

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 3, 2019

This has certainly been a busy week for the General Assembly, their staff and lobbyists. Numerous committee meetings have been held, and some committees have had multiple meetings scheduled throughout the same day. For one committee, the list of bills to be considered was so long that the chairman announced that the committee would be meeting intermittently throughout the day. He did this to avoid conflict with other committee meetings and to squeeze in committee time anywhere he could to get all of the bills considered.

Early in the week the Senate voted to override Governor Roy Cooper's veto of [Senate Bill 359, Born-Alive Abortion Survivors Protection Act](#). On Friday, the House was scheduled to consider this bill but as of the publishing of this Report, the House had taken no action on the bill. The House could vote to override the veto later today or could remove the bill from the calendar and take no action. If this occurs, it is an indication that there were not sufficient votes to overturn the veto today. However, this bill could come back before the House later in the Session if sufficient votes are lined up to approve it.

While the Senate concluded business for the week on Thursday, the House had several committee meetings and a full House session on Friday before adjourning for the week. The House and Senate will reconvene on Monday.

BILL STATUS

[HOUSE BILL 29, Standing Up for Rape Victims Act of 2019](#), which is summarized in the February 8, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to remove the appropriation of \$3 million in nonrecurring funds to the North Carolina Department of Justice to assist in the testing of untested SAECKs and the \$800,000 in recurring funds for the creation of six full-time forensic scientist positions at the North Carolina State Crime Laboratory. This funding is now included in the amendments to [House Bill 966, 2019 Appropriations Act](#), which is summarized below in this Weekly Legislative Report. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 55, Alexander County/Sheriff Vacancies](#), which is summarized in the February 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 66](#), Req Active Time Felony Death MV/Boat, which is summarized in the February 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 74](#), 2019 School Safety Grants Program, which is summarized in the February 15, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to allow unused grant funds appropriated to the North Carolina Department of Public Instruction for the 2018-2019 fiscal year for the establishment of an anonymous school safety tip line to carry forward to the 2019-2020 fiscal year for the continued development of the school safety tip line and for the development of statewide school safety initiatives.

[HOUSE BILL 99](#), Transfer ALE, which is summarized in the February 22, 2019 Weekly Legislative Report, moves Alcohol Law Enforcement (ALE) from being a "Branch" of the SBI to become a "Division" of the North Carolina Department of Public Safety (DPS).

This bill has been amended to add that the Secretary of DPS would be authorized to appoint and supervise the Director of the Division of ALE. Currently, the Director of the North Carolina State Bureau of Investigation has this supervisory authority.

The bill has also been amended to further modify the law enforcement jurisdiction of ALE agents to include any additional duties as directed by the Governor or Secretary of DPS when needed for security at a public event or for protection of persons or property because of a disaster or state of emergency. Currently, ALE's primary responsibilities are the enforcement of alcoholic beverage control (ABC) laws, lottery laws and enforcement of youth tobacco laws. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 108](#), PED/Safekeeper Health Care Cost Recov. Pract., which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to no longer require the North Carolina Department of Public Safety to notify the sheriff of the potential Medicaid eligibility of a safekeeper that has been transferred from a local confinement facility, such as a county jail, to a State prison facility because of safety concerns or for medical reasons. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 130](#), Allow Game Nights, which is summarized in the February 22, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 135](#), Government Immigration Compliance, which is summarized in the February 22, 2019 Weekly Legislative Report, has been amended to add that if a person is unable to provide documentation of identity and residency to a judge, clerk, magistrate or a law enforcement officer, the officer or agency would be authorized to take any other documentation as proof of identity and could photograph the person from the neck up which would only be used to confirm the person's identity.

[HOUSE BILL 136](#), Concealed Carry Permit Lapse/Revise Law, has been amended to require a sheriff to waive the requirement to take a firearms safety and training course upon the renewal of a concealed handgun permit if the person applies to renew the permit within 60 days of the permit expiring. Currently, a sheriff has the discretion to waive the firearms safety and training course if the person applies for a renewal within 60 days of the expiration date of the concealed handgun permit.

