

# North Carolina Sheriffs' Association

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## Weekly Legislative Report

February 22, 2019

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Pursuant to a Joint Resolution adopted by the House and Senate on February 13<sup>th</sup>, Governor Roy Cooper has been invited to attend a joint session of the House and Senate next Monday, February 25<sup>th</sup> at 7:00 P.M to give a “state of the State” presentation. This address by the Governor to the General Assembly is traditional and is the time at which the Governor outlines his goals and requests for the upcoming legislative session.

Typically, the Governor’s address is attended by other Council of State members, members of the Governor’s Cabinet, along with members of the Supreme Court of North Carolina and the North Carolina Court of Appeals.

Several legislative committees have been meeting this week and some legislation has been passed by one chamber and sent to the other chamber for consideration.

Much of the attention in Raleigh this week has been focused on the hearing held by the North Carolina State Board of Elections which voted unanimously on Thursday to require a new election in North Carolina’s 9<sup>th</sup> Congressional District. Also, due to the recent death of Congressman Walter Jones from North Carolina’s 3<sup>rd</sup> Congressional District, there will be two elections in North Carolina this year to fill vacant seats in our congressional delegation.

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

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### BILLS OF INTEREST

[House Bill 91](#), [ABC Laws Modernization/PED Study](#), would make numerous changes to the State’s Alcoholic Beverage Control (ABC) laws. Of interest to the criminal justice community, the bill would allow a person to purchase without a permit any amount of fortified wine or spirituous liquor. Currently, a person is allowed to purchase without a permit eight liters of either fortified wine or spirituous liquor, or a total of eight liters of the two combined.

The bill would also allow a person to transport without a permit any amount of fortified wine and spirituous liquor. Currently, a person is allowed to transport without a permit up to eight liters of either fortified wine or spirituous liquor, or if the person first obtains a transportation permit, from 8 to 40 liters of either fortified wine or spirituous liquor.

The bill would allow any county or city that operates at least one ABC store to enact an ordinance that would allow for the sale of alcoholic beverages at the ABC store(s) on Sundays. The county

or city would be required to consult with the local ABC board prior to adopting the ordinance authorizing sales on Sundays.

Finally, the bill would allow suppliers, brokerage representatives and distilleries that hold special ABC permits to conduct in-store spirituous liquor tastings at ABC store locations upon approval by the local ABC board. Currently, these special permit holders are allowed to conduct spirituous liquor tastings at certain events such as trade shows, conventions, street festivals, holiday festivals, agricultural festivals and balloon races. **Introduced by Representatives McGrady, Boles, Horn and Willingham, and assigned to the House Committee on Alcoholic Beverage Control.**

[House Bill 98](#), Macon/Clay/No Right-of-Way Spotlighting, would make it a class 2 misdemeanor to intentionally shine a light at night on any wild animal from the right-of-way of any public road, street or highway in Macon or Clay county for the purpose of hunting. Currently, North Carolina Wildlife Resources Commission rules allow certain wild animals such as raccoon and opossum to be hunted at night with the use of artificial lights, while other wild animals, such as deer, may not be hunted at night with the use of artificial lights. **Introduced by Representative Corbin, and assigned to the House Committee on Wildlife Resources.**

[House Bill 99](#), Transfer ALE, is identical to [Senate Bill 78](#), which is listed below in this Weekly Legislative Report. The bill would establish Alcohol Law Enforcement (ALE) as a special division of the North Carolina Department of Public Safety. Currently, ALE is a branch of the State Bureau of Investigation.

The bill would allow the Director of the new ALE Division to appoint ALE personnel and to make all hiring and other personnel decisions within the ALE Division. Currently, the Director of the State Bureau of Investigation has this authority.

