

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



## Weekly Legislative Report

April 5, 2019

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Wednesday, April 3<sup>rd</sup> at 11 AM was the deadline for new legislative bills to be filed in the Senate. As is typical in the few days before a bill filing deadline, an avalanche of legislative bills were filed in the Senate this week. By the time of the deadline, 672 legislative bills had been filed this year in the Senate.

Including those legislative bills pre-filed that will be introduced in the House next Monday, there has been 626 new legislative bills introduced in the House so far. With the House bill filing deadline on April 23, a little over two weeks away, it is certain that dozens, likely hundreds, more legislative bills will be filed in the House.

With the “cross-over deadline” barely a month away on May 9<sup>th</sup>, some hectic weeks for General Assembly committees, members, staff, and lobbyists are on the horizon. The “cross-over deadline” is the date by which all bills, other than those affecting revenue or spending must pass from one chamber to the other, or they are no longer eligible for further consideration during the 2019-2020 Session of the General Assembly.

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

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### BILLS OF INTEREST

[HOUSE BILL 536](#), [ABC Omnibus Regulatory Reform](#), is identical to [Senate Bill 592](#), which is listed below in this Weekly Legislative Report. The bill would make numerous changes to the State’s Alcoholic Beverage Control (ABC) laws. Of interest to the criminal justice community:

1. The bill would expand the areas where alcoholic beverages could be sold to include: (1) a stadium, athletic facility, or arena on the campus or property of a public college or university if the Board of Trustees of the public college or university authorizes alcohol sales; (2) the passenger-only ferry from Hatteras to Ocracoke but not on the return trip from Ocracoke to Hatteras; (3) at bingo games; and (4) at malt beverage tastings at farmers markets.
2. The bill would allow on-premises ABC permit holders to sell more than one, but not more than four, alcoholic beverages to a single patron for consumption on the premises. A “Common Area Entertainment Permit” would be created that could be issued to an owner of a multi-tenant establishment, such as a shopping mall, and would allow customers to

exit an ABC licensed premises with an open container and consume the alcoholic beverages within a designated common area. This bill also creates a definition of a “bar” to be an establishment in the business of serving alcoholic beverages for consumption on the premises, whose gross receipts from alcohol for consumption on the premises is not less than 75% of the total gross receipts.

3. Distilleries would be allowed to sell, deliver, and ship spirituous liquor in closed containers at wholesale to holders of a mixed beverages permit and at wholesale or retail to consumers in other states or nations. Distilleries would also be able to sell spirituous liquor distilled at the distillery in closed containers to visitors for consumption off the premises without limit. Currently, distilleries can only sell to those visitors who tour the distillery and are limited to five bottles per 12-month period per consumer. The bill would allow suppliers, brokerage representatives and distilleries that hold special ABC permits to conduct in-store spirituous liquor tastings at ABC store locations upon approval by the local ABC board.
4. Finally, this bill would allow any county or city to enact an ordinance that would allow for the sale of alcoholic beverages at ABC store(s) on Sundays.

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

[HOUSE BILL 540](#), Drug Trafficking/Judicial Discretion & Study, is identical to [Senate Bill 442](#), which is listed below in this Weekly Legislative Report. The bill would provide a judge sentencing a defendant for a drug trafficking offense with the discretion to sentence the defendant to a prison term below the statutory minimum term, or to place the defendant on probation instead of the statutory minimum term. To do so, however, the defendant must show the court that he or she: (1) suffers from an addiction to a controlled substance that significantly reduces their culpability; (2) has accepted responsibility for the criminal conduct; (3) has completed a substance abuse assessment; and (4) has a likelihood of success with treatment with a workable treatment plan that is available. **Introduced by Representatives Murphy, Horn, Grange and Dobson, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 544](#), NCAMC/NCACC Special Regis. Plate, would authorize the North Carolina Division of Motor Vehicles to produce special registration plates for issuance to municipal and county clerks, such as a clerk to a board of county commissioners or a city clerk. **Introduced by Representatives Potts, Jarvis, Corbin and Yarborough, and assigned to the House Committee on Transportation.**

[HOUSE BILL 546](#), Prohibit Counterfeit/Nonfunctional Airbags, is identical to [Senate Bill 589](#), which is listed below in this Weekly Legislative Report. The bill would increase the penalty from a Class 1 misdemeanor to a Class H felony for any person, firm or corporation to install or reinstall any object into a vehicle that is a nonfunctional or counterfeit safety restraint system component, such as an airbag.