In addition, if the permittee applies to renew a concealed handgun permit between 61 days and 180 days after expiration, the bill would also require the sheriff to waive the requirement of taking another full firearms safety and training course if the permittee completes a “refresher” course. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 217](#), DIT Changes.-AB, which is summarized in the April 26, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to no longer require those telecommunicators who must be certified by the North Carolina Sheriffs' Education and Training Standards Commission to complete additional training mandated by the North Carolina 911 Board (Board).

The bill still contains provisions that would allow the Board to set standards for minimum staffing and mandatory telecommunicator training and certification requirements for 911 call taking. **The North Carolina Sheriffs' Association is OPPOSED-HIGH PRIORITY to the provision in the bill that expands the authority of the 911 Board to establish staffing and certification requirements for sheriffs' office personnel.**

[HOUSE BILL 296](#), Respect for Families of Law Enforcement, 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 North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 374](#), Sex Offender/Expand Residential Restrictions, which is summarized in the March 22, 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 only certain sex offenders are restricted from residing within 1000 feet of an “organized residential youth camp.”

This restriction would apply only to those sex offenders who have committed an offense in Article 7B (sexual assaults) or an offense substantially similar to an offense in Article 7B and there is a finding by a court that the person is a danger to minors or the victim of the offense was under the age of 18 at the time of the offense. Currently, all registered sex offenders are prohibited from living within 1000 feet of a school or child care center.

[HOUSE BILL 393](#), Modernizing Sexual Assault Laws, which is summarized in the March 22, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to no longer remove the word forcible from the names of the criminal offenses of first and second degree “forcible rape” and first and second degree “forcible sexual offense.” **The North Carolina Sheriffs' Association SUPPORTS 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 passed the House and has been sent to the Senate for consideration. **The North Carolina Sheriffs' Association SUPPORTS the provisions of this bill that increase the penalties for assaulting law enforcement officers.**

[HOUSE BILL 474](#), Death by Distribution/Unlawful Transaction, which is summarized in the March 29, 2019 Weekly Legislative Report, has been amended to require as an element of the new criminal offenses of "death by distribution" and "aggravated death by distribution" the unlawful sale and delivery, rather than the distribution, of a specified controlled substance to the victim. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 507](#), Animal Fights/Criminalize Attendance of Minor, which is summarized in the March 29, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to modify State law to make it a Class I felony to cause a person under the age of 18 to be present at a cock fight, and a Class H felony to cause a person under the age of 18 to be present at a dog fight. It would be a Class 2 misdemeanor to cause a person under the age of 18 to be present at a fight between any other types of animals.

[HOUSE BILL 561](#), Strengthen Dangerous Dog Laws, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 577](#), Limit Ownership of Certain Animals, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 608](#), SBI Emergency Pen Register/Trap and Trace, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 629](#), Law-Enforcement Mutual Aid, which is summarized in the April 12, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 633](#), Strengthen Criminal Gang Laws, which is summarized in the April 12, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 747](#), NC Missing Person Information Sharing, which is summarized in the April 18, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 760](#), Expand Loss Prevention Investigations, which is summarized in the April 18, 2019 Weekly Legislative Report, has been amended to clarify that any employee of a private business that conducts investigations related to the location, disposition or recovery of lost or stolen property reasonably believed to be owned by the business would not be required to be

licensed by the North Carolina Private Protective Services Board.

[HOUSE BILL 813](#), [Howard Hunter, Jr. Eastern Crime Lab](#), which is summarized in the April 18, 2019 Weekly Legislative report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 885](#), [Study Criminal Justice Data Collection](#), which is summarized in the April 18, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to remove the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, from the entities that would be required to conduct a study of criminal justice data elements collected and maintained by jails, courts, and prisons.

At the request of the North Carolina Sheriffs' Association (Sheriffs' Association), the bill as amended adds the Sheriffs' Association to the list of entities that would be required to conduct a study of the above-referenced criminal justice data elements.

[HOUSE BILL 966](#), [2019 Appropriations Act](#), has been amended to include the House version of the proposed budget for the 2019 – 2021 fiscal biennium. On Wednesday, Thursday and Friday of this week the House reviewed and approved this bill and the bill will be sent to the Senate for consideration. Once a joint version is agreed upon by the House and Senate, the bill will be sent to Governor Roy Cooper for his consideration. The Governor will have 10 days within which to sign the bill into law, veto it or allow it to become law without his signature.