The bill would also modify the law enforcement jurisdiction of ALE agents. Currently, ALE agents may arrest for any criminal offense at any time, although their primary responsibility is the enforcement of alcoholic beverage control (ABC) laws, lottery laws and youth tobacco laws. This bill would modify and limit the jurisdiction of ALE agents to:

- a. The enforcement of ABC laws, lottery laws, and youth tobacco laws;
- b. The enforcement of other criminal laws only when the crime is discovered during enforcement of ABC laws, lottery laws, or youth tobacco laws;
- c. Crimes committed in the ALE agent's presence; and
- d. Enforcement actions when assisting another law enforcement agency in an investigation.

**Introduced by Representatives McNeill and Boles, and assigned to the House Committee on Alcoholic Beverage Control.**

[House Bill 100](#), Required Training Police Telecommunicators, would require anyone employed by a municipal police department as a telecommunicator to be certified as a telecommunicator by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission). Currently, only the certification of sheriffs' office telecommunicators by the

Sheriffs' Commission is required. Municipal police agency telecommunicators are not currently required to be certified but may choose to do so based on the requirements of their individual agency. **Introduced by Representative Faircloth, and assigned to the House Committee on Judiciary.**

[House Bill 104, Litter Definition Clarification](#), is identical to [Senate Bill 81](#), which is listed below in this Weekly Legislative Report. The bill would clarify that disposing of "yard waste" is not littering so long as the yard waste is placed on or near a curbside for the purpose of having the yard waste collected by a collection service, and the placement of the yard waste is in compliance with any local ordinance governing the collection of yard waste.

The bill would define "yard waste" to be grass clippings, leaves, shrubbery trimmings and any other plant material resulting from lawn maintenance or any other horticultural gardening or landscaping activities, and would include yard waste as a potential source of littering. Currently, biodegradable agricultural or garden products, including mulch, tree bark and wood chips, are not included in the definition of litter. **Introduced by Representative Torbett, and assigned to the House Committee on State and Local Government.**

[House Bill 105, Red Light Cameras/Hope Mills & Spring Lake](#), would add Hope Mills to the list of cities and towns authorized to enact ordinances to enforce the traffic laws through the use of a traffic control photographic system.

The bill would also increase the civil monetary penalty for a violation detected by a photographic system from \$75 to \$100. If the owner of the vehicle fails to respond to a photographic system citation within 30 days and was issued a civil penalty less than \$100, the bill would allow the city of Fayetteville and the towns of Hope Mills and Spring Lake to increase the penalty to \$100 for failing to respond within 30 days.

Finally, the bill would clarify that a municipality that enacts an ordinance allowing for the use of a traffic control photographic system may enter into a contract for the lease or purchase of the system, but the municipality would be limited to only one contract or lease at a time with a duration not to exceed 60 months. **Introduced by Representatives Lucas, Floyd, Szoka and Richardson, and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 106, PED/Inmate Health Care Reimbursement](#), would make numerous changes to North Carolina law designed to improve health care reimbursement for inmates in the Division of Adult Correction and Juvenile Justice (DACJJ) of the North Carolina Department of Public Safety (DPS). Among these changes:

1. DPS would be required to develop a plan to increase the use of the Central Prison Healthcare Complex (CPHC). This plan would include policies for ensuring non-life-threatening emergencies for male inmates within a 60 mile radius of Raleigh are treated at the CPHC urgent care facility. By December 1, 2019, DPS would be required to submit this plan to the Joint Legislative Oversight Committee on Justice and Public Safety.
2. Beginning July 1, 2019, DPS would be required to reimburse medical care providers who

provide medical care to inmates and juvenile offenders outside of a DPS facility at the lesser rate of either seventy percent (70%) of the providers current charge or one hundred percent (100%) of the current Medicaid rate. Currently, DPS is required to reimburse at the lesser rate of either seventy percent (70%) of the providers current charge or two times the current Medicaid rate.