The bill would also clarify that it is a Class H felony for any person, firm or corporation to manufacture, sell, offer for sale or to distribute any safety restraint system component that is

counterfeit. A counterfeit system would be defined as any safety restraint system component, including an airbag, that displays a mark that is the same or substantially similar to the mark of a manufacturer or supplier, without the authorization of the manufacturer or supplier. **Introduced by Representative Faircloth.**

[HOUSE BILL 551](#), [Require Paid Work Breaks](#), is identical to [Senate Bill 616](#), which is listed below in this Weekly Legislative Report. The bill would require employers to give workers a 20-minute paid break when working a shift of six hours or more. **Introduced by Representatives Dahle, Beasley and Hawkins, and assigned to the Committee on Rules, Calendar and Operations of the House.**

[HOUSE BILL 558](#), [Amend Stalking Offense](#), would modify the stalking law to require that if the stalking involves a communication, then the communication must be directed to a person. Currently the law allows the communication to be directed either to a person or the communication can be about a person. **Introduced by Representatives Zachary and Davis, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 561](#), [Strengthen Dangerous Dog Laws](#), would require the person or board that determines that a dog is a “potentially dangerous dog,” such as the local animal control authority, to first impound the dog and notify the owner before it could be considered potentially dangerous. If after impoundment the dog is determined to be potentially dangerous, the dog could only be returned to the owner if all impoundment fees are paid and a determination is made that the dog can be confined in a securely enclosed and locked pen, or in another structure designed to restrain the dog. The bill also creates a new Class 1 misdemeanor offense for the owner of a dangerous dog who attacks and kills a dog on a leash or held in the arms of a person. **Introduced by Representative Torbett and assigned to the House Committee on State and Local Government.**

[HOUSE BILL 573](#), [Give WC for PTSD in First Responders](#), is similar to [House Bill 622](#), which is listed below in this Weekly Legislative Report. The bill would provide that first responders would be entitled to workers’ compensation benefits for posttraumatic stress disorder (PTSD) that arose out of their employment as a first responder. A first responder would mean a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by the State or a local government. **Introduced by Representatives Shepard, Torbett and Saine, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 577](#), [Limit Ownership of Certain Animals](#), is identical to [Senate Bill 357](#), which is summarized in the March 29, 2019 Weekly Legislative Report. With certain exceptions, the bill 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. **Introduced by Representatives R. Turner, Fraley and Faircloth, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 587](#), Repeal Death Penalty, would eliminate the death penalty and would provide that all current prisoners sentenced to death would be resentenced to life imprisonment without the possibility of parole. **Introduced by Representatives Meyer, Black and Hawkins, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 593](#), Superseding Domestic Orders, is substantially similar to [Senate Bill 642](#), which is listed below in this Weekly Legislative Report. The bill would clarify that any subsequent civil order relating to child custody, child or spousal support, or to the possession of property that is dated after a domestic violence protective order (DVPO) on the same topic would be controlling over the DVPO. **Introduced by Representatives Richardson, Morey, John and Rogers.**

[HOUSE BILL 596](#), Child Sex Abuse/Strengthen Laws, is identical to [Senate Bill 199](#), which is summarized in the March 8, 2019 Weekly Legislative Report. The bill would make various changes to State law related to the protection of children from sex offenders. **Introduced by Representatives Riddell, Faircloth, Torbett and B. Turner.**

[HOUSE BILL 602](#), Born-Alive Abortion Survivors Protection Act, is identical to [Senate Bill 359](#), which is summarized in the March 29, 2019 Weekly Legislative Report. The bill 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 Representatives McElraft, Conrad, Stevens and Hurley.**

[HOUSE BILL 606](#), Arson Law Revisions, is similar to [Senate Bill 631](#), which is listed below in this Weekly Legislative Report. The bill would make it a Class D felony for any person to set fire to or cause to be burned a commercial structure that is occupied at the time of the burning. If the commercial structure is unoccupied, the offense would be a Class E felony. Commercial structure would be defined as any building or structure that is not designed for residential purposes.