Those items of interest to the criminal justice community in the House version of the Budget Bill include:

1. \$6.9 million would be appropriated to the North Carolina Department of Public Safety for the 2019-2020 fiscal year for hardware and software upgrades to the Voice Interoperability Plan for Emergency Responders (VIPER).
2. \$2.5 million would be appropriated to the North Carolina Department of Public Safety, Emergency Management Division, for use to support the State's emergency management program.
3. The North Carolina State Board of Community Colleges would be authorized to provide waiver of tuition and registration fees for students who are employed by campus police agencies at private colleges and universities. Currently, the Board of Community Colleges is authorized to provide waiver of tuition and registration fees for students employed by municipal, county, or State law enforcement agencies.
4. Survivors of correctional officers killed in the line of duty, and the spouses and children of correctional officers who are disabled due to a traumatic injury sustained in the line of duty, would be added to the list of individuals eligible to attend classes through the various institutions of The University of North Carolina and the North Carolina Community Colleges tuition free. A correctional officer would be defined as a person who is certified

as a State correctional officer under the North Carolina Criminal Justice Education and Training Standards Commission.

Currently, these tuition waiver benefits are provided to the survivors, spouses, and children of law enforcement officers, firefighters, volunteer firefighters, and rescue squad workers killed or who have received traumatic injuries in the line of duty.

5. The North Carolina Center for Safer Schools (Center) would be required to conduct an annual census of school resource officers (SROs) that are working in public schools. The Center would be required to report the following information annually to the Joint Legislative Education Oversight Committee and to the North Carolina State Board of Education:
 - (i) The total number of SROs in the State at each public school.
 - (ii) For each SRO, their education level, years as a sworn law enforcement officer and years of service as an SRO.
 - (iii) The training required of SROs and the training actually completed by the SRO.
 - (iv) The funding source for each SRO.
 - (v) The location of the SRO in terms of grade level supervision and type of public school.
 - (vi) The percentage of SROs assigned to more than one school.
 - (vii) The employing law enforcement agency of each SRO.
6. The Superintendent of the North Carolina Department of Public Instruction would be required to continue the School Safety Grants Program for the 2019-2020 fiscal year which would be used to improve school safety. Public schools, including charter schools, would be allowed to apply for grants to pay for school safety resource officers, school safety training, safety equipment in schools and mental health services and crisis services for students. In order to qualify for these grants, the public secondary school would be required to have an assessment performed, in conjunction with a local law enforcement agency, that would help identify current and ongoing safety needs. The bill would appropriate the following funds to the Department of Public Instruction:
 - (i) Additional grant funding in the amount of \$3 million in nonrecurring funds for the 2019-2020 fiscal year and \$7.7 million in recurring funds for the 2020-2021 fiscal year to award grants for School Resource Officers (SROs).
 - (ii) Additional grant funding in the amount of \$3 million in nonrecurring funds for the 2019-2020 fiscal year and \$6.1 million in nonrecurring funds for the

2020-2021 fiscal year to award grants for school safety equipment.

- (iii) Additional grant funding in the amount of \$3 million in nonrecurring funds for the 2019-2020 fiscal year and \$4.6 million in recurring funds for the 2020-2021 fiscal year to award grants for providing training to students and school personnel, including school mental health support personnel, on how to improve school safety and to respond to trauma and significant stress.
7. \$25,000 would be appropriated to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for each year of the 2019-2021 fiscal biennium for the purpose of purchasing opioid antagonists for distribution to North Carolina law enforcement agencies at no cost to the law enforcement agency.
8. The North Carolina Department of Health and Human Services (DHHS) would be required to launch a "Firearm Safe Storage Initiative" that would be a two-year long initiative with the purpose of educating the public about the importance of safely storing firearms.