3. DPS would be required to reimburse medical care providers who provide medical care to inmates and juvenile offenders that are identified by DPS as providing necessary services to “ensure continued access to care” at the lesser rate of either seventy percent (70%) of the providers current charge or two hundred percent (200%) of the current Medicaid rate for that service. The phrase “ensure continued access to care” is not further defined in the bill.
4. The Health Services Section of DPS would be required to develop an electronic supply inventory management system that would: 1) document the arrival and departure of medical supplies at DPS facilities; 2) identify what DPS employees have custody of the materials at any given point; and, 3) ensure an adequate supply of the medical product is available.
5. DPS and the North Carolina Department of Health and Human Services would be required to work together to enable social workers in the Health Services Section of DPS to assist inmates to qualify for and receive Medicaid reimbursement for medical services provided to inmates.

**Introduced by Representatives Horn, Farmer-Butterfield, Lucas and R. Turner, and assigned to the House Committee on Health.**

[House Bill 108](#), PED/Safekeeper Health Care Cost Recov. Pract., is identical to [Senate Bill 118](#), which is listed below in this Weekly Legislative Report. The bill would make numerous changes to North Carolina law designed to enhance the ability of the State to recover past due “safekeeper” health care costs owed by a county to the North Carolina Department of Public Safety (DPS). A safekeeper is an inmate confined in a local confinement facility that is transferred to a Division of Adult Correction and Juvenile Justice (DACJJ) prison facility due to safety concerns or for medical reasons.

The bill would require DPS to maintain records of safekeeper transfers for better tracking of medical and mental health related costs. DPS would be required to maintain the following information for all safekeepers:

1. The date the transfer order was received and from what county.
2. The actual date of transfer and to what DACJJ facility the prisoner was taken.
3. The reason the prisoner was transferred.
4. All dates the prisoner received health care services and the exact cost and type of services.
5. The date DPS determined the prisoner no longer needed DPS services, the date DPS notified the county that the prisoner was ready to be returned to the county and the actual date of return.

The bill would also require the county to pay all medical expenses of the prisoner while in the custody of DACJJ. Currently, the county is required to pay extraordinary medical care incurred while the prisoner is in the custody of DACJJ, in addition to reimbursing DPS at the rate of \$40 per day the prisoner is in a State facility. The bill would also require the county to reimburse the "transportation and custody costs" associated with providing safekeepers medical and mental health care outside of State facilities. The reimbursement rate for mileage and custody would be the same rate currently paid by DPS to counties under the Statewide Misdemeanant Confinement Program.

The bill would limit the time a safekeeper would stay in the custody of DACJJ to an initial period of 15 days. The DACJJ would use their staff medical or mental health professionals to assess the inmate and make a recommendation on whether the inmate should remain in the custody of DACJJ or be returned to the county at the end of this 15 day period of time. If the sheriff desires to extend the inmate's stay beyond this 15-day period, the bill would require a sheriff to appear a second time before a superior or district court judge to seek an order for an extended stay.

The bill would require a county to reimburse DPS up to an additional \$20 per day a prisoner remains in DACJJ custody beyond their release date back to the county if the sheriff fails to assume custody of the prisoner on the release date. This \$20 fee would be in addition to the \$40 daily rate of reimbursement to DPS for housing the prisoner.

The bill would also require DPS to refuse to accept safekeepers for healthcare purposes from counties that: (1) have a 120 day or more delinquent balance for safekeeper services provided; or (2) do not participate in the Statewide Misdemeanant Confinement Program by receiving misdemeanants for housing, unless the county cannot participate due to a lack of space to house inmates.

Finally, the bill would require DPS to determine the Medicaid eligibility of safekeepers and would require DPS to apply for any Medicaid benefits due a prisoner. DPS would then be required to bill counties for all non-reimbursed medical expenses. **Introduced by Representatives Horn and Lucas, and assigned to the House Committee on Judiciary.**

[House Bill 110](#), Protect Religious Meeting Places, would allow anyone with a concealed handgun permit to carry a concealed handgun on the premises and parking lot of a place of religious worship when the place of worship is located on school grounds other than a college or university. The bill would only allow the carrying of a concealed handgun on the premises of the place of worship while the school is not in session. Finally, the bill would clarify that a property that is owned by a local board of education or a county commission cannot be classified as a place of religious worship and therefore a handgun could not be carried on this property, even with a concealed handgun permit. **Introduced by Representative R. Turner, and assigned to the House Committee on Judiciary.**