The bill would also make it a Class F felony to commit arson that results in serious injury to a firefighter, law enforcement officer, fire investigator, or emergency medical technician who are injured while carrying out their duties. If the injury is not serious, but is a physical injury, the offense would be a Class I felony. **Introduced by Representatives McNeill, Boles, Faircloth and Saine.**

[HOUSE BILL 608](#), SBI Emergency Pen Register/Trap and Trace, would modify State law to allow a law enforcement officer to obtain a court order to track the GPS coordinates of a telecommunications device (such as a cell phone) to aid in the location of a person at risk of

physical harm, and to allow the North Carolina State Bureau of Investigation (SBI) to obtain this information without an initial court order under special emergency circumstance, such as a runaway child or missing person. Under these emergency circumstances, the SBI agent would be required to seek the court order described above within 48 hours of accessing the data. **Introduced by Representatives McNeill and Hurley.**

[HOUSE BILL 609](#), [Raise the Age Modifications](#), would make changes to the raise the juvenile age legislation that was enacted into law in 2018. The bill would clarify that motor vehicle law violations under Chapter 20 of the General Statutes will be handled in adult court. However, 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 criminal violations 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. **Introduced by Representatives McNeill, Faircloth, R. Turner and Richardson.**

[HOUSE BILL 614](#), [Kelsey Smith Act](#), would require the provider of a wireless service (such as a cellular telephone or an in-car security service like “On-Star”) to give a law enforcement officer the location of a wireless device (such as a mobile telephone), upon request. The law enforcement officer would only be authorized to make the request in an emergency situation where there is a risk of imminent death or serious bodily injury and would only be able to request the amount of data necessary to prevent the death or harm. The law enforcement officer would not be required to obtain a warrant for the disclosure of this information.

The bill would also require all wireless service providers doing business in this State to provide the State Bureau of Investigation (SBI) with contact information so that law enforcement officers could contact the wireless service provider in an emergency situation. The SBI would be required to maintain a database containing this emergency contact information and would be required to release the contact information to a law enforcement agency. **Introduced by Representatives Hurley and McNeill. This bill is SUPPORTED by the North Carolina Sheriffs' Association.**

[HOUSE BILL 615](#), [NC Consumer Fireworks Safety Act](#), is identical to [Senate Bill 566](#), which is listed below in this Weekly Legislative Report. The bill would make numerous changes to the State laws relating to the sale, possession, and use of fireworks. The changes of interest to the criminal justice community include:

1. The age at which a person could lawfully purchase consumer fireworks, such as sparkling devises, glow worms, and party poppers, would be raised from 16 years of age to 18 years of age.

2. The use and sale of consumer fireworks would be prohibited in counties and cities unless the county or city passes an ordinance allowing for their use and sale. The use of consumer fireworks would be subject to certain time and location restrictions.
3. Anyone who sells consumer fireworks in the State would have to be licensed through the North Carolina Department of Insurance. To be eligible the seller would have to be, in addition to other criteria, at least 21 years of age and not previously convicted of a felony.
4. Unlawfully selling or distributing consumer fireworks would be a Class 1 misdemeanor.
5. The Commissioner of the North Carolina Department of Insurance, a State law enforcement officer, a municipal law enforcement officer, a code enforcement officer, or a fire safety official would be able to petition a district court to seize unlawfully possessed, stored, or sold fireworks. This provision does not include a sheriff or deputy sheriff. It is unknown whether or not the omission was an oversight.