DHHS would be required to create a Website and Toolkit for dissemination to the public that would contain the following information: (1) the importance of safely storing firearms; (2) the methods for safely storing firearms; (3) the contact information for obtaining free gun locks, if available; (4) information on our State laws related to the safe storage of firearms; (5) links to Internet resources related to firearm safety, such as resources addressing domestic violence, hunter education, and suicide prevention; and (6) access to a toolkit of information that local communities may use to launch firearm safe storage initiatives at the local level.
9. The State Capitol Police would be authorized to contract with State agencies to provide security services in the buildings occupied by those agencies.
10. The North Carolina Department of Justice and the North Carolina Department of Public Safety would be prohibited from using federally forfeited assets for new personnel positions, new projects or acquisitions of real property and repair of buildings without having the prior approval of the General Assembly.
11. The North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice (DACJJ), would be required to report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for DACJJ employees for the last five fiscal years:
 - (i) The number of employees charged with a criminal offense that occurred while they were working in a State Prison.
 - (ii) The number of employees disciplined, demoted or separated due to misconduct.

- (iii) A description of the screening process used to select and hire employees, including the process used to verify the information provided by an applicant.
 - (iv) The methods used by DACJJ to prevent contraband from entering the prison system and an evaluation of the effectiveness of those methods.
12. Between November 1, 2019 and continuing quarterly through the 2019-2021 fiscal biennium, the North Carolina Department of Public Safety would be required to report to the Joint Legislative Oversight Committee on Justice and Public Safety on matters affecting the operation of State prisons, including the following information:
- (i) The modification of rules, policies or procedures that are related to disciplinary action against correctional officers or correctional staff.
 - (ii) The modification of rules, policies or procedures that are related to disciplinary action against inmates.
 - (iii) The frequency and content of staff training.
 - (iv) Modifications to inmate work assignments.
 - (v) The types of facility infrastructure improvements.
 - (vi) The availability of staff safety equipment and institutional safety equipment.
 - (vii) The adequacy of staffing and efforts made to increase the retention of staff.
 - (viii) Any changes to the hiring or orientation process for correctional officers.
 - (ix) The methods used to prevent contraband at prison facilities.
 - (x) Any modifications to housing capacity in order to meet prison staffing requirements.
13. The North Carolina Department of Public Safety would continue to be authorized to pay the sum of \$40 per day as reimbursement to counties for the cost of housing backlogged convicted inmates remaining in a county jail who were sentenced to imprisonment in the Division of Adult Correction and Juvenile Justice.
14. A grant in the amount of \$10 million for the fiscal year 2019-2020 and \$10 million for the fiscal year 2020-2021 would be allocated to Montreat College for the Cybersecurity Regional Training Center (CRTC) in Black Mountain, North Carolina. The purpose of the CRTC is to increase cybersecurity for State and local government employees and the private sector, and to increase the skillset of cybersecurity professionals.

15. \$677,000 would be allocated to the North Carolina Department of Public Safety to make improvements to the Stonewall Jackson Youth Development Center in Cabarrus County.
16. The number of years in age for a vehicle to qualify for an antique registration plate would be 25 years old. Currently a vehicle must be at least 35 years old to qualify for an antique vehicle registration plate.
17. The bill would appropriate funds to various entities in anticipation of key provisions of the Juvenile Justice Reinvestment Act (“raise the age”) coming into effect December 1, 2019. Funding includes:
 - (i) \$160,000 in recurring funds would be appropriated to the North Carolina Administrative Office of the Courts for the 2019-2020 fiscal year and \$557,000 in recurring funds for the 2020-2021 fiscal year to create three new deputy clerk positions and four district court judge positions.
 - (ii) \$1.2 million in recurring funds would be appropriated to the North Carolina Administrative Office of the Courts for the 2019-2020 and 2020-2021 fiscal years to create eight new Assistant District Attorney (ADA) positions and three district attorney legal assistant positions. These appropriations would also create an additional 5 ADA positions to address deficiencies in district attorney office workload.
 - (iii) \$87,000 in recurring funds would be appropriated to the North Carolina Office of Indigent Defense Services for the 2019-2020 fiscal year and \$109,000 in recurring funds for the 2020-2021 fiscal year to create a position that would provide training and consulting services to attorneys assigned to juvenile justice cases.
 - (iv) \$1.7 million in recurring funds would be appropriated to the North Carolina Department of Public Safety (DPS) for the 2019-2020 fiscal year and \$2.1 million in recurring funds for the 2020-2021 fiscal year to create 10 new staff training positions, two statistician positions, three information and technology positions and two human resources positions.
 - (v) \$4.5 million in recurring funds would be appropriated to DPS for the 2019-2020 fiscal year and \$6.7 million in recurring funds for the 2020-2021 fiscal year to support increasing the bed space capacity to house juveniles in both State facilities and county facilities that are approved to house juveniles.
 - (vi) \$1 million in nonrecurring funds would be appropriated to DPS for the 2019-2020 fiscal year and \$1.2 million in recurring funds for the 2020-2021 fiscal year to create 15 new transportation positions to support the increased number of juveniles in the juvenile justice system and to also purchase 29 transportation vans.