[House Bill 118](#), First Responders Act of 2019, would make changes to the State's tax laws to exempt the spouse of a first responder (including a sworn law enforcement officer) that is killed in the line of duty from having to pay annual property tax on their primary residence. Currently,

this type of property tax exemption is available to certain elderly persons and disabled veterans. **Introduced by Representatives Warren, Corbin, D. Hall and Potts, and assigned to the House Committee on Transportation.**

[House Bill 121](#), Expunction Related to RTA/No Conviction, would allow for the expunction of certain crimes committed between the enactment date (July 1, 2017) and effective date (December 1, 2019) of the “raise the age” legislation which raised the age for juvenile offenders from 16 to 18 years of age.

This bill would allow for the expunction of a misdemeanor or Class H or I felony conviction if the crime was committed by a person after their sixteenth birthday but before the person’s eighteenth birthday. Driving while impaired offenses and offenses requiring the person to register as a sex offender would not be allowed to be expunged under this bill. This provision would be effective December 1, 2019 and would be applicable to offenses committed between July 1, 2017 and November 30, 2019. **Introduced by Representatives Stevens, Hurley, Jarvis and Carter, and assigned to the House Committee on Judiciary.**

[House Bill 122](#), Criminal Information Network/Revise Fee, would change the fee structure for agency use of the Criminal Information Network (Network) of the North Carolina Department of Public Safety (DPS). DPS would be allowed to charge up to \$21 per month for each user of the Network. Currently, agencies are required to pay a \$300 monthly fee plus a \$25 monthly fee for each desktop device that is used to access the Network and a \$12 monthly fee for each mobile device used to access the Network. **Introduced by Representative Stevens, and assigned to the House Committee on Judiciary.**

[House Bill 123](#), Raise Vehicle Safety Inspection Fee, would raise the vehicle safety inspection fee from \$12.75 to \$19.75. The bill would not modify the combined vehicle safety and emissions fee, which currently is \$23.75. **Introduced by Representative Stevens, and assigned to the House Committee on Transportation.**

[House Bill 130](#), Allow Game Nights, is identical to [Senate Bill 66](#), which was summarized in the February 15, 2019 Weekly Legislative Report. The bill 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 Representatives Boles, Lucas, Saine and Floyd, and assigned to the House Committee on Alcoholic Beverage Control.**

[House Bill 132, Dismissal or Not Guilty/Automatic Expunction](#), is similar to [Senate Bill 82](#), which is listed below in this Weekly Legislative Report. The bill would require the automatic expunction of any misdemeanor or felony charges as long as the charges were dismissed or the person was found not guilty of the charge. Therefore, the bill would provide for an unlimited number of expungements based on the charges being dismissed or the defendant being found not guilty. Currently, courts must consider how many expungements a defendant has had before allowing an expunction.

The bill would also require a prosecutor or judge to initiate the expungement process and the defendant would not be required to file a petition for expungement or pay a fee when the charge was dismissed or the defendant was found not guilty. **Introduced by Representatives Morey, Rogers, Richardson and Reives, and assigned to the House Committee on Judiciary.**

[House Bill 135, Government Immigration Compliance](#), would make numerous changes to North Carolina law concerning immigration. Among these changes:

1. Identification documents issued or created by any person, organization, county, city, or other local authority could not be used by a law enforcement officer to assist the officer in determining the identity of a person. Currently, if such documents are the only documents providing an indication of identity or residency of a person, a law enforcement officer may use the document to assist them in determining the identity or residency of a person.
2. Any person would be able to submit a complaint to the North Carolina Attorney General alleging that a city, county or law enforcement agency is not in compliance with State law related to immigration. If, after an investigation, the Attorney General finds that the unit of local government or law enforcement agency is not in compliance with State laws related to immigration, the unit of local government or the law enforcement agency would be ineligible to receive certain money from the State.
3. The Attorney General would be required to maintain a database of the local governments and law enforcement agencies that are ineligible to receive funds from the State because they are not enforcing State laws related to immigration. This database would be available to the public.

