

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

March 15, 2019

---

Understanding the exact process a bill goes through in its journey to becoming a law can be at best confusing. When you add to this the interplay between legislating, politics and news reporting, the process becomes even more baffling for many observers. Reporter Colin Campbell helps place this intriguing process into perspective in the March 11 article below, which we reprint with his permission.

---

## How to Tell if A Bill Stands A Chance in NC's Statehouse

By Colin Campbell, Monday, March 11, 2019

RALEIGH -- It's easy to misunderstand the goings-on in North Carolina's legislature.

Watching news reports, you might think that handing out guns to teachers is this year's top priority. A Charlotte TV newscast recently featured the eye-popping headline that "we are one step closer to allowing teachers to carry guns in North Carolina schools" because a bill "passed its first reading" in the House.

But the headline was false because the TV reporters didn't know that "first reading" is a meaningless procedural step. First reading is when a bill's title is read aloud on the floor of the legislature, and it gets assigned to committees. Nearly every bill ever filed has "passed its first reading."

Second reading and third reading are where lawmakers actually vote, and previous proposals to arm teachers haven't made it to that step. In the off-chance the proposals get through the House and Senate, Democratic Gov. Roy Cooper will veto them, and Republicans no longer have enough votes to override his vetoes.

House leaders know this, and last week, that chamber unanimously approved a package of school safety measures that deliberately avoided anything gun-related: No armed teachers, but no gun control either.

Those school safety proposals -- student mental health screenings, vulnerability assessments for school buildings, more training for school resource officers -- could easily become law. But some news coverage has focused instead on polarizing proposals that won't pass.

That's partly because controversy grabs attention, and partly because fewer news outlets

bother to have state government beat reporters. To understand the legislature's odd workings and large cast of characters, you have to be there every week of session. The capital press corps is still full of talented journalists, but nearly all of us work for Triangle-based publications and TV stations.

Browsing the legislature's website from Charlotte in search of outlandish bills is a recipe for misleading or downright inaccurate news stories -- or at least an excessive focus on bills that are going nowhere.

Last session, nearly 2,000 bills were filed, but only 360 actually became law. Some of those that fell short were unpopular, but others simply lacked the legislative muscle to get through the process. "There are more than 1,000 bills that are probably the right policy for the state of North Carolina that are going to die in the General Assembly this session without getting through to the end," said a legislative leader at a recent NC Insider panel discussion.

But how can you tell which bills have a real shot -- and are therefore worth advocating for or against? Here's what to look for if you do your own research: Who's sponsoring it? If the bill sponsor is a member of the GOP leadership team or the chair of a relevant committee, odds are good that the bill will pass at least one chamber. Committee chairs are powerful because once a bill is directed to their committee, they get to decide if and when it gets a vote -- or if it's dead on arrival.

If the bill is a partisan proposal sponsored only by Democrats, or if it's sponsored by a fringe figure on the right, the proposal is likely already dead.

Is the proposal a re-run? Many persistent legislators file the same bills every session. While the political climate does occasionally shift, bills that went nowhere last session will likely suffer the same fate this year. Examples include repealing permit requirements for guns and reinstating the earned income tax credit.

Did it go straight to the Rules Committee? All bills eventually make a stop in the powerful House and Senate Rules committees, but the committees also often serve as leadership's dumpster for unpopular proposals. This year, bills to arm teachers and "nullify" the federal legalization of gay marriage went directly to House Rules without other committee assignments. Odds are that they'll die there.