- (vii) \$1.5 million in recurring funds would be appropriated to DPS for the 2019-2020 fiscal year and \$2.3 million in recurring funds for the 2020-2021 fiscal year to create 38 additional staffing positions at the CA Dillon Youth Development Center and to support the ongoing operational expenses of this Center.
 - (viii) \$3 million in recurring funds would be appropriated to DPS for the 2019-2020 fiscal year and \$8.7 million in recurring funds for the 2020-2021 fiscal year to create 97 new Juvenile Court Counselor positions that would be the primary contact for juveniles moving through the juvenile justice system.
18. \$1.4 million in nonrecurring funds would be appropriated to the North Carolina Department of Public Safety for the 2019-2020 fiscal year to assist with the construction of a live fire training facility at Samarcand Training Academy.
 19. \$1.1 million in nonrecurring funds would be appropriated to the North Carolina Department of Public Safety for the 2019-2020 fiscal year and \$2.7 million in nonrecurring funds for the 2020-2021 fiscal year to assist with the construction of a new dormitory and training building at the Samarcand Training Academy.
 20. \$3 million in nonrecurring funds would be appropriated to the North Carolina State Crime Laboratory for both the 2019-2020 and 2020-2021 fiscal years to assist with the testing of Sexual Assault Evidence Collection Kits (SAECKs).
 21. \$155,000 in recurring funds would be appropriated to the North Carolina State Crime Laboratory for the 2019-2020 fiscal year and \$516,000 in recurring funds for the 2020-2021 fiscal year to create three new forensic scientist positions to assist with the growing number of evidence submissions to the State Crime Laboratory.
 22. \$332,000 in recurring funds would be appropriated to the North Carolina Criminal Justice Education and Training Standards Commission (Commission) for the 2019-2020 fiscal year and \$664,000 in recurring funds for the 2020-2021 fiscal year to implement the Criminal Justice Fellows Program (Fellows Program) that was enacted into law in 2018.

The Fellows Program is administered by the Commission and was created to increase the recruitment of criminal justice professionals by providing loan forgiveness to qualified individuals that earn an Applied Associate Degree in Criminal Justice.

[SENATE BILL 321](#), [Motorcycles/Face Masks](#), which is summarized in the March 22, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration. The bill has been amended to require the operator of a motorcycle to remove their facemask 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 approached by a law enforcement officer.**

[SENATE BILL 359](#), Born-Alive Abortion Survivors Protection Act, which is summarized in the March 29, 2019 Weekly Legislative Report, passed the General Assembly and was sent to Governor Roy Cooper on April 16 for consideration. The bill was vetoed by Governor Cooper on April 19, 2019. Governor Cooper's veto was overridden by the Senate on April 30, 2019 and the bill has been sent back to the House to consider whether to override the Governor's veto. If the House overrides the veto, the bill will become law.

[SENATE BILL 375](#), Death by Distribution, 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 North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 413](#), Raise the Age Modifications, 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 North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 419](#), Loss Prevention Professionals May Investigate, which is summarized in the March 29, 2019 Weekly Legislative Report, has been amended to clarify that any employee of a private business that conducts investigations related to the location, disposition or recovery of lost or stolen property reasonably believed to be owned by the business would not be required to be licensed by the North Carolina Private Protective Services Board.

[SENATE BILL 584](#), Criminal Law Reform, which is summarized in the April 5, 2019 Weekly Legislative Report, would provide that ordinances of local government created after December 1, 2019 would not be punishable as crimes. The bill has been amended to clarify that criminal penalties may be imposed for violating an ordinance created after December 1, 2019 if the General Assembly has already enacted a law that prohibits the conduct set out in the local ordinance, such as, for example, being intoxicated in public.

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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