4. Anybody who lives in the jurisdiction of a city, county, or law enforcement agency that the person believes is not in compliance with State immigration laws would be able to bring a lawsuit in the superior court of any county in which the city, county, or local law enforcement agency has jurisdiction to try to stop that local government or law enforcement agency from refusing to enforce State laws related to immigration. The bill would allow a citizen, if they win, to collect the costs of the lawsuit, including attorneys' fees, and would also give the superior court judge the authority to fine a city, county, or law enforcement agency up to \$10,000 each day the entity fails to follow the court's order to enforce the immigration laws.
5. Neither The University of North Carolina, nor any of its constituent institutions, would be able to have any policy that would restrict the enforcement of immigration laws or prohibit law enforcement officials from gathering immigration information.
6. The Secretary of the Department of Public Safety would be required to enter into a memorandum of agreement with the Director of the United States Immigration and Customs Enforcement Agency to permit designated State law enforcement officers to perform immigration law enforcement functions.

**Introduced by Representatives Cleveland, Presnell, Speciale and Brody, and assigned to the House Committee on State and Local Government.**

[House Bill 136](#), Concealed Carry Permit Lapse/Revise Law, would require a sheriff to waive the requirement to take a firearms safety and training course upon renewing a concealed handgun permit if the person applies to renew the permit within 180 days of the permit expiring and the person completes a "refresher course" on the laws governing the use of carry of firearms. The bill does not define what would constitute a "refresher course." The expiration date of a concealed handgun permit would not be extended by this bill. Therefore, a permittee would not be able to lawfully carry a concealed handgun during this 180 day period of time.

Currently, a sheriff has the discretion to waive the firearms safety and training course if the person applies for a renewal within 60 days of the expiration date of the concealed handgun permit.

**Introduced by Representatives Cleveland, Adams and Speciale, and assigned to the House Committee on Judiciary.**

[House Bill 138](#), Damage Jail & Prison Fire Sprinkler/Penalty, would make it a class I felony for an inmate of a prison or local confinement facility, such as a city or county jail, to intentionally damage, deface or interfere with a fire-alarm, fire-detection system, smoke-detection system or a fire-extinguishing system. This includes damage to a sprinkler head. Currently, it is a Class 2 misdemeanor to commit such an offense. **Introduced by Representatives Shepard, McNeill, C. Smith and Cleveland.**

[House Bill 139](#), Youth Gun Violence Study Commission, would establish the Joint Legislative Study Commission on Youth Gun Violence (Commission) which would study and make recommendations on:



1. The availability of guns to juveniles;
2. The incidence of gun violence among juveniles;
3. Programs in other states addressing juveniles and firearms;
4. Handgun buyback programs; and
5. The possibility of implementing youth mentoring programs in North Carolina.

**Introduced by Representative Pierce.**

[House Bill 144](#), [Hands Free NC](#), would prohibit the use of a wireless communication device such as a cellphone, smartwatch, laptop computer or any portable computing device while operating a motor vehicle. A motor vehicle would be defined as any vehicle which is self-propelled. Prohibited uses of a wireless communication device would include holding the device or supporting the device on one's body and would also include the acts of sending texts, reading texts, accessing webpages or using an electronic mapping device to navigate.

However, a wireless communication device could be used if the operator of the vehicle is at least 18 years of age and the device is affixed or mounted in the vehicle and is capable of being operated through a voice command or a single touch. Also, electronic navigation systems could be used so long as the address information is entered into the device prior to driving the vehicle.

In addition, the bill would allow the operator of a vehicle to use a wireless communication device during an emergency, such as when contacting a law enforcement agency, fire department or hospital to seek assistance. The bill would also allow a law enforcement officer, member of a fire department or a first responder to use a wireless communication device in a vehicle if the person is performing their official duties.