**Introduced by Representatives Szoka, Brody, Hardister and Wray.**

[HOUSE BILL 622](#), [Provide WC for PTSD in First Responders](#), is similar to [House Bill 573](#), which is listed above in this Weekly Legislative Report. The bill would provide that first responders would be entitled to workers' compensation benefits for posttraumatic stress disorder (PTSD) that arose out of their employment as a first responder. A first responder would mean a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by the State or a local government. **Introduced by Representatives Grange, Saine, R. Turner and Dobson.**

[SENATE BILL 442](#), [Drug Trafficking/Judicial Discretion & Study](#), is identical to [House Bill 540](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator J. Davis and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 446](#), [Electric/Hybrid Vehicle Registration Fees](#), would increase the registration fees for electric vehicles incrementally from \$130 to the following:

1. \$175, effective January 1, 2020.
2. \$225, effective January 1, 2021.
3. \$275, effective January 1, 2022.

The bill would also increase the registration fees for hybrid vehicles incrementally to the following:

1. \$87.50, effective January 1, 2020.
2. \$112.50, effective January 1, 2021.

3. \$137.50, effective January 1, 2022.

Currently, a passenger hybrid vehicle is classified as an ordinary passenger vehicle and has a registration fee of \$36. **Introduced by Senators J. Davis and McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 465](#), Reduce Speed in Residential Subdivisions, would reduce the speed limit to 25 miles per hour in subdivisions with roadways one mile or less in length that are maintained by the North Carolina Department of Transportation (DOT). The bill would allow the owners within any affected subdivision to request that the DOT increase the speed limit above 25 miles per hour if doing so would be both reasonable and safe given the existing traffic conditions. The DOT would also be authorized to decrease the speed limit below 25 miles per hour in an affected subdivision if conditions necessitate a reduction in the speed limit. **Introduced by Senators Gallimore and T. Alexander, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 482](#), The Haiden Prevatte Act, would modify current law to authorize a local law enforcement officer to make the determination that a dog within their jurisdiction is a dangerous dog or a potentially dangerous dog. Currently, this determination is made by the local entity in charge of animal control within a jurisdiction.

The bill would also make the owner of a dangerous dog guilty of a Class I felony if the dog attacks a person resulting in the person's death. Currently, the owner of a dangerous dog is guilty of a Class 1 misdemeanor if the dog attacks a person and causes physical injury requiring medical treatment in excess of \$100. **Introduced by Senator McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 484](#), Amend Innocence Commission Statutes, would make various amendments to the laws regarding the North Carolina Innocence Inquiry Commission (Commission). Among these amendments:

1. A claim of actual innocence would be able to be raised on behalf of a deceased convicted felon. Currently, a claim of innocence can only be brought on behalf of a living person.
2. A claim of actual innocence would be able to be brought on a behalf of a person who only claims innocence for the crime for which they were convicted. Currently a claim on behalf of a person convicted of a felony can only be brought if the person claims innocence for not only the crime for which the person was convicted but also for any other reduced level of criminal responsibly relating to the crime, such as a lesser included offense.
3. The sheriff member would be able to serve on the Commission so long as the sheriff holds the office. Currently the sheriff member can serve beyond their time in office as sheriff so long as the sheriff held the office at the time of his or her appointment to the Commission.

4. A case before the Commission where the defendant pled guilty to a felony would be able to be referred to a senior resident superior court judge for judicial review based on the vote of only five of the eight members of the Commission. Currently all eight voting Commission members must conclude there is sufficient evidence of factual evidence to merit judicial review in order for the case to be referred to a superior court judge where the defendant pled guilty to the crime.