*Colin Campbell is editor of the Insider State Government News Service. Follow him at [NCInsider.com](http://NCInsider.com) or @RaleighReporter. Write to him at [ccampbell@ncinsider.com](mailto:ccampbell@ncinsider.com).*

---

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

---

---

---

## BILLS OF INTEREST

[HOUSE BILL 321](#), Pilot Project to Treat Opioid Overdose, would appropriate to the North Carolina Department of Public Safety \$250,000 in nonrecurring funds for the 2020-2021 fiscal year to continue to fund the Quick Response Team (QRT) in the City of Wilmington. The QRT is a pilot project in Wilmington that is made up of law enforcement officers, firefighters and medics and is designed to provide overdose treatment services for opiate and heroin victims who are not receiving follow-up treatment. **Introduced by Representative Davis, and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 323](#), Assess Costs of Local LEO Crime Lab Analysis, is substantially similar to [Senate Bill 155](#), which is summarized in the March 1, 2019 Weekly Legislative Report. The bill would clarify that the \$600 crime laboratory fee that can be assessed upon a defendant's conviction in a case involving laboratory analysis would be extended to apply to all laboratories, including private laboratories used by law enforcement agencies. Currently, the fee is limited to those laboratory facilities operated by a local government or group of local governments. **Introduced by Representatives Faircloth, McNeill, Boles and Davis, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 324](#), Cleveland County Hunting Omnibus, would make various changes to the local hunting laws for Cleveland County. Among these changes, it would be unlawful to discharge a firearm from, to, or across a roadway of any State maintained road. Currently, this restriction only applies to centerfire rifles. Additionally, all law enforcement officers would have the authority to enforce the provisions of this law. Currently, the landowner or lessee of the land where a firearm is fired must request the assistance of law enforcement before law enforcement can enforce this provision.

Additionally, there would be an open season for taking foxes with weapons and for foxes and coyotes by trapping during the trapping season. There would be no bag limit for foxes and coyotes. This bill applies ONLY to Cleveland County. **Introduced by Representative Hastings, and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 333](#), LRP Plates/Fine Collection, would allow a person with a delinquent child support obligation to obtain from a car dealer a limited registration plate when purchasing a vehicle. Currently, a person with a delinquent child support obligation may not register a vehicle with the North Carolina Division of Motor Vehicles until the delinquent child support obligation is paid.

The bill would also allow a person with certain unpaid fines, fees or penalties to obtain from a car dealer a limited registration plate when purchasing a vehicle from the dealer. This would apply to outstanding fines, fees or penalties resulting from the following circumstances: (1) a vehicle not in compliance with the State's vehicle inspection requirements; (2) outstanding tolls, fees, or penalties assessed by the North Carolina Turnpike Authority; (3) outstanding fines or penalties resulting from the failure to stop for a school bus; (4) outstanding fines, fees or penalties resulting from a lapse in insurance for the operation of a vehicle; and (5) outstanding fines, fees or penalties resulting from violations of vehicle size, weight, construction, and equipment restrictions.

**Introduced by Representatives Jones, D. Hall and Saine, and assigned to the House Committee on Transportation.**

[HOUSE BILL 342](#), Strengthen Human Trafficking Laws, would make various changes to the human trafficking laws in this State. The changes of interest to the criminal justice community include:

