

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 26, 2019

“Quiet enough that you could hear a pin drop.” Many of us have heard that phrase used before, and it is applicable to the activity at the General Assembly earlier this week when both the House and Senate were on their “spring break.” Activity picked up considerably on Thursday and Friday when the House returned for committee meetings and Session. The activity will increase significantly next week when the Senate also returns.

The House bill filing deadline for finance and appropriations bills was 5 PM yesterday, Thursday, April 25. With all of the House and Senate bill filing deadlines now passed, there are 1013 House bills introduced and 673 Senate bills introduced for a total of 1686 pending legislative bills.

Both the House and Senate are scheduled to return Monday evening for a full and busy week of activity in anticipation of the May 9 “crossover” deadline.

BILLS OF INTEREST

[HOUSE BILL 971](#), [Modern Licensure Model for Alcohol Control](#), would make various changes to the State’s Alcoholic Beverage Control (ABC) laws. Of interest to the criminal justice community, the bill would eliminate local ABC boards, local ABC board officers and ABC stores throughout the State. Therefore, the sale of spirituous liquor would be authorized through private retailers as opposed to through a local ABC board and ABC stores.

The bill would allow for the issuance of an “off-premises spirituous liquor permit” that would enable a private retail business or private food business to engage in the retail sale of spirituous liquor in the manufacturer’s original container for consumption off of the retail premises. The bill would also allow such a retailer to ship spirituous liquor in closed containers to individual purchasers both within and outside of the State of North Carolina. In the event no private retailer applies or qualifies for an off-premises spirituous liquor permit within a county or municipality, the bill would allow the local governing body of the county or municipality to apply for an off-premises spirituous liquor permit.

The bill would allow the North Carolina Alcoholic Beverage Control Commission (Commission) to initially issue one off-premises spirituous liquor permit for every ABC store that was operated in a county or municipality as of January 1, 2019. The Commission would then have the authority to increase the number of permits issued beginning January 1, 2021, provided certain population increases are met within the county or municipality.

In addition, the bill would allow for the issuance of a “spirituous liquor wholesaler permit,” which would allow wholesalers to sell, deliver and ship one case or container or more of spirituous liquor in closed containers to retailers and wholesalers that are licensed by the Commission.

Finally, the bill would allow for the issuance of a “nonresident spirituous liquor vendor permit,” which would allow an out-of-state vendor to sell and deliver spirituous liquor to wholesalers, importers and bottlers within the State of North Carolina, provided these entities are licensed by the Commission. **Introduced by Representatives McGrady, Saine, Hardister and Harrison, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 973](#), Gun Securitization Sales Tax Exemption, would allow a person to purchase safety devices and storage devices used to secure firearms, such as trigger locks and gun safes, without having to pay State retail sales tax on the item. **Introduced by Representatives McNeill and Adams, and assigned to the House Committee on Finance.**

[HOUSE BILL 988](#), Next Step Act, would prohibit the use of mechanical restraints, such as leg restraints or handcuffs, on a pregnant inmate unless there is a reasonable belief that the inmate poses a substantial flight risk or that restraint is necessary to protect the safety of the inmate, the fetus, or any other person. This bill would only apply to inmates in the custody of the North Carolina Department of Public Safety (DPS), Division of Adult Correction and Juvenile Justice.

The bill would also prohibit the use of all restraints on the pregnant inmate during labor, delivery or during a 30-day postpartum recovery period unless there is a reasonable belief that the inmate is a substantial flight risk or is at risk for harming herself, the fetus or any other person. In addition, DPS would not be allowed to place this type of inmate in restrictive housing, such as solitary confinement, unless one of the risk factors listed above is present.

Also, if restraints are used on the inmate during labor, delivery or during postpartum recovery, or if the inmate is placed in restrictive housing, the bill would require the DPS employee that ordered the restraint or restrictive housing to complete a written report within 72 hours of taking such action.

The bill would also prohibit DPS employees, other than health care professionals, from conducting a body cavity search of a pregnant inmate unless there is a reasonable belief that the inmate is concealing contraband. Also, to the “greatest extent practicable,” DPS would be required to place inmates that are parents of minor children in a DPS facility that is within 250 miles of the inmate’s permanent address.

