

North Carolina Sheriffs' Association

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Weekly Legislative Report

May 31, 2019

As anticipated, the Senate held various committee meetings this week to review the initial draft of the Senate version of the State budget bill. Numerous amendments to the initial draft were offered and, as usual, some were approved and some were not approved.

The full Senate considered the bill on Thursday and Friday, with final approval given on Friday. Now the House and Senate will begin working together to resolve the differences in their respective versions of the State budget bill.

Other than the Senate work on the State budget bill, there has not been much activity this week regarding other legislative bills.

A number of House bills that were sent to the Senate before the “crossover” deadline have now been reassigned from the Senate Rules Committee to the appropriate subject matter committee. This is a clear signal that the pace will pick up in the coming weeks as the General Assembly works towards an adjournment, preferably by the end of June.

The House and Senate will reconvene early next week.

BILL STATUS

[HOUSE BILL 99](#), [Transfer ALE](#), which is summarized in the February 22, 2019 Weekly Legislative Report, has been amended and would appropriate to the North Carolina Department of Public Safety, “Division” of Alcohol Law Enforcement (ALE), \$300,000 in recurring funds for each year of the 2019-2021 biennium for the purpose of funding ALE office space.

The bill, as amended, would also appropriate \$213,000 in recurring funds for the 2019-2020 fiscal year and \$427,000 in recurring funds for the 2020-2021 fiscal year to fund eight full-time administrative positions within ALE.

[HOUSE BILL 363](#), [Craft Beer Distribution & Modernization Act](#), which is summarized in the March 15, 2019 Weekