

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

March 29, 2019

This has been an exceptionally busy week at the General Assembly. Much of the activity has been generated by the upcoming filing deadlines for public bills, which is April 2 in the Senate and April 16 in the House. Legislators are also busy working on bills in anticipation of the looming May 9 crossover deadline. This is the date by which all bills, except finance and appropriations bills, must be passed out of one chamber or the bill will technically not be eligible for any further consideration this year or next year.

The House appropriations leadership have also been very busy behind closed doors crafting the House's initial version of the State budget bill. It is anticipated that the budget proposal of the House should be released by the end of April, which would place the budget process a couple of weeks ahead of previous long sessions. Appropriations subcommittees have been meeting frequently in recent weeks, and budget chairs have encouraged lawmakers to file bills with their budget requests.

After the House's proposed budget is introduced, it is anticipated that the Senate will work quickly towards putting together its own version of the budget bill. The House and Senate will then spend a few weeks reconciling the differences between the two versions, with a goal of getting a budget adopted in late June prior to the beginning of the new fiscal year on July 1st. The final budget will need the backing of Governor Roy Cooper or a substantial number of legislative Democrats. Because of this, discussions have already begun about collaboration in the weeks to come as legislative leadership and the Governor's Office work towards the adoption of this year's State budget bill.

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

BILLS OF INTEREST

[HOUSE BILL 445](#), Special Sep. Allowance/Alamance Cty DOs., would enable Alamance County detention officers to qualify for a special separation allowance retirement benefit that is substantially similar to the special separation allowance benefit available to qualified sworn law enforcement officers. This bill would only apply to detention officers in Alamance County that have met the appointment requirements of the North Carolina Sheriffs' Education and Training Standards Commission. **Introduced by Representatives Riddell and Ross, and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 449](#), Special Registration Plates, would authorize the North Carolina Division of Motor Vehicles to produce special registration plates commemorating the following: (1) ALS research; (2) family pets; (3) utility line workers; and (4) the Town of Wrightsville Beach. **Introduced by Representatives Iler and Torbett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 452](#), Memorandum of 287(g) Agreements, would require the Secretary of the North Carolina Department of Public Safety (DPS) to attempt to enter into a memorandum of agreement between DPS and the United States Department of Homeland Security, the United States Department of Justice, or any other “appropriate federal agency” for the purpose of enforcement of federal immigration laws. **Introduced by Representatives Henson, Setzer and K. Hall, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 453](#), Concealed Carry/Law Enforcement Facility, would allow a civilian employee of a law enforcement agency with a concealed handgun permit to carry a concealed handgun in a law enforcement facility or correctional facility so long as the person has been designated in writing by the agency head to carry the handgun. The agency head would be allowed to rescind this authorization at any time. Currently, civilian employees may not carry a concealed handgun inside a law enforcement or correctional facility, even with a valid concealed handgun permit. **Introduced by Representatives R. Turner, Fraley and C. Smith, and assigned to the House Committee on Judiciary. The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 454](#), Allow ERPOs to Save Lives and Prevent Suicides, would create a process to temporarily restrict a person's access to firearms if there is evidence the person poses a danger to themselves or others by possessing a firearm. Among the significant provisions of this bill:

1. A family or household member, a law enforcement officer, or a law enforcement agency would be allowed to petition a district court for an Extreme Risk Protection Order (ERPO). A family or household member would be defined as any person related by blood, marriage, or adoption to the Respondent, including step-parents and step-children; a dating partner; a person who has a child in common with the Respondent; a domestic partner of the Respondent; or a person who is acting as the Respondent's legal guardian. The petition for an ERPO must include facts to show the Respondent is a danger to himself or herself or others by having firearms in their possession.
2. An ERPO would require the Respondent to surrender all firearms, ammunition, permits to purchase firearms and permits to carry a concealed handgun to the sheriff. A district court would also have the authority to order a Respondent to undergo any mental evaluation or chemical dependency evaluation deemed appropriate.
3. A district court would have the authority to issue an *ex parte* ERPO, without the Respondent being present in court, if the court finds that the Respondent poses an imminent danger of causing physical injury to himself or herself or others by having firearms in their possession. An *ex parte* ERPO would be effective for ten days unless the district court has a hearing on the full ERPO sooner. The Chief District Court Judge

- would have the authority to designate at least one judge or magistrate in each county to issue *ex parte* ERPOs when the court is not in session.
4. A full ERPO would be effective for one year and could be renewed as necessary, provided the court makes findings that the Respondent is still a danger to himself or herself or to others with firearms.
 5. The sheriff would be allowed, but not required, to charge the Respondent a reasonable fee for the storage of any firearms and ammunition taken pursuant to an ERPO. These fees would be required to be used by the sheriff in carrying out his or her duties related to an ERPO.
 6. The sheriff would be required to provide "prompt" entry of the ERPO, and any subsequent changes to the ERPO, into the National Crime Information Center registry (NCIC).
 7. A Respondent who violates any term of the ERPO would be guilty of a Class A1 misdemeanor. A person who knowingly makes a false statement when petitioning for an ERPO or who knowingly makes a false statement to a law enforcement agency or officer that an ERPO remains in effect, would be guilty of a Class 2 misdemeanor.

Introduced by Representatives Morey, Clark, Harrison and Martin, and assigned to the House Committee on Judiciary. The North Carolina Sheriffs' Association SUPPORTS the concept of Extreme Risk Protection Orders.

[HOUSE BILL 456, Permit Req'd/Assault Weapon & Long Gun](#), would require a person to have either a 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 purchase permit or concealed handgun permit issued by a sheriff is only required for the purchase or receipt of a handgun.

The term "assault weapon" would be specifically defined to mean the following:

1. A firearm capable of fully automatic fire.
2. 109 specifically identified rifles, pistols, and shotguns.
3. All semiautomatic, centerfire rifles that accept detachable magazines and have at least one additional feature, such as a pistol grip or flash suppressor.
4. All semiautomatic, centerfire rifles that have a fixed magazine and will hold more than 10 rounds of ammunition.
5. All semiautomatic, centerfire rifles that have an overall length of less than 30 inches.
6. Certain semiautomatic pistols.

7. Certain semiautomatic shotguns.

Introduced by Representatives Clark, Morey and Harrison, and assigned to the House Committee on Judiciary.

[HOUSE BILL 460](#), Fair Chance Hiring, would prohibit a hiring State agency from asking an applicant to disclose any information about their criminal history until the applicant has been extended a conditional offer of employment. If a State hiring agency lawfully conducts a criminal background check on an applicant and discovers a criminal history, the bill would require the hiring State agency to give the applicant an opportunity to respond prior to the State agency making a hiring decision. The State agency would be required to consider factors such as the age of the person when the offense was committed, the seriousness of the offense, and whether the nature of the offense is reasonably related to the duties and responsibilities of the position sought by the applicant.

This prohibition against a State agency asking an applicant about their criminal history would not be applicable to positions for which a hiring authority is required by law to consider the applicant's criminal record, such as State law enforcement agencies.

The bill would also prohibit any record of arrest that did not result in a conviction, or any criminal conviction that was later expunged, from forming the basis of disqualification from "public employment." The bill does not define what is considered public employment.

Finally, the bill would encourage, but not require, agencies within local governments to adopt the hiring practices described above. **Introduced by Representatives Grange, Hardister and R. Turner, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 463](#), Education/Job Readiness in Prisons & Jails, would allow prisoners in prisons and jails to apply for certain state college grant programs. The bill would also allow State education funds to be used to provide courses in local jails, if the sheriff approves of their delivery. **Introduced by Representatives Rogers, Brody, Hardister and John, and assigned to the House Committee on Education - Community Colleges.**

[HOUSE BILL 465](#), Charlotte Citizens Review Brd Subpoena Power, would give the already established Citizen Review Board (CRB) in the City of Charlotte the authority to issue subpoenas in any "fact-finding proceedings" to compel the production of evidence or the appearance of a witness before the CRB. The bill would also allow the CRB to apply to the superior court for an order compelling the appearance of a witness or production of evidence when a CRB subpoena is not honored. Currently, the CRB hears certain appeals from Charlotte-Mecklenburg Police Department disciplinary actions, but the Board does not have the authority to issue subpoenas. This bill would only apply to the CRB in the City of Charlotte. **Introduced by Representative Autry and assigned to the House Committee on Judiciary.**

[HOUSE BILL 468](#), Sheriff Road Closure Auth., would authorize the sheriff to temporarily close any part of the State's transportation infrastructure within the sheriff's jurisdiction, such as a roadway, due to a dangerous condition that could pose an immediate threat to public safety.

Currently, only the North Carolina Department of Transportation (DOT) has the authority to close a roadway.

The bill would require the sheriff to notify the DOT of the dangerous condition prior to temporarily closing the roadway. Finally, the bill would require the sheriff to maintain a list of schools, community colleges, colleges, universities and providers of public transportation that request notification of closures and would be required to notify these entities in the event the sheriff temporarily closes a roadway. This bill would only apply to Union County. **Introduced by Representative Horn, Arp and Brody, and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 474, Death by Distribution](#), is identical to [Senate Bill 375](#), which is listed below in this Weekly Legislative Report. The bill would create two new criminal offenses of “death by distribution of certain controlled substances” and “aggravated death by distribution of certain controlled substances.”

The Class C felony of death by distribution of certain controlled substances would be committed if a person causes the death of another person, without malice, by the unlawful distribution of certain drugs, such as opium, opium derivatives, cocaine, methamphetamine or depressants.

The Class B2 felony of aggravated death by distribution of certain controlled substances would be committed if a person causes the death of another person, without malice, by the unlawful distribution of the types of drugs listed above and the person distributing the drugs has a previous conviction for causing the death of another person by the distribution of drugs, or for trafficking in drugs within the previous seven years. **Introduced by Representatives Arp, D. Hall, C. Smith and Faircloth, and assigned to the House Committee on Judiciary. The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 484, Verification of Immigration Status - SAVE](#), would require any State licensing board to verify the immigration status of applicants seeking to obtain a license to practice a trade. A licensing board would be defined to include any agency, board, committee or commission in North Carolina that is designed to regulate entry of a person into a particular trade. This would presumably apply to the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission. Currently, these two Commissions verify that applicants for certification as law enforcement officers, detention officers and telecommunicators are citizens of the United States. **Introduced by Representatives Cleveland, Hurley, Yarborough and Presnell, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 498, NC Constitutional Carry Act](#), would make various changes to our State's firearm laws. The changes of interest to the criminal justice community include:

1. A new concealed weapons statute would be created and would provide that any person who is a citizen of the United States and at least 18 years old 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 the person 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). Any person unlawfully 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. Current North Carolina law regulating the carrying of firearms into establishments where alcoholic beverages are sold and consumed and into assemblies where a fee is charged for admission would be modified. The bill would allow anyone to carry a concealed handgun into the establishment or assembly if the person is lawfully able to carry a concealed handgun under the criteria set out in paragraph 1 above and the property is not posted prohibiting the concealed carry of handguns. Those individuals currently authorized to carry concealed firearms under G.S. §14-269(b) would be exempt from these prohibitions.
3. Current North Carolina law regulating weapons at parades and funeral processions would be modified. The bill would allow anyone to carry a concealed handgun at a parade or funeral procession if the person is lawfully able to carry a concealed handgun under the criteria set out in paragraph 1 above and the parade or funeral procession is not posted prohibiting the concealed carry of handguns. Those individuals currently authorized to carry concealed firearms under G.S. §14-269(b) would be exempt from these prohibitions.
4. This bill would also modify the State's concealed handgun permit statutes to provide that the State of North Carolina 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.
5. 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.
6. 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.
7. Finally, this bill would repeal North Carolina's pistol purchase permit laws. If this bill is enacted into law any person could purchase or receive a handgun in North Carolina without having a pistol purchase permit issued by a sheriff. The pistol purchase permit process requires the sheriff to conduct a thorough background check of the applicant's ability to possess firearms under State and federal law.

Introduced by Representatives Kidwell, Speciale and Hanig and assigned to the House Committee on Judiciary. The North Carolina Sheriffs' Association is OPPOSED to the repeal of North Carolina's pistol purchase permit statutes.

[HOUSE BILL 499](#), Omnibus Gun Changes, would make various changes to our State's firearm

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. 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.
15. 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.
16. Weapons would also be able to be possessed by a person in a vehicle on a road crossing educational property.
17. 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.
18. A part-time or full-time member of the faculty or staff of a school would be able to possess a handgun on school grounds if the member obtains a valid North Carolina concealed handgun permit and meets the criteria to become a "volunteer school faculty guardian" (VSFG).
 - a. The VSFG would be required to provide their employer with: (1) annual proof of a valid North Carolina concealed handgun permit; (2) annual proof of proficiency with the type of handgun and retention system (holster) used; (3) annual proof of taking a drug test; and (4) proof of completion of 16 hours of active shooter training, in order to qualify to possess a handgun on school grounds.
 - b. The VSFG would only be allowed to possess the handgun on school grounds while engaged in employment activities and would be required to keep the handgun

concealed unless responding to an imminent threat of violence, which would be an act that a reasonable person believes would lead to injury or death.

- c. The North Carolina Criminal Justice Education and Training Standards Commission would be required to develop and administer the active shooter training necessary for the VSFG to carry a concealed handgun on school grounds.
19. This bill would repeal North Carolina's pistol purchase permit laws. If this bill is enacted into law any person could purchase or receive a handgun in North Carolina without having a pistol purchase permit issued by a sheriff. The pistol purchase permit process requires the sheriff to conduct a thorough background check of the applicant's ability to possess firearms under State and federal law
 20. Certain convicted felons would be exempted from the restrictions on possessing firearms under North Carolina's Felony Firearms Act. Individuals convicted of non-violent felonies (such as drug offenses) prior to December 1, 1995, and whose firearms rights were restored prior to December 1, 1995, would be eligible to possess any firearms that a non-felon would be able to possess. The felon would not have to seek a restoration of rights order from a district court judge as other convicted felons currently have to do. In order to be eligible for this exemption, the person convicted of the non-violent felony before December 1, 1995 could not have been convicted of a subsequent felony on or after December 1, 1995.
 21. 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.
 22. Defendants named in an emergency or ex parte domestic violence protective order would be able to surrender all firearms, ammunition and firearm permits to a licensed firearms dealer or the sheriff. Currently those items must be surrendered to the sheriff. The licensed firearms dealer would then have to report to the sheriff a record of all firearms and ammunition surrendered. The bill would also set restrictions on how the licensed firearms dealer would be able to dispose of this property, either through the sale or release to a third party or retrieval by the defendant.
 23. 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.
 24. 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.

25. Finally, North Carolina citizens would have the opportunity to vote to remove language from the North Carolina Constitution that states that there is no constitutional right to carry concealed weapons and that the General Assembly can regulate the carrying of concealed weapons. By removing this language, the General Assembly may not be able to regulate the carrying of concealed weapons.

Introduced by Representatives Speciale, Kidwell, Hardister and Brody, and assigned to the House Committee on Judiciary. The North Carolina Sheriffs' Association is OPPOSED to the repeal of North Carolina's pistol purchase permit statutes.

[HOUSE BILL 507](#), Animal Fights/Criminalize Attendance of Minor, would modify State law to make it a Class I felony to cause a person under the age of 16 to be present at a cock fight, and a Class H felony to cause a person under the age of 16 to be present at a dog fight. It would be a Class 2 misdemeanor to cause a person under the age of 16 to be present at a fight between any other types of animals. Currently, this type of conduct would be considered contributing to the delinquency of a juvenile, which is a Class 1 misdemeanor. **Introduced by Representatives McNeill, C. Smith and Hurley.**

[HOUSE BILL 508](#), Firearm Safe Storage Awareness Initiative, would require the North Carolina Department of Health and Human Services (DHHS) to conduct a statewide firearm safe storage awareness initiative to educate the public about the importance of the safe storage of firearms. This initiative would include the distribution of free or discounted gun locks. **Introduced by Representatives McNeill, White, C. Smith and Sauls.**

[SENATE BILL 352](#), Amend NC Controlled Substances Act, would make changes to State law to clarify or expand what is considered a controlled substance. The bill would modify the definitions of Schedule I opiates to include designer benzodiazepines, substituted phenethylamines, N-Benzyl Phenethylamines and some fentanyl derivatives, to name a few.

The bill would modify Schedule II to define cocaine as including any isomer, whether optical or geometric. Isomers are compounds with the same chemical formula by different structures. The bill would also modify Schedule III to include any isomer of a Schedule III substance. Finally, the bill adds desalkylflurazepam (known as Norflurazepam) and diclazepam (known as Chlorodiazepam) to the Schedule IV list of depressants. **Introduced by Senators McInnis and J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 357](#), Limit Ownership of Certain Animals, would make it a Class 2 misdemeanor for anyone to possess, sell, transfer or breed any tiger, lion, jaguar, leopard, bear, chimpanzee, gorilla or orangutan. The bill would also make it a Class A1 misdemeanor for the owner of one of these animals to allow the animal to run loose and cause property damage. It would be a Class I felony if the animal runs loose and causes serious bodily injury to any person.

The bill allows certain exemptions to the prohibition against possessing these animals, such as for

veterinary purposes, research, and for law enforcement purposes. In addition, a person would be able to lawfully possess one of these animals so long as they were in possession of the animal prior to June 1, 2019, and meet certain other requirements. Finally, the bill allows State law enforcement officers, animal control officers, and any other law enforcement officer to enforce the provisions against the unlawful possession, sale, or transfer of these animals within the officer's jurisdiction. **Introduced by Senators Sawyer, Krawiec and Gallimore, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 359](#), Born-Alive Abortion Survivors Protection Act, would make it a Class D felony for a health care practitioner, such as a doctor, to fail to exercise professional skill, care, and diligence to preserve the life and health of a child born alive during an abortion or attempted abortion and to ensure that the child born alive is immediately transported and admitted to a hospital. It would also be a Class D felony for a health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic to have knowledge of this failure to provide the care described above and not disclose the failure to a State or federal law enforcement agency.

Also, if a person intentionally performs or attempts to perform an act that kills a child born alive, the person would be punished the same as for a murder. Born alive would be defined as the complete expulsion or extraction from his or her mother of an infant who, after such expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. **Introduced by Senators Krawiec, Hise and Harrington, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 362](#), Annual Report Standardization, would make numerous changes to State laws relating to the submission of documents to the North Carolina Secretary of State's Office (Secretary). Of interest to the criminal justice community, the bill would, for purposes of enforcing the Class 1 misdemeanor offense of signing and submitting a false document to the Secretary's office, give the Secretary's law enforcement officers the authority to assist local law enforcement agencies in their investigations into this crime and would enable them to carry out, in coordination with local law enforcement agencies, investigations of this misdemeanor.

Also, the Secretary's law enforcement agents would have all of the powers and authority of law enforcement officers when executing arrest warrants.

Currently, for purposes of enforcing notary laws, law enforcement officers of the Secretary have the powers and authority of local law enforcement officers and may assist local law enforcement agencies in their investigations and can carry out, in coordination with local law enforcement agencies, investigations into notary violations. **Introduced by Senators Wells and Perry, and assigned to the Senate Committee on Commerce and Insurance.**

[SENATE BILL 368](#), Physical and Psych. Evals. for LEO's, would set out in detail the minimum standards the North Carolina Criminal Justice Education and Training Standards Commission would have to follow to ensure an applicant for certification is psychologically and physically able to fulfill the essential job functions of a sworn law enforcement officer.

The minimum standards would require a psychological screening by a clinical psychologist or

psychiatrist licensed to practice in North Carolina who is trained and experienced specifically in pre-employment psychological evaluations for public safety positions. The standards would also require a physical examination by a physician licensed in North Carolina, a physician's assistant or a nurse practitioner.

Currently, a psychological and physical examination is required of all applicants for certification, however, the requirements do not contain this degree of detail. If this bill becomes law, the effective date would be October 1, 2019 and would apply to applications for certification received on or after that date. **Introduced by Senator Steinburg, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 373](#), [Electric Standup Scooters](#), is substantially similar to [House Bill 77](#), as amended, which was summarized in the March 1, 2019 Weekly Legislative Report. The bill would define an “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. **Introduced by Senators Woodard and Krawiec, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 375](#), [Death by Distribution](#), is identical to [House Bill 474](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Brown and Bishop, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 379](#), [Retiree Amendments](#), would make various administrative changes to the laws related to the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System. Among those, the bill would allow a State or local government law enforcement officer that separates from service and withdraws their retirement contributions to buy back up to five years of creditable service if the person returns to service and completes five years of creditable service as a law enforcement officer.

The bill would also make permanent the option for sheriffs to transfer their sick leave accrued under the Local Governmental Employees' Retirement System to the Sheriffs' Supplemental Pension Fund, so that the sick leave would count towards the sheriffs' eligible service under the Sheriffs' Supplemental Pension Fund. Currently, this option must be exercised prior to July 1, 2022. The bill would remove this time deadline and allow eligible sheriffs to exercise this option at any time in the future. **Introduced by Senators Wells and Johnson, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY the provisions of this bill related to the Sheriffs' Supplemental Pension Fund.**

[SENATE BILL 388](#), Funds for NC Troopers Assoc. Caisson Unit, would appropriate to the North Carolina Department of Public Safety \$25,000 in recurring funds for the 2019-2020 fiscal year to assist the North Carolina Troopers' Association with the upkeep of the facilities, vehicles and horses of the Association's Caisson Unit. **Introduced by Senator Perry, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 396](#), State Search and Rescue Funding, is identical to [House Bill 159](#), which is summarized in the March 1, 2019 Weekly Legislative Report. The bill would appropriate \$2.3 million dollars to the North Carolina Department of Public Safety (DPS), Division of Emergency Management, for the 2019-2020 fiscal year and \$2.3 million in recurring funds for the 2020-2021 fiscal year to be used to support the State Search and Rescue Program.