**Introduced by Senators McKissick, Britt and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE Bill 485](#), Destruction of Certain Firearms/Local Option, would allow a county or city to adopt an ordinance authorizing a law enforcement agency, after receiving an order from a judge, to destroy a firearm that has been seized as evidence, unclaimed, or seized for certain criminal convictions. **Introduced by Senators McKissick and Britt, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 493](#), DVPO Time of Expiration, would clarify that domestic violence protective orders issued under Chapter 50B of our General Statutes would expire at 11:59 P.M. on the date indicated on the DVPO. **Introduced by Senator Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 497](#), Animal Abuse Registry, would require the North Carolina State Bureau of Investigation (SBI) to establish and maintain a list on the SBI's public website of persons convicted of an animal abuse offense involving a companion animal, such as a dog or cat. The bill would require the SBI to list the person's full legal name, booking photograph and any other information the SBI determines necessary to identify the offender.

The bill would also require the clerk of court to forward to the SBI a copy of the criminal judgment of any person convicted of an animal abuse offense within 60 days of the judgment.

A person convicted of a first animal abuse offense would remain on the public list for two years. Any subsequent conviction for an animal abuse offense would result in the person remaining on the public list for a period of five years following the date of the most recent conviction. Finally, the SBI would be required to remove any person from the public list if that person has their criminal record expunged. **Introduced by Senator Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 502](#), Ban the Box, would prohibit a public employer, such as the State of North Carolina or any city or county, from asking about or considering an applicant's criminal history until after a conditional offer of employment has been made to the applicant. Therefore, no initial application for employment with a public employer would be able to contain a question or inquiry regarding the applicant's criminal history.



This bill would also provide that a public employer could not deny employment to an applicant based on the person's criminal history unless the crimes are "substantially related" to the qualifications, functions or duties of the position.

Finally, this bill would require a public employer who denies employment due to a criminal history to notify the applicant of the denial and allow the applicant the opportunity to contest the accuracy of the criminal record.

This bill does not appear to apply to law enforcement agencies. **Introduced by Senators Mohammed and McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 507](#), [Private Process Servers - Evictions](#), would provide that in summary ejectment cases occurring in counties with 250,000 or more residents, the plaintiff would be able to elect to have the summons returned by the clerk of superior court to the plaintiff for service by a private process server or the plaintiff could have the sheriff serve the summons.

A private process server would be any person over the age of 21 who is not a party to the action, who is not related by blood or marriage to a party to the action, and who is hired by the plaintiff or the plaintiff's agent for the purpose of serving the summons in summary ejectment cases. **Introduced by Senators Bishop, Edwards and Nickel, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association is OPPOSED to this bill.**

[SENATE BILL 511](#), [EV Charging Station/Parking](#), would make it an infraction punishable by a \$100 penalty for a person to park a non-electric vehicle in a parking space that is designated for the charging of electric vehicles. The bill would also authorize a local jurisdiction to enact by ordinance additional enforcement provisions, such as by requiring payment of a higher penalty. Finally, the bill would allow any State or local enforcement authority to enforce these provisions. **Introduced by Senators Nickel, Rabon and Sawyer, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 546](#), [Opioid Epidemic Response Act](#), would amend the State's drug paraphernalia laws to clarify that it is lawful for a person who uses a controlled substance to use or possess testing equipment for identifying the strength or purity of that controlled substance. The bill also clarifies that an organization can lawfully possess the testing equipment if they promote scientifically proven ways to lessen the health risks associated with drug use. Finally, this bill adds gabapentin and naloxone hydrochloride to the controlled substance reporting system. **Introduced by Senator J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 561](#), [Education/Job Readiness in Prisons & Jails](#), is identical to [House Bill 463](#), which is summarized in the March 29, 2019 Weekly Legislative Report. This bill 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 Senators Britt, Sanderson and Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

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[SENATE BILL 562](#), The Second Chance Act, would make various changes to our expunction laws. This bill would allow for the expunction of a misdemeanor or Class H or I felony conviction if the crime was committed by a person after their sixteenth birthday but before the person's eighteenth birthday. Driving while impaired offenses and offenses requiring the person to register as a sex offender would not be allowed to be expunged under this bill. This provision would be effective December 1, 2019 and would be applicable to offenses committed on or before that date.