Finally, the bill would require a local confinement facility, such as a county jail, to provide DPS with any health information or health care records the local jail possesses relating to an inmate when the local jail transfers the inmate to the custody of DPS. **Introduced by Representatives Grange, R. Turner and Hardister, and assigned to the House Committee on Appropriations, Justice and Public Safety.**

[HOUSE BILL 1001](#), Funds to Aid Jails with Addiction Treatment, is identical to [Senate Bill 407](#), which is summarized in the March 29, 2019 Weekly Legislative Report. This bill 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 Representatives Boles, Murphy and C. Smith. The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 1010](#), [Criminal Law Reform](#), is identical to [Senate Bill 584](#), which is summarized in the April 5, 2019 Weekly Legislative Report. This bill would provide that ordinances of local government created after December 1, 2019, would not be punishable as crimes. **Introduced by Representative Riddell.**

[HOUSE BILL 1011](#), [Felonious Gaming Machines](#), would allow up to four "electronic sweepstakes machines" to be operated on the same premises so long as the sweepstakes machines are more than 100 feet apart from each other or any other electronic machine or device.

Current law makes it illegal to operate even one electronic sweepstakes machine, commonly called a video sweepstakes machine. The new language in this bill could be interpreted to allow the video sweepstakes industry to make a legal argument in court that the operation of video sweepstakes machines is lawful.

Also, the bill would create an additional exception to the ban on video sweepstakes machines by allowing a person to operate 25 or fewer electronic sweepstakes machines on any premises so long as the machines are in operation prior to January 1, 2020 and the person pays an excise tax to the State of North Carolina and receives a tax stamp for placement on each machine.

The bill would also modify the current definition of an illegal video sweepstakes system to provide that any gaming machine that is based on the random or chance matching of pictures, words, numbers or symbols that involves the skill or dexterity of the player would not be illegal if the machine is a "certified valid sweepstakes system." This could be interpreted to mean that any amount of skill, however slight, would make the video sweepstakes system legal to operate. Currently, video sweepstakes systems that are predominated by the element of chance are illegal even if the system requires some level of skill.

Finally, the bill would allow a "certified valid sweepstakes system" to be certified by the "International Organization of Standardization" (ISO). The ISO is an international organization based in Geneva Switzerland that is comprised of 164 member countries. Among other things, the ISO is tasked with facilitating world trade by promoting common standards between nations. This organization would certify both the sweepstakes game software as well as the "functionality of the sweepstakes promotion" that is being operated within the State of North Carolina. The bill does not provide any standards by which the ISO would evaluate a valid sweepstakes system in this State. **Introduced by Representatives Bell, Hardister, Humphrey and Saine.**

BILL STATUS

[HOUSE BILL 105](#), Red Light Cameras/Hope Mills & Spring Lake, 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 130](#), Allow Game Nights, which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the House, passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. As amended, the bill would clarify that a regional or county chapter of a nonprofit would also have to be in continuous existence for a period of five years to qualify to hold a game night.

[HOUSE BILL 217](#), DIT Changes.-AB, has been amended to expand the authority of the North Carolina 911 Board (Board) to allow the Board to establish mandatory telecommunicator training and certification requirements. The bill would require training of all Public Safety Answering Point (PSAP) employees who take 911 calls, including dispatchers, radio operators and data terminal operators.

The required training would consist of 40 hours of a nationally recognized training course for 911 telecommunicators or a similar training acceptable to the employer, or the basic telecommunicator course offered by the North Carolina Sheriffs' Education and Training Standards Commission.

Finally, the bill would require telecommunicators to complete an emergency medical dispatch course nationally recognized or approved by the North Carolina Office of Emergency Medical Services. This bill would apply to all PSAPs, even those operated by a sheriff's office.

Currently, only the North Carolina Sheriffs' Education and Training Standards Commission has the authority to establish the training and certification standards of telecommunicators. **The North Carolina Sheriffs' Association is OPPOSED-HIGH PRIORITY to expanding the authority of the 911 Board to establish certification requirements for sheriffs' office personnel.**

[HOUSE BILL 324](#), Cleveland County Hunting Omnibus, 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 681](#), U.S. Army Special Forces Reg Plate/Fees, which is summarized in the April 12, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 118](#), PED/Safekeeper Health Care Cost Recov. Pract., which is summarized in the February 22, 2019 Weekly Legislative Report, 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. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 148](#), Public Records/Release of LEO Recordings, which is summarized in the March 1, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 432](#), Mini-Truck Classification, which is summarized in the March 29, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

North Carolina Sheriffs' Association, Inc.

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