1. The bill would clarify that mistake of a minor's age or the consent of a minor is not a defense to the crime of soliciting a minor for the purpose of prostitution. Currently, offenses such as human trafficking specify that mistake of age is not a defense to the prosecution of the offense.
2. The bill would increase the punishment for first degree sexual exploitation of a minor from a Class C felony to a Class B2 felony and the punishment for second degree sexual exploitation of a minor from a Class E felony to a Class C felony. The punishment for third degree sexual exploitation of a minor would be increased from a Class H felony to a Class D felony.
3. The bill would require any person convicted of certain prostitution or obscenity related offenses involving a minor, such as soliciting a minor for prostitution or disseminating obscene photographs depicting a minor, to pay restitution to the minor victim. The restitution would include the value to the criminal defendant of the labor or services provided by the minor victim, in addition to "any other amount of loss" identified by a court. The offender would also be subject to forfeiture of any money or other property that was acquired through the unlawful activity.
4. The offenses of human trafficking and sexual servitude would be modified to include the act of knowingly benefiting financially or receiving anything of value resulting from a person being held in involuntary servitude or sexual servitude. Currently, a person commits the offense of human trafficking if the person knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent to hold the person in involuntary servitude or sexual servitude, or causes a minor to be held in involuntary servitude or sexual servitude. Sexual servitude currently involves a person knowingly subjecting or maintaining another person in sexual servitude.
5. The bill would also create the new criminal offense of "promoting travel for unlawful sexual conduct." It would be a Class G felony to sell or offer to sell any travel services, such as a travel package, that the person knows would include conduct such as prostitution, sexual exploitation of a minor, or indecent liberties with a minor. This would be limited to travel services taking place within the State of North Carolina.
6. The bill would clarify that for the offenses of human trafficking and sexual servitude involving minors, the offender will have committed the crime even if the "minor" was a person pretending to be a minor (such as an undercover law enforcement officer) so long as the offender believed the victim of the offense was a minor. Currently, the offenses of human trafficking and sexual servitude involving a minor require that the victim of the

offense is a minor.

7. The bill would remove the 18-month waiting period to petition for an expunction of certain juvenile delinquency adjudications for juvenile offenders whose participation in the offense was the result of having been the victim of human trafficking or sexual servitude. Currently, a petition for expunction of certain delinquency adjudications must be filed at least 18 months following the juvenile's release from juvenile court jurisdiction and the juvenile must not have had any additional delinquency adjudications or criminal convictions in that 18-month period.
8. Finally, the bill would expand the ability of a human trafficking victim to obtain an expunction of a nonviolent misdemeanor or felony conviction so long as the court finds that the victim was "coerced or deceived" into committing the offense(s) as a result of being the victim of human trafficking. However, Class A through G felony offenses and certain serious misdemeanor offenses, such as those involving assault, stalking, or that would require registration under our sex offender registry laws, would not qualify for expunction. Currently, a human trafficking victim could obtain an expunction of a prostitution offense if they otherwise qualify for an expungement.

**Introduced by Representatives Presnell, Hardister, D. Hall and Riddell, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 344](#), No Insurance While Driving/Tow Vehicle, would require a law enforcement officer that charges a motorist for driving without liability insurance to contact a towing service to have the vehicle towed and stored at the time of the charge. The motorist would not be able to retrieve the vehicle until proof of liability insurance (at least a 6 month policy) is provided to the charging law enforcement agency and all money owed for towing and storage is paid in full. **Introduced by Representatives Cleveland and Pittman, and assigned to the House Committee on Transportation.**

[HOUSE BILL 346](#), Add Member to NC Training Standards Commission, would increase the members of the North Carolina Criminal Justice Education and Training Standards Commission from 34 to 35 members. The bill would allow the North Carolina Fraternal Order of Police to appoint one full-time sworn law enforcement officer to the Commission. **Introduced by Representatives Potts and Jarvis, and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 347](#), No Delinquent/Undisciplined Under 10 Yrs Old, would modify existing law so that a juvenile under 10 years of age could not be considered delinquent or undisciplined. Therefore, a law enforcement officer could not take a juvenile under 10 years of age into secured custody and the juvenile could not be fingerprinted on the basis of the juvenile being delinquent or undisciplined. Currently, a child that is at least 6 years of age can be considered a delinquent or undisciplined juvenile. **Introduced by Representatives Morey, Horn, McGrady and Harrison, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 348](#), Whistle-Blower Protection/Municipal LEOs, would prohibit a public official

of a municipal government, such as a chief of police, from retaliating against a municipal law enforcement officer on the basis of the officer reporting the following: (1) a violation of State or federal law, rule, or regulation; (2) fraud; (3) misappropriation of State and local government resources; or (4) a substantial and specific danger to the public health and safety. The bill does not define what would constitute retaliation.