The bill would also allow anyone who was charged with any criminal offense and either found not guilty or had their charges dismissed prior to December 1, 2019, to petition the court for an expunction. After December 1, 2019, this bill would require the automatic expunction of any misdemeanor or felony charges as long as the charges were dismissed, or the person was found not guilty of the charge. Therefore, the bill would provide for an unlimited number of expungements based on the charges being dismissed or the defendant being found not guilty. Currently, courts must consider how many expungements a defendant has had before allowing an expunction.

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

Finally, this bill would allow an individual to have all of their convictions for non-violent felonies and non-violent misdemeanors expunged from their record so long as they meet all requirements. The requirements include not having any other convictions during a waiting period of five years for misdemeanors and 10 years for felonies. Currently, an individual is limited to have one non-violent felony conviction expunged or one non-violent misdemeanor conviction expunged. **Introduced by Senators Britt, Daniel and McKissick, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 563](#), Right to Revoke Consent, would provide that a person could withdraw consent to vaginal intercourse or other sexual act, even after initially consenting to the vaginal intercourse or other sexual act. The withdrawal of consent must be clearly communicated so that a person knows or should reasonably know consent has been withdrawn. Once consent is clearly withdrawn and vaginal intercourse or other sexual act continues, then the crime of second-degree forcible rape or second-degree forcible sex offense would be committed. **Introduced by Senators J. Jackson and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 564](#), Protect Public from Dangerous Wild Animals, would, with certain exceptions, make it unlawful to possess, sell, transfer, or breed dangerous wild animals, or to allow members of the public to have access to such animals. Dangerous wild animals would be defined to include animals such as wolves, lions, tigers, bears, and apes.

Certain entities would be allowed to possess dangerous wild animals such as circuses, research facilities and law enforcement officers for purposes of enforcement. 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. It would be a Class 2 misdemeanor for anyone to possess, sell, transfer or breed any dangerous wild animal. It would be a Class A1 misdemeanor

for the owner of one of these animals to allow the animal to run loose and cause property damage and a Class I felony if the animal runs loose and causes serious bodily injury to any person.

Finally, State law enforcement officers, animal control officers, and any other law enforcement officer would be able to enforce the provisions against the unlawful possession, sale, or transfer of these animals within the officer's jurisdiction. **Introduced by Senator Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 565](#), Extreme Risk Protection Orders, is substantially similar to [House Bill 454](#), which is summarized in the March 29, 2019 Weekly Legislative Report. The bill would create a process where a person, such as a victim or a law enforcement officer, could petition the district court 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. **Introduced by Senators McKissick, Chaudhuri and Peterson, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association SUPPORTS the concept of Extreme Risk Protection Orders.**

[SENATE BILL 566](#), NC Consumer Fireworks Safety Act, is identical to [House Bill 615](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Gunn and Sawyer, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 573](#), Enact Naturopathic Doctors Licensure Act, would establish the North Carolina Naturopathic Doctor Certification Board, which would create a certification system for those individuals that practice naturopathic medicine. Naturopathic medicine is a system of natural health care that uses natural medicines and therapies to treat patients. Any person who practices naturopathic medicine without being certified by the North Carolina Naturopathic Doctor Certification Board would be guilty of a Class 1 misdemeanor. **Introduced by Senators Krawiec and Tillman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 575](#), Restore Bargaining Rights, would repeal the prohibition on public employee collective bargaining. Consequently, it would allow public employees to form labor unions. **Introduced by Senators Nickel, Van Duyn and Waddell, and assigned to the Committee on Rules and Operations of the Senate. The North Carolina Sheriffs' Association is OPPOSED – HIGH PRIORITY to a repeal of the prohibition on public employee collective bargaining.**

