

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 10, 2019

While the “crossover” deadline was not until Thursday, May 9, the House completed its “cross-over” business on Tuesday and the Senate completed its “cross-over” business on Wednesday. The legislature has now taken a break from day-to-day legislative activity. Both chambers are not expected to resume business in Raleigh until next Wednesday, May 15th.

The Senate Appropriations subcommittees have begun their work this week on preparing their version of the State budget bill. That process will likely continue for a few more weeks. The Senate Majority Leader, who is a leading budget writer, has been quoted as saying the Senate’s goal is to complete the budget process by the end of May. That schedule could result in the full Senate voting on their version of the State budget bill in the days following Memorial Day.

Once the Senate approves its version of the State budget bill, the House and Senate will negotiate over any differences between their two versions and send an agreed-upon version to Governor Roy Cooper for his approval or veto.

The House and Senate are both adjourned and are expected to reconvene next Wednesday, May 15.

BILL STATUS

[HOUSE BILL 41](#), Allison’s Law/GPS Tracking Pilot/DV/Funds, which is summarized in the February 8, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 99](#), Transfer ALE, 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 North Carolina Sheriffs’ Association SUPPORTS this bill.**

[HOUSE BILL 106](#), PED/Inmate Health Care Reimbursement, 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 118](#), First Responders Act of 2019, 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 delete all content of the previous bill and would now require the North Carolina Department of Transportation to study the needs of first responders related to access to the interstate system within the State for the purpose of improving public safety.

[HOUSE BILL 135](#), Government Immigration Compliance, which is summarized in the February 22, 2019 Weekly Legislative report, has been amended to provide that a county or city would waive its governmental immunity and immunity from civil liability if the county or city fails to enforce the State's immigration laws. Currently, many counties and cities retain their governmental immunity and immunity from certain civil lawsuits because they have not waived these immunities through the purchase of liability insurance.

[HOUSE BILL 138](#), Damage Jail & Prison Fire Sprinkler/Penalty, 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 North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 144](#), Hands Free NC, 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 North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 347](#), No Delinquent/Undisciplined Under 10 Yrs Old, 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 delete all content of the previous bill and would now require the North Carolina Juvenile Jurisdiction Advisory Committee (JJAC) to study the effects of changing the current law so that a child under the age of 10 could not be considered delinquent or undisciplined. The JJAC would be required to report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2020. Currently, a child that is at least 6 years of age can be considered a delinquent or undisciplined juvenile.

[HOUSE BILL 348](#), Whistle-Blower Protection/Municipal LEOs, 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 require a city or town council that does not already have a binding procedure for protecting employees from retaliation to adopt rules or ordinances that encourage all city employees to report the following: (1) a violation of State or federal law, rule, or regulation; (2) fraud; (3) misappropriation of State or city government resources; (4) any activity that poses a substantial and specific danger to public health and safety; (5) gross waste of public monies; or (6) the gross abuse of authority.

The bill as amended would prohibit any employee, including a supervisor, from taking any action against an employee that reports any of the activities described above, including disciplining or terminating the employee. This would apply even if the reporting employee made false or misleading accusations to avoid being disciplined or terminated. The bill would make it more difficult for an employer to remove a bad employee that is seeking to avoid discipline or termination.

This bill as amended would apply to all city employees, not just municipal law enforcement officers. **The North Carolina Sheriffs' Association is OPPOSED – HIGH PRIORITY to this bill.**

[HOUSE BILL 380](#), Aerial Adventure Courses/Sander's Law, which is summarized in the March 22, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 474](#), Death by Distribution, 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 North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 551](#), Require Paid Work Breaks, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended to delete all content of the previous bill and would now require the Legislative Research Commission (LRC) of the North Carolina General Assembly to study the impact of a State law that would require employers to provide any employee working a six-hour shift or longer with a paid 20 minute work break. The LRC would be required to report its findings to the General Assembly when the 2020 Regular Session convenes.

[HOUSE BILL 606](#), Arson Law Revisions, which is summarized in the April 5, 2019 Weekly Legislative Report, has been amended to also authorize the Commissioner of Insurance, working through the Office of the State Fire Marshall, to investigate the cause, origin and circumstances surrounding fires resulting in property damage or destruction. The bill retains the current authority of sheriffs' offices, police departments, fire departments and the North Carolina State Bureau of Investigation to also investigate arson. **The North Carolina Sheriffs' Association SUPPORTS the provisions of this bill that strengthen the State's criminal arson laws.**

[HOUSE BILL 641](#), Modification to Various DPS Provisions, 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 is OPPOSED – HIGH PRIORITY to the provisions in this bill that expand the jurisdictional authority of probation officers.**

[HOUSE BILL 712](#), Disposition of Unclaimed or Seized Firearms, which is summarized in the April 12, 2019 Weekly Legislative Report, has been amended to require a law enforcement agency that is seeking to destroy a seized or unclaimed firearm that has been turned over to the agency by a court for training purposes or for sale or trade to first place the firearm on consignment with a federally licensed firearms dealer to see if the firearm can be sold instead of destroyed. This would not apply to a firearm ordered to be destroyed by a court because it is either unsafe or does not have a legible identification number. **The North Carolina Sheriffs' Association SUPPORTS this bill as originally filed.**

[HOUSE BILL 760](#), Expand Loss Prevention Investigations, 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 781](#), Limitations on Use of Solitary Confinement, 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 delete all content of the previous bill and would now require the North Carolina Department of Public Safety to study the issue of confinement of

prisoners with mental illness and to report its findings and recommendations to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2020.

[HOUSE BILL 878](#), Amend Dangerous Dog Laws, 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 966](#), 2019 Appropriations Act, which is summarized in the May 3, 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 passed the Senate and has been sent to the House 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.**

[SENATE BILL 199](#), Child Sex Abuse/Strengthen Laws, which is summarized in the March 8, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 262](#), Union/Prohibit Certain Hunting Acts, which is summarized in the March 15, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 327](#), Timber Larceny/Strengthen Laws, which is summarized in the March 22, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 352](#), Amend NC Controlled Substances Act, 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 419](#), Loss Prevention Professionals May Investigate, 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 493](#), DVPO Time of Expiration, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 562](#), The Second Chance Act, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration. The 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. The bill has been amended to specify that any motor vehicle law violation, including driving while impaired offenses, and any offense requiring registration as a sex offender would be

ineligible for expunction under this provision of the bill.

The bill, as amended, would also require the automatic expunction of any dismissal or finding of not guilty occurring on or after July 1, 2020 for any misdemeanor or felony charges, excluding motor vehicle offenses under Chapter 20 of our General Statutes. 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.

[SENATE BILL 584](#), Criminal Law Reform, which is summarized in the April 5, 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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