These funds would be used to help local governments supplement the cost of purchasing and maintaining search and rescue equipment and to provide other items necessary to ensure statewide search and rescue services. The bill would authorize the Secretary of DPS to establish match requirements for local agencies to receive funds, such as by the local agency matching their award with either cash payments or in-kind contributions. **Introduced by Senator Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 402](#), Modernizing Sexual Assault Laws, is identical to [House Bill 393](#), which is summarized in the March 22, 2019 Weekly Legislative Report. This bill would modify State law to make it unlawful for any person to knowingly distribute, sell, give away, or otherwise cause to be accessible or ingested by a human, any beverage or other drinkable substances which the person knows contains certain substances, materials, controlled substances, poisonous chemical or compound, or any foreign material. Currently, only food is covered.

The bill would also modify the definition of "mentally incapacitated" in our sexual assault statutes to include a victim of sexual assault who is rendered incapable of appraising the nature of his or her conduct or resisting the act of vaginal intercourse or a sexual act due to any act, regardless of whether committed by a perpetrator or the victim. Currently, this definition is limited to acts committed upon the victim. Therefore, a person who commits a sexual assault on a victim who voluntarily drinks too much alcohol and was rendered unconscious, would still be guilty of the sexual assault.

Finally, this bill removes the word "forcible" from the names of first and second degree forcible rape and first and second degree forcible sexual offense but does not change their criminal elements. **Introduced by Senators Garrett, Marcus and Searcy.**

[SENATE BILL 405](#), Establish Duty to Report & Render Assistance, would make it a Class 2 misdemeanor for any person to fail to report to a law enforcement officer a crime or attempted crime the person witnesses that resulted in the victim suffering serious physical injury. The bill would also make it a Class 2 misdemeanor for any person at the scene of a crime or emergency to fail to give reasonable assistance to a person suffering from a serious physical injury. These duties do not apply to someone who reasonably believes reporting or rendering aid would place that person or another in danger of immediate bodily harm. **Introduced by Senator McInnis.**

[SENATE BILL 407](#), Funds to Aid Jails with Addiction Treatment, would appropriate to the Governor's Crime Commission of the North Carolina Department of Public Safety \$1 million for the 2019-2020 fiscal year to assist with the establishment or continued use of injectable medication treatments used in alcohol and drug treatment programs in county jails or detention centers. The bill would require counties to submit grant proposals to obtain funding and grants would be limited to \$200,000. Finally, priority in awarding these grant funds would be given to Forsyth, Nash, New Hanover, Onslow, and Rutherford counties. **Introduced by Senator Krawiec, Brown and Daniel. The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 410](#), Pretrial Services-Grants Program, would appropriate \$1 million to the Governor's Crime Commission of the North Carolina Department of Public Safety for the 2019-2020 fiscal year to provide grants to assist judicial districts and counties in reducing the use of secured bonds as a condition of pretrial release. The purpose of the grants would be to increase the use of alternatives to the use of secured bonds, such as issuing citations instead of making an arrest and promoting the early participation by defense counsel and the prosecutor in a case.

Introduced by Senator D. Davis.

[SENATE BILL 413](#), Raise the Age Modifications, would make changes to the raise the juvenile age legislation that was enacted into law in 2018. The bill would exclude violations of motor vehicle laws, except for driving while impaired offenses, when determining whether a juvenile would be prosecuted as an adult because of a previous conviction in either district or superior court.

The bill would also clarify that all juveniles under the age of 18 who are being held in custody for a violation of the law, whether pre-trial or post-conviction, would be transported and housed by the Division of Adult Correction and Juvenile Justice (DACJJ) of the North Carolina Department of Public Safety. The juvenile would be housed in a DACJJ facility or, with the consent of the county sheriff, in a DACJJ approved jail.