The bill would allow a municipal law enforcement officer that is retaliated against to file a lawsuit in superior court against the person or employing agency that committed the violation. The municipal law enforcement officer would be eligible to obtain an injunction where appropriate, attorneys' fees, money damages, back wages and reinstatement with fringe benefits and seniority rights.

Finally, the bill would make it a Class 2 misdemeanor for a municipal law enforcement officer to make a false writing relating to any reporting of misconduct. In addition, the bill would provide that the protections against retaliation set out in the bill would not apply if the employing agency already has a "binding" personnel policy, code of conduct or other procedures that protect the employee from retaliation. The bill does not define what is meant by a "binding" policy. **Introduced by Representatives Grange, Conrad, Hanig and Richardson, and assigned to the House Committee on Judiciary. This bill is OPPOSED-PRIORITY by the North Carolina Sheriffs' Association.**

[HOUSE BILL 356, Restore Injured Monument/Prosecution](#), would modify the criminal offense of injury to public buildings and facilities by making it a Class A1 misdemeanor to "move or remove" a statue or monument from its location at a public building or public facility. The offender would also be subject to a minimum \$500 and maximum \$1,000 fine, and would be required to pay restitution for the damage caused to the statue or monument.

The bill would require a law enforcement officer or law enforcement agency with jurisdiction over the location of the statue or monument to take "all necessary measures" to respond to the incident and would require the arrest of the person engaged in the unlawful conduct. Currently, it is a Class 2 misdemeanor to injure any statue or monument at a public building or public facility by scribbling on the object, marking or defacing the object or by injuring the walls of the object. **Introduced by Representatives Speciale, Kidwell, Pittman and Brody, and assigned to the House Committee on Education-University.**

[HOUSE BILL 357, Misdemeanors/Mandate First Appearance](#), would require a first appearance before a district court judge for a defendant charged with a misdemeanor offense. Currently, an initial appearance for a misdemeanor offense takes place before a magistrate, but no first appearance before a district court judge is required. **Introduced by Representatives Morey, D. Hall, Richardson and Rogers, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 363, Craft Beer Distribution & Modernization Act](#), is identical to [Senate Bill 246](#), which is listed below in this Weekly Legislative Report. The bill would increase the amount of malt beverage a small brewery could sell to an unaffiliated retail permittee without having to use a wholesale distributor from 25,000 barrels annually to 50,000 barrels annually. This would apply to a brewery that sells annually fewer than 100,000 barrels of malt beverage to consumers at the

brewery, wholesalers, retailers and exporters. The bill would also clarify that these barrel limits would apply regardless of the number of separate Alcoholic Beverage Control Commission (ABC) permits a brewery may possess.

The bill would also reaffirm North Carolina's use of the "three-tiered system" to distribute alcoholic beverages in the State. The three-tiered system refers to the State being involved in the transportation, distribution and sale of distilled liquor, as opposed to transportation, distribution, and sale occurring in the private market place. **Introduced by Representatives Lewis, Bell, Jackson and Reives.**

[HOUSE BILL 366](#), Raising Wages for NC Workers, would increase the State minimum wage to \$15 per hour in increments over the next five years. The bill would increase the State minimum wage as follows:

1. \$8 per hour effective January 1, 2020;
2. \$10.35 per hour effective January 1, 2021;
3. \$12 per hour effective January 1, 2022;
4. \$13.50 per hour effective January 1, 2023; and
5. \$15 per hour effective January 1, 2024.

Currently, the State minimum wage is set by statute at \$6.15 per hour. **Introduced by Representatives Fisher, Farmer-Butterfield, Black, and Harrison.**

[HOUSE BILL 368](#), Bermuda Run/Speed Restrictions, is identical to [Senate Bill 283](#), which is listed below in this Weekly Legislative Report. The bill would establish a 25 mile per hour speed limit on all public vehicular areas (PVAs) inside the Town of Bermuda Run. However, these speed restrictions would only be effective on PVAs that have been marked by signs giving notice of the speed restrictions. This bill ONLY applies to the Town of Bermuda Run. **Introduced by Representative Howard.**

[HOUSE BILL 370](#), Require Sheriff Cooperation with ICE, would require the administrator or other person in charge of any county jail, local confinement facility, district confinement facility, or satellite jail/work release unit to honor all Immigration and Customs Enforcement (ICE) detainer requests. The head of the facility would not be required to honor the ICE detainer request if the person subject to the detainer request is a victim or witness of a criminal offense, is reporting a criminal offense, or has provided proof that the person is a citizen of the United States or that the person has lawful immigration status.

Currently, the head of a local confinement facility, such as a sheriff, has the discretion to honor an ICE detainer request, but is not required by law to do so.

The bill would also require beginning on January 1, 2020, and annually thereafter, the administrator or other person in charge of the confinement facility to report to the North Carolina Governor's Crime Commission the number of ICE detainer requests sent to the facility and the results of those requests.

Finally, the bill would prohibit a county from interfering with federal law enforcement officers in entering and conducting enforcement activities at a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit. **Introduced by Representatives D. Hall, Jones, Saine, and C. Smith.**

[SENATE BILL 211, Insurance Technical Changes](#), would make various changes to the insurance laws in this State. Of interest to the criminal justice community, the bill would modify the penalty for providing, or aiding and abetting in the provision of, false or misleading information to an insurance company related to any claim or benefit, such as by filing an inflated insurance claim to receive more insurance proceeds than one is entitled to receive.

The bill would make it a Class 1 misdemeanor if the value of the false or misleading insurance claim is less than \$1,000. It would be a Class H felony if the value of the false or misleading insurance claim is \$1,000 or more, and a Class E felony if the insurance payment or benefit sought is \$50,000 or more. Currently, it is a Class H felony to provide false or misleading information in support of, or in opposition to an insurance claim or benefit, regardless of the value of the claim. **Introduced by Senators Edwards, Gunn and J. Alexander, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 213, Handicapped Parking Decal](#), would authorize the North Carolina Division of Motor Vehicles to issue to a handicapped person a handicapped parking decal which would be placed on the vehicle's existing registration plate, instead of having to purchase a new registration plate. Currently, a special handicapped vehicle registration plate is available that denotes a person's handicapped status. **Introduced by Senators Gallimore and Tillman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 220, Removal of Political Signs by Citizens](#), would allow citizens to remove political signs that remain in a public right-of-way after 30 days from the date political signs are to be removed. Currently, political signs are to be removed within 10 days of the primary or general election. The citizen would have to deliver the sign within 72 hours of removal to the county board of elections. If a citizen fails to deliver the sign within 72 hours, the citizen could be charged with a Class 1 misdemeanor for the unlawful removal of a political sign. **Introduced by Senators D. Davis, Tillman and Hise, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 234, Healthy Families & Workplaces/Paid Sick Days](#), would require all employers who have employees who are not exempt from the Wage and Hour Act, such as those employees that are subject to overtime rules, to provide those non-exempt employees with paid sick time. The paid sick time would accumulate at the rate of one hour of pay per 30 hours worked. This requirement would not apply to volunteer employees and to employees who are exempt from the Wage and Hour Act, such as management staff. **Introduced by Senators Robinson, Foushee and Garrett, and assigned to the Committee on Rules and Operations of the Senate .**

[SENATE BILL 246, Craft Beer Distribution & Modernization Act](#), is identical to [House Bill 363](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Rabon, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 261](#), Nonprofit Charitable Activity Auth. Act, would allow “pool selling,” where a nonprofit organization or an individual person would receive the proceeds paid into a betting pool. Pool selling would be defined as the act of selling or distributing shares of chance in a betting pool, such as where a pool of people pay money into the pool and wager on their favorite sports team. Currently, betting pools are illegal in this State. **Introduced by Senator Gunn.**

[SENATE BILL 262](#), Union/Prohibit Certain Hunting Acts, would place certain restrictions on hunting on private property in Union County. The bill would require the signed and dated written permission of the private property landowner or lessee, or their designee, prior to hunting or fishing on the private property. The written permission would not be valid for more than one year but could be valid for a shorter period if so stated in the document.

In addition, the person hunting or fishing on private property would be required to carry the written permission with them and to display the document upon the request of a law enforcement officer or Wildlife Resources Commission officer. It would be a Class 2 misdemeanor to hunt or fish on private property in Union County without meeting these written requirements.

Finally, the bill would add Union County to the list of counties that prohibit hunting on private property while under the influence of an impairing substance. A violation of this provision would also be a Class 2 misdemeanor. This bill applies **ONLY** to Union County. **Introduced by Senator Johnson.**

[SENATE BILL 263](#), Law Enforcement Recordings/Winston-Salem, would allow law enforcement recordings by the City of Winston-Salem Police Department (such as dashboard camera recordings and body-worn camera recordings) to be disclosed, in the discretion of the law enforcement agency, to the following:

1. Local agencies that partner with the law enforcement agency, such as a municipal fire department, for any internal investigations, administrative decisions or training purposes;
2. School resource officers to disclose the recording to a juvenile or their parent, or to a principal or other school administrator, if the juvenile’s image or voice was captured in the recording;
3. A citizen review board;
4. The public for identifying or locating a criminal suspect, victim or missing person;
5. A city or county manager; or
6. The city or town council in closed session.

It would be a class 3 misdemeanor to release the law enforcement recording in violation of these stated exceptions. Currently, a law enforcement agency may not release a law enforcement recording to the groups listed above without a court order to release the recording. This bill applies

ONLY to the city of Winston-Salem. **Introduced by Senators Lowe and Krawiec.**

[SENATE BILL 271](#), Durham Speed Device Pilot/School Zones, would establish a pilot program for the City of Durham to use automated traffic cameras to detect violations of the speed limit in school zones within the City of Durham. The bill would make a school zone speeding violation a noncriminal civil violation that is subject to a \$250 civil penalty but would not result in drivers license points or insurance points.

The registered owner of the vehicle would be responsible for a violation unless the registered owner challenges the citation within 30 days and is able to show that the vehicle was, at the time of the violation, in the custody or control of another person.

The bill would also require that any video or photographs of motor vehicle violations must be provided to law enforcement as potential evidence. In the event a law enforcement officer cites or arrests a motorist, then the offender would not be subject to the civil penalties imposed under this bill but would instead proceed through the criminal courts. This bill ONLY applies to the City of Durham. **Introduced by Senators McKissick and Woodard.**

[SENATE BILL 274](#), Granville/Hunting Local Modifications, would make various changes to the local hunting laws for Granville County. Among those changes, it would be a Class 2 misdemeanor to take or attempt to take wildlife or fish, or to possess a firearm, crossbow, bow and arrow, or other readily available weapon on private property or on any public road adjacent to the private property, without having the written permission from the landowner.

The bill would require the signed and dated written permission of the private property landowner or lessee, or their designee, prior to hunting or fishing on the private property. This written permission could be a lease from a landowner to a hunting club so long as the person is also carrying a valid membership card of the club. The written permission would not be valid for more than one year but could be valid for a shorter period if so stated in the document.

The bill would also require written permission from the landowner if a hunter is not physically present on the private property but allows a dog under his/her ownership, possession or control to run upon that land to hunt deer or bear. This written permission requirement would not apply to the immediate family of a landowner or lessee.