[SENATE BILL 579](#), Prison Reform Act of 2019, would, among other changes, re-establish the Division of Adult Correction and Juvenile Justice of the North Carolina Department of Public Safety as two separate cabinet-level Departments under the Executive Branch. The Division of Adult Correction and Juvenile Justice would be divided into two separate Departments: (1) The Department of Correction; and (2) The Department of Juvenile Justice and Delinquency Prevention. **Introduced by Senators Steinburg, McKissick and Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 584](#), Criminal Law Reform, would provide that ordinances of local government created after December 1, 2019, would not be punishable as crimes. **Introduced by Senators Wells and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

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[SENATE BILL 585](#), Justice/Judge May Continue Term Past Age 72, would allow justices of the Supreme Court of North Carolina or any judge elected to office prior to the justice or judge's 72nd birthday to serve in office beyond the justice or judge's 72nd birthday, but only until January 1 of the year following the next election for members of the General Assembly. **Introduced by Senators Lowe and Fitch, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 589](#), Prohibit Counterfeit/Nonfunctional Airbags, is identical to [House Bill 546](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Gunn, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 592](#), ABC Omnibus Regulatory Reform, is identical to [House Bill 536](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Gunn, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 596](#), Disorderly Conduct/Unreasonable Noise, would modify the State crime of disorderly conduct to add a new section. This addition to the law would provide that a person would be guilty of disorderly conduct if the person makes unreasonable noise with the intent to infringe upon another person's exercise of his or her right to free speech. A violation would be a Class 2 misdemeanor. **Introduced by Senators Edwards, Daniel and Ford, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 614](#), Expunctions Related to Raise the Age, would allow for the expunction of a misdemeanor or Class H or I felony conviction if the crime was committed by a person after their sixteenth birthday but before the person's eighteenth birthday. Driving while impaired offenses and offenses requiring the person to register as a sex offender would not be allowed to be expunged under this bill. This provision would be effective December 1, 2019 and would be applicable to offenses committed between July 1, 2017 and November 30, 2019. **Introduced by Senators Nickel, McKissick and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 616](#), Require Paid Work Breaks, is identical to [House Bill 551](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Chaudhuri and Nickel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 618](#), Blue Lights for Members of Congress, would allow a vehicle used by a member of Congress with a U.S. Representative or U.S. Senator registration plate to possess and use a blue light in the vehicle while in the performance of their official duties. Currently, only law enforcement officers have this authority. **Introduced by Senators McKissick and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 619](#), Law Enforcement Agency Recordings, would allow a custodial law enforcement agency to disclose or release still images from a recording showing a face or other characteristics to identify or locate a potential criminal suspect. This bill would also allow a custodial law enforcement agency to disclose a recording to the municipal or county manager, municipal council or board of county commissioners, or to a citizens' review board if they sign a

confidentiality agreement agreeing to not further disseminate the recording. **Introduced by Senators McKissick and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 620](#), Electric Standup Scooters, is identical to [House Bill 77](#), which is summarized in the February 15, 2019 Weekly Legislative Report. The bill would define an electric standup scooter and 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 McKissick and Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 630](#), Up SHP Pay & LEO Benefits/Death Penalty, would provide funds to the North Carolina Department of Public Safety, State Highway Patrol Division (SHP), in the amount of \$8.3 million for the 2019 – 2020 fiscal year and an equal amount for the 2020 – 2021 fiscal year to increase the annual compensation of members of the SHP. Additionally, the death benefit for first responders such as law enforcement officers killed in the line of duty would be increased from \$100,000 to \$1 million.

Also, the bill provides that if a defendant enters a guilty plea to first-degree murder that involves the murder of a law enforcement officer, an employee of the Division of Adult Correction and Juvenile Justice of the North Carolina Department of Public Safety, a jailer, firefighter, judge or justice, prosecutor, juror, or a witness, prosecutors would not be able to accept a sentence of life imprisonment in response to the guilty plea. Rather, a jury would have to make a determination on whether the defendant should be given life in prison or the death penalty. **Introduced by Senator Burgin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 631](#), Arson Law Revisions, is similar to [House Bill 606](#), which is listed above in this Weekly Legislative Report. This bill would make it a Class D felony for any person to set fire to or cause to be burned a commercial structure that is occupied at the time of the burning. If the commercial structure is unoccupied, the offense would be a Class E felony. Commercial structure would be defined as any building or structure that is not designed for residential purposes.