Finally, the bill would require a juvenile's superior court criminal record to be automatically expunged if the case is sent back to the juvenile court. **Introduced by Senators Davis, Daniel and Sanderson.**

[SENATE BILL 415](#), Grand Jury if LEO Charged Performing Duties, would require the district attorney to notify a law enforcement officer 10 days prior to the district attorney submitting a presentment or indictment to a grand jury against that law enforcement officer for actions arising out of the performance of the officer's duties. The officer would be allowed to voluntarily appear before the grand jury and testify or present evidence. **Introduced by Senators Daniel, Edwards and Britt.**

[SENATE BILL 418](#), The I. Beverly Lake, Jr., Fair Trial Act, would prevent a defendant from being convicted of a crime based solely on the testimony of an "in-custody informant," unless the testimony is supported by other evidence. An in-custody informant is a person, other than a co-defendant, who was incarcerated with the defendant and who's testimony is based on statements made by the defendant. All interviews with in-custody informants would have to be visually recorded. **Introduced by Senators Daniel, McKissick and Britt.**

[SENATE BILL 419](#), [Loss Prevention Professionals May Investigate](#), would clarify that an employee of a private business that conducts investigations related to the location, disposition or recovery of lost or stolen property would not be required to be licensed by the North Carolina Private Protective Services Board. **Introduced by Senators Britt, Johnson and McInnis.**

[SENATE BILL 432](#), [Mini-Truck Classification](#), is identical to [House Bill 179](#), which is summarized in the March 1, 2019 Weekly Legislative Report. This bill would create a new definition for “mini-truck” in our motor vehicle laws. A mini-truck would be a four-wheel motor vehicle with an engine displacement of 660 cubic centimeters or less that is designed primarily for the transportation of property, has an overall length of 130 inches (10 feet) or less, has an overall width of 60 inches (5 feet) or less, and has an overall height of 78 inches (6 ½ feet) or less. Mini-trucks are small light trucks, also known as micro-trucks, that are often used for low tonnage delivery services in urban areas.

The bill would limit the use of mini-trucks to streets and highways where the posted speed limit is 55 miles per hour or less. Mini-trucks would need to be insured and registered with the North Carolina Division of Motor Vehicles and would have to be equipped with the common safety features associated with a motor vehicle, such as headlamps, stop lamps, turn signal lamps, tail lamps, windshield wipers, speedometer and seat belts. **Introduced by Senator Ballard.**

BILL STATUS

[HOUSE BILL 108](#), [PED/Safekeeper Health Care Cost Recov. Pract.](#), which is summarized in the February 22, 2019 Weekly Legislative Report, 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).

The bill has been amended to clarify that DPS may not refuse to accept a safekeeper based upon a county having outstanding fees owed to 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, as amended, would also limit the initial time a safekeeper would stay in the custody of the DACJJ to a period of 30 days. The DACJJ would be required to have medical staff conduct an assessment of the inmate during this 30-day period and to make recommendations as to whether the inmate should remain in the custody of the DACJJ or be returned to the county. To have the safekeeper order extended beyond the initial 30 day period, the sheriff must provide the DACJJ assessment and any other relevant information to a judge.

[HOUSE BILL 130](#), [Allow Game Nights](#), 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 257](#), [Motorcycles/Face Masks](#), which is summarized in the March 8, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill would allow the operator of a motorcycle on a public road or highway to use a “facemask” to protect the operator’s head or face.

The bill has been amended to require the operator of the motorcycle to remove the facemask during a traffic stop or when approached by a law enforcement officer. **The North Carolina Sheriffs' Association SUPPORTS this bill as amended to require the operator to remove the facemask when stopped or approached by a law enforcement officer.**

[HOUSE BILL 307, Right-of-Way for Left-Turning Farm Equipment](#), which is summarized in the March 8, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 9, Female Genital Mutilation/Clarify Prohibition](#), which is summarized in the February 1, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 156, No-Contact Orders](#), which is summarized in the March 1, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration. The bill has been amended to add that a no-contact order against a defendant remains in effect during any appeal unless that order is modified by a judge.

[SENATE BILL 202, DMV/High-Risk Driving Behaviors](#), which is summarized in the March 8, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 220, Removal of Political Signs by Citizens](#), which is summarized in the March 15, 2019 Weekly Legislative Report, has been amended to allow citizens to remove and dispose of political signs that remain in a public right-of-way after 30 days from the date political signs are to be removed because the signs would be considered abandoned property at that point in time. Therefore, there would be no obligation to return the political sign to the candidate. Currently, political signs are to be removed within 10 days of the primary or general election.

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