The bill would also make it a Class 2 misdemeanor to hunt deer or bear with the aid of dogs unless: (1) each dog has a GPS tracking collar and tag showing owner identification information; (2) the individual allows any law enforcement officer with jurisdiction to inspect the data sent, received and transmitted by each dog's GPS device; and (3) the dogs are released on at least 200 contiguous acres owned by the person or at least 350 contiguous acres with written permission to hunt from the owner. This restriction on hunting deer or bear with the aid of dogs would not apply if there is one dog on a leash used to assist a hunter in retrieving a dead or wounded animal.

Finally, it would be a Class 2 misdemeanor to hunt from or across the right-of-way of any public road or highway. This bill applies ONLY to Granville County. **Introduced by Senator Woodard.**

[SENATE BILL 283](#), [Bermuda Run/Speed Restrictions](#), is identical to [House Bill 368](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Krawiec.**

### BILL STATUS

[HOUSE BILL 67](#), [Road Barrier Prohibition](#), which is summarized in the February 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 82](#), [Railroad Crossings/On-Track Equipment](#), which is summarized in the February 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 100](#), [Required Training Police Telecommunicators](#), which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 144](#), [Hands Free NC](#), which is summarized in the February 22, 2019 Weekly Legislative Report, 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.

The bill has been amended to contain the following provisions:

1. The bill would include school buses within the wireless communication device restrictions, including any school activity bus and any vehicle transporting public, private or parochial students.
2. Texting would be defined as manually entering text into or reading text from a wireless communication device. 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 manually sending texts, reading texts, accessing webpages or using a portable electronic mapping device to navigate.
3. The bill would allow the operator of a motor vehicle to operate equipment installed by the automobile manufacturer that is integrated into the vehicle, such as a built-in navigation system or built-in telephone system.
4. 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.
5. 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. Public utility and communications service providers would also be allowed to use a wireless communication device in their vehicle if the person is performing their official duties.

6. A person under 18 years of age would be prohibited from operating a motor vehicle while using any wireless communications device (even a “hands free” wireless communication device) unless the person is using the device in an emergency situation, such as to call the police, or is using an electronic navigation system and the person has entered the address prior to operating the motor vehicle. This would also apply to any person that possesses a limited learner’s permit.
7. A person who violates these restrictions 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.
8. A person who violates these restrictions while operating a school bus would be guilty of a Class 2 misdemeanor and would also be subject to the penalties described above.
9. Finally, local governments would be prohibited from enacting any ordinance that regulates the use of a wireless communication device while operating a motor vehicle.

[HOUSE BILL 198, Human Trafficking Commission Recommendations](#), which is summarized in the March 1, 2019 Weekly Legislative Report, has been amended to remove the provision of the bill appropriating \$250,000 in recurring funds to the North Carolina Administrative Office of the Courts to support the North Carolina Human Trafficking Commission.

[HOUSE BILL 211, Various DMV Changes](#), which is summarized in the March 1, 2019 Weekly Legislative Report, would modify the definition of “fuel cell electric vehicle” and “plug-in electric vehicle” to clarify that these vehicles do not have the ability to also run on gasoline, such as a hybrid vehicle that has the ability to switch between gasoline operation and fuel cell operation.

The bill has been amended to require the North Carolina Division of Motor Vehicles (DMV) to waive the penalty associated with a lapse in motor vehicle liability insurance if all of the following conditions are met: (1) the owner has become a resident of another state and has registered their vehicle in that state within 30 days of the cancellation or expiration of the North Carolina motor vehicle insurance policy; (2) the owner has submitted a copy of their current out-of-state registration card to DMV; and (3) the owner has returned their North Carolina registration plate to DMV.

[HOUSE BILL 212, Break or Enter Pharmacy/Increase Penalty](#), which is summarized in the March 1, 2019 Weekly Legislative Report, is identical to [Senate Bill 151](#) listed below in this Weekly Legislative Report. The bill would create the new criminal offense of breaking or entering a pharmacy. The bill has been amended to make it a Class D felony for a person to break into or enter a pharmacy with the intent to commit a larceny of any controlled substance (including an opioid).

