SBI). The owner of the firearm would be guilty of a Class 3 misdemeanor for the first offense of failing to report the lost or stolen firearm and a second or subsequent violation would be punished as a Class I felony.

9. All firearm owners in North Carolina would have to maintain a liability insurance policy of no less than \$100,000 to cover any damages resulting from the negligent or willful acts involving the use of the firearm.
10. A person would be guilty of a Class 2 misdemeanor for a first offense of possessing a "large capacity magazine." A second or subsequent violation would be a Class 1 misdemeanor. A large capacity magazine would include any type of fixed or detachable magazine that can hold more than 15 rounds of ammunition, or a fixed or detachable magazine capable of accepting more than eight shotgun shells. Tubular magazines for .22 caliber rifles and tubular magazines on lever-action rifles would not be considered large capacity magazines. The bill would allow individuals who possess large capacity magazines as of December 1, 2019 to continue to possess these magazines as long as the person "maintains continuous possession" of the large capacity magazine.
11. Firearms seized as evidence in a crime or that are taken into custody by law enforcement officers as unclaimed firearms would be able to be destroyed upon order of a court. Currently, firearms seized as evidence in a crime or are taken into custody by law enforcement officers as unclaimed firearms may not be destroyed unless the firearms do not have a legible identification number or are mechanically unsafe.
12. The North Carolina Department of Public Safety (DPS) would be required to develop a roster of handguns deemed to be safe for sale or possession in North Carolina using the standards of the California Roster of Handguns Certified for Sale. This bill would make it a Class 3 misdemeanor for any person or company to possess, manufacture, sell, or otherwise transfer a handgun that is not approved as safe by DPS. Any person in possession of a handgun deemed to be unsafe by DPS would only be allowed to sell or transfer the handgun to a federally licensed firearms dealer or the sheriff of the county where the person resides. The sheriff would have the authority to destroy or dispose of any such handgun in the same manner as a firearm seized as evidence of a crime. Certain handguns would be exempt from these restrictions, such as antique firearms and firearms used in motion picture or television productions.

**Introduced by Representatives Clark, Morey, Harrison and Willingham.**

[House Bill 87](#), License Plate Reader Systems in State ROWs, would allow the North Carolina Department of Transportation to enter into agreements with municipalities, counties, and other governmental entities for the installation of automatic license plate reader systems on the right-of-way of any public roadway. The automatic license plate reader system could not interfere with any existing utility service and would have to be removed upon the request of a public utility if the utility is affected by the use of the automatic license plate reader system. The automatic license plate reader system could not be used for enforcement of traffic violations that are infractions, failure to obey traffic signals, or exceeding the speed limit.

**Introduced by Representative Faircloth.**

[Senate Bill 46](#), Standing up for Rape Victims Act of 2019, is substantially similar to [House Bill](#)

[29](#), which was summarized in the February 8, 2019 Weekly Legislative Report. The bill would establish a statewide protocol for the processing and testing of Sexual Assault Examination Kits (SAEKs). **Introduced by Senators Daniel, Britt and McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 58](#), [Revise Marijuana Laws](#), would allow for the lawful possession of marijuana if the quantity does not exceed four ounces. The possession of any amount over three ounces would be a Class 1 misdemeanor, and any amount over 16 ounces would be a Class I felony. Currently, it is a misdemeanor to possess 1.5 ounces of marijuana or less and is a felony to possess greater than 1.5 ounces.

This bill would also allow a person that has been convicted of possessing three ounces or less of marijuana to apply for an expungement of that conviction. **Introduced by Senators Lowe, Foushee and Fitch, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 61](#), [Guardian/Parent Authorized Plate](#), would allow a non-handicapped registered owner of a motor vehicle to apply for a handicapped license plate or removable handicapped windshield placard if the registered owner certifies that they are the guardian or parent of a handicapped person. The non-handicapped registered owner of the vehicle would be required to recertify every five years that they remain the guardian or parent of the handicapped person. **Introduced by Senators J. Davis, McInnis and J. Jackson, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 66](#), [Allow Game Nights](#), would allow a nonprofit organization that has been in continuous existence for at least 5 years to hold a game night at which games of chance are played and would allow for the consumption of alcoholic beverages at game nights held at facilities with alcoholic beverage permits. Nonprofit organizations would be able to apply for game night permits to the Alcohol Law Enforcement branch of the North Carolina Department of Public Safety.

Participants would be allowed to play roulette, blackjack, poker, craps, simulated horse race, merchandise wheel of fortune, and any other game approved by Alcohol Law Enforcement. However, participants would not be able to win cash playing these games. Instead, the chips or markers won from playing these games would be exchanged for raffle tickets and prizes would be won through raffles.

This bill would only apply to those areas of the State east of Interstate 26, as that interstate highway was located on November 28, 2011. Interstate 26 runs through the western part of North Carolina, from the Tennessee border to the South Carolina border.

In addition, the bill would allow an employer or trade association with 25 or more employees or members to hold game nights for their employees and members. An employer or trade association would not be able to charge a fee to the attendees. The same permitting requirements and limitations on game night events applicable to nonprofit organizations would also apply to game nights hosted by employers and trade associations.

A similar bill was passed by both chambers in 2017, but was vetoed by Governor Cooper.  
**Introduced by Senators Gunn, McInnis, and J. Alexander.**

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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.

North Carolina Sheriffs' Association, Inc.

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