The bill would also make it a Class F felony to commit arson that results in serious injury to a firefighter, law enforcement officer, fire investigator, or emergency medical technician who are injured while carrying out their duties. If the injury is not serious, but is a physical injury, the offense would be a Class I felony. **Introduced by Senators Britt and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 637](#), 48 Hour Hold for Certain Criminal Detainees, would require the administrator of a confinement facility, such as a local jail, to hold a prisoner under certain conditions if the administrator receives a detainer request from Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security.

If an inmate is the subject of an ICE detainer request and the inmate is charged with certain crimes such as murder, rape, and human trafficking, the inmate would have to be held for up to 48 hours

from the time of the receipt of the detainer, regardless of whether or not the prisoner had satisfied any conditions of pretrial release. A jail administrator who fails to comply with this requirement would be guilty of a Class 1 misdemeanor. **Introduced by Senators Edwards, Sanderson and Perry, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 642](#), Superseding Domestic Orders, is substantially similar to [House Bill 593](#), which is summarized above in this Weekly Legislative Report. The bill would clarify that any subsequent civil order relating to child custody, child or spousal support, or to possession of property which is dated after a domestic violence protective order (DVPO) on the same topic would be controlling over the DVPO. **Introduced by Senators J. Jackson and Bishop, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 662](#), Pilots to Establish "No Money" Bail Bonds, would appropriate \$1 million to the Office of Indigent Defense Services (IDS) for the 2019-2020 fiscal year to be used to establish three pilot programs to assist judicial districts 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. **Introduced by Senator Smith, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 668](#), Capital Procedure/Severe Disability, would provide that the defense of insanity would not be available as a defense to a criminal charge if prior alcohol or drug use is the sole cause of the defendant's psychosis or if voluntary use of alcohol or drugs is the sole basis of the insanity defense. **Introduced by Senators Britt, Daniel and J. Davis, and assigned to the Committee on Rules and Operations of the Senate.**

## BILL STATUS

[HOUSE BILL 77](#), Electric Standup Scooters, which is summarized in the March 1, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 211](#), Various DMV Changes, which is summarized in the March 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 370](#), Require Sheriff Cooperation with ICE, which is summarized in the March 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to clarify that a county or city could not prohibit a federal law enforcement officer from communicating with or having access to the records and other pertinent information of a person being detained in a local jail or confinement facility that is believed to be an illegal alien. **The North Carolina Sheriffs' Association is OPPOSED – HIGH PRIORITY to this bill.**

[HOUSE BILL 425](#), Increase and Expand Assault on/Resist of LEO, which is summarized in the March 22, 2019 Weekly Legislative Report, has been amended. A provision was added which provides that if the offender's conduct was the result of a medical condition or a mental health or behavioral health disability diagnosed by a health care professional, the person could not be

prosecuted for the crimes of assaulting a law enforcement officer, probation officer, or parole officer where serious bodily injury is inflicted or the offense of resisting a public officer where the officer is injured as a result of the suspect's actions.

[SENATE BILL 191](#), Out-of-State Law Enforcement/2020 Rep Convtn, 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 199](#), Child Sex Abuse/Strengthen Laws, which is summarized in the March 8, 2019 Weekly Legislative Report, has been amended and removed the provision in the original bill that would increase the statute of limitations for the filing of a civil lawsuit by a victim of child sex abuse to allow the victim until the age of 50 to file the lawsuit. Currently, the lawsuit must be filed within 10 years of the victim turning the age of 18. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 220](#), Removal of Political Signs by Citizens, which is summarized in the March 29, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 413](#), Raise the Age Modifications, has been withdrawn from the Committee on Rules and Operations of the Senate and has been referred to the Senate Committee on Judiciary. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

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North Carolina Sheriffs' Association, Inc.

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