The bill would also make it a Class F felony for a person to receive or possess any property that

was stolen from a pharmacy resulting from this breaking or entering offense if the person receiving the property knew or should have known it was stolen. This would include, for example, someone who purchased a controlled substance illegally knowing the drug was stolen from a pharmacy.

[HOUSE BILL 224](#), [Assault w/Firearm on LEO/Increase Punishment](#), which is summarized in the March 8, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 283](#), [Conner's Law](#), which is summarized in the March 8, 2019 Weekly Legislative Report, would increase the penalty for an assault with a firearm upon a law enforcement officer, probation officer or parole officer while in the performance of their duties from a Class E felony to a Class D felony.

The bill has been amended to increase the penalty for an assault on a firefighter, emergency medical technician, medical responder, or hospital personnel from a Class H felony to a Class G felony if a deadly weapon other than a firearm was used or if the assault resulted in serious bodily injury. The penalty would be increased from a Class F felony to a Class E felony if the offender used a firearm in the commission of the assault.

The bill would also create an additional \$100,000 death benefit for the spouse or dependents of a law enforcement officer who is "murdered in the line of duty." This would apply to State and local law enforcement officers and would also apply to detention officers working for a sheriff, custodial employees of the North Carolina Department of Public Safety (DPS), to probation and parole officers employed by DPS and to various other covered persons.

[SENATE BILL 12](#), [Alexander County/Sheriff Vacancies](#), passed the Senate and has passed the House with amendment. The bill has been sent back to the Senate for consideration of the House amendment.

[SENATE BILL 20](#), [Emergency Worker Protection Act](#), which is summarized in the February 8, 2019 Weekly Legislative Report, would make various changes to the laws protecting certain governmental employees, such as police officers and first responders.

The bill has passed the Senate with amendment and has been sent to the House for consideration. As amended, the bill contains the following provisions:

1. The punishment for an assault with a deadly weapon (other than a firearm) upon a governmental officer or employee, a company police officer, or a campus police officer in the performance of an official duty would increase from a Class F felony to a Class E felony. The bill would make it a Class D felony if the person uses a firearm in the commission of this offense. Currently, it is a Class F felony to commit an assault upon these officers and employees with the use of a firearm or other deadly weapon.
2. The bill would increase the punishment for assault with a firearm on a law enforcement officer, probation officer, parole officer, person employed at a State or local detention facility, or member of the North Carolina National Guard, while in the performance of

their official duties from a Class E felony to a Class D felony.

3. 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 felony 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 felony to a Class E felony.
4. The punishment for assault on a law enforcement officer, probation officer, parole officer, employee at a State or local 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 felony to a Class E felony.
5. The punishment for assault on a law enforcement officer, probation officer, parole officer, employee at a State or local 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 felony to a Class H felony.
6. 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 felony to a Class H felony. Any assault on these people with a dangerous weapon or substance would be increased from Class F felony to a Class E felony.
7. Finally, the 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.

[SENATE BILL 106](#), [Clarify Limited Immunity/Overdose Victims](#), which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the Senate with amendment and has been sent to the House for consideration. As amended, the bill would provide a drug overdose victim with immunity from prosecution for possession of controlled substances or drug paraphernalia if the evidence for prosecution was obtained as a result of any person seeking medical assistance for the drug related overdose.

Currently, 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.

[SENATE BILL 113](#), [DMV/Emergency Contact Information](#), which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 151](#), [Break or Enter Pharmacy/Increase Penalty](#), which is summarized in the March 1, 2019 Weekly Legislative Report, is identical to [House Bill 212](#) summarized above in this Weekly Legislative Report. The bill has been amended to make it a Class D felony for a person to break into or enter a pharmacy with the intent to commit a larceny of any controlled substance (including an opioid).

---

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.

*Proudly Serving the Sheriffs and Citizens of North Carolina Since 1922*

[www.ncsheriffs.org](http://www.ncsheriffs.org)

---