A person who violates this restriction the first time would be guilty of an infraction and would be subject to a \$100 fine. A second violation within 36 months would also be an infraction with a \$150 fine. A third or subsequent violation within 36 months would be an infraction with a \$200 fine. Each violation would also result in the issuance of one insurance point on the person's drivers license.

Finally, the bill would prohibit local governments from enacting any ordinance that regulates the use of a wireless communication device while operating a motor vehicle. **Introduced by Representatives Corbin, Torbett, Hardister and Pierce.**

[House Bill 150](#), [Allow Designee For A Police Chief/JCPC](#), would allow a chief of police to appoint a designee to serve as a member of the county's Juvenile Crime Prevention Council (JCPC). A county must create a JCPC in order for the county to qualify for juvenile court services funding. Currently, a chief of police must serve as a member of the JCPC and does not have the ability to designate an individual to serve in his/her place. Many of the other members of the JCPC, including the sheriff and district attorney, are already allowed to be represented by a designee. **Introduced by Representative Pierce.**

[House Bill 152](#), Registration Discretionary for Sexual Battery, would give a court the discretion on whether to require a person convicted of misdemeanor sexual battery to register as a sex offender. Currently, all individuals convicted of misdemeanor sexual battery are required to register as a sex offender. The bill would require the court to consider the offender's danger to the community when deciding if the offender should register as a sex offender. **Introduced by Representative John.**

[House Bill 153](#), SBI Funds, would appropriate to the North Carolina State Crime Laboratory \$1.2 million for the 2019-2020 and 2020-2021 fiscal years for the purpose of funding 12 full-time scientist positions.

Note: While the title of this bill refers to the North Carolina State Bureau of Investigation (SBI), the North Carolina State Crime Laboratory is a part of the North Carolina Department of Justice, but has not been a part of the SBI since 2014. **Introduced by Representative John.**

[Senate Bill 78](#), Transfer ALE, is identical to [House Bill 99](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Sanderson, Britt and Horner, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 81](#), Litter Definition Clarification, is identical to [House Bill 104](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator T. Alexander, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 82](#), Dismissal or Not Guilty/Automatic Expunction, would require the automatic expunction of any misdemeanor or felony charges as long as the charges were dismissed or the person was found not guilty of the charge. The bill would provide for an unlimited number of expunctions based on the charges being dismissed or the defendant being found not guilty.

The bill would require a prosecutor or judge to initiate the expungement process and the defendant would not be required to file a petition for expungement or pay a fee when the charge was dismissed or the defendant was found not guilty.

Finally, unlike [House Bill 132](#) listed above, this bill would modify current law so prosecutors would not have access to confidential expunction files maintained by the Administrative Office of the Courts if the record was expunged following a charge being dismissed. **Introduced by Senators McKissick, Daniel and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 85](#), LEO Retirement & Higher Ed Enhancement Act, would allow a sworn law enforcement officer that is a member of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System to make a lump sum purchase of up to two years' of creditable service, that could be used towards retirement if the officer has completed at least five years of service and has earned an Advanced Law Enforcement Certificate through the North Carolina Criminal Justice Education and Training Standards Commission.

This option to purchase two years' creditable service would not apply to a sworn law enforcement

officer that has received an Advanced Law Enforcement Certificate from the North Carolina Sheriffs' Education and Training Standards Commission. **Introduced by Senator Steinburg, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 87](#), ABC Laws Modernization/PED Study, is identical to [House Bill 91](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Waddell and Wells, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 90](#), Protect Religious Meeting Places, is identical to [House Bill 110](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Daniel, Britt and Johnson, and assigned to the Committee on Rules and Operations of the Senate.**

[Senate Bill 105](#), Federal Motor Carrier Safety/PRISM, would allow the Division of Motor Vehicles (DMV) to collect and maintain commercial motor vehicle data in a format that complies with the Performance and Registration Information Systems Management program ("PRISM") of the federal Motor Carrier Safety Administration.

Additionally, DMV would be required to deny the registration of a vehicle of a motor carrier if the applicant meets certain criteria, such as not disclosing material information on an application for registration or the applicant's business is operated, managed, or otherwise controlled with a person who is ineligible for registration. **Introduced by Senators J. Jackson, J. Davis and Britt.**

[Senate Bill 106](#), Clarify Limited Immunity/Overdose Victims, would clarify that immunity from prosecution for possession of controlled substances or drug paraphernalia would extend to drug overdose victims, in addition to those persons that contact emergency services on behalf of a victim of a drug overdose. This immunity from prosecution would apply to the individual who experienced the overdose if all of the specified requirements for "good samaritan" immunity are met, such as the overdose victim sought help from first responders and the assistance was not sought during the execution of an arrest or search warrant. **Introduced by Senators J. Jackson, J. Davis and Britt.**

[Senate Bill 112](#), DL Restoration/DWI Treatment Court, would allow a person that has been convicted of a driving while impaired offense whose license has been revoked for at least one year to have their license conditionally restored if the person meets the following conditions: (1) the person must provide the North Carolina Division of Motor Vehicles (DMV) with a certificate of graduation from a Drug Treatment or Driving While Impaired Treatment Court Program; (2) the presiding judge of the Drug Treatment or DWI Treatment Court provides the person with a letter of recommendation; and (3) the person pays a \$25 fee and any other fees.

The bill would also require DMV to place the following three restrictions on the person's drivers license: (1) all vehicles registered to that person must be equipped with a functioning ignition interlock system; (2) the person could only operate a vehicle equipped with a functioning ignition interlock system that is set to prohibit driving with an alcohol concentration of greater than 0.00; and (3) the person must personally activate the ignition interlock system before driving the vehicle. **Introduced by Senators J. Davis and Van Duyn.**

[Senate Bill 113](#), [DMV/Emergency Contact Information](#), would allow a person who is applying for a drivers license or renewing a drivers license the option of providing to the North Carolina Division of Motor Vehicles (DMV) emergency contact information, such as a family member's telephone number and address.

This emergency contact information could be accessed electronically by law enforcement officers discharging their official duties who would have a need to speak with an emergency contact, such as when the officer is seeking a family member of an individual to notify them that the person has been involved in a motor vehicle collision.

The bill would make all emergency contact information provided to DMV confidential and not a matter of public record. DMV and law enforcement personnel would be immune from civil and criminal liability for using this information so long as the information is not used for an improper purpose. **Introduced by Senator J. Davis.**

[Senate Bill 118](#), [PED/Safekeeper Health Care Cost Recov. Pract.](#), is identical to [House Bill 108](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators B. Jackson, Krawiec and Ballard.**

[Senate Bill 119](#), [PED/Inmate Health Care Reimbursement](#), is identical to [House Bill 106](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators B. Jackson, Sanderson and Foushee.**

### **BILL STATUS**

[Senate Bill 11](#), [ABC Regulation and Reform](#), has passed the Senate with amendment and has been sent to the House for their consideration. The bill 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.

The bill has been amended to remove from the original bill the provision that would 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. Therefore, Alcohol Law Enforcement (ALE) agents and local ABC board officers remain the only two types of officers that have the ability to assist the ABC Commissions' legal staff in investigating issues related to ABC permits.

[Senate Bill 12](#), [Alexander County/Sheriff Vacancies](#), has passed the Senate with amendment and has been sent to the House for their consideration. 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.

The bill has been amended to also remove Burke County from the counties listed in G.S. 162-5.1.

If enacted into law, a vacancy in the office of sheriff in Alexander and Burke counties 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.

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 has been amended to increase the punishment from an infraction to a Class 3 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 the failure of a driver to move over caused serious injury or death to a law enforcement officer, firefighter, emergency vehicle operator, incident management assistance patrol member, public service vehicle operator, or any other emergency response person the punishment would be increased from a Class I to a Class F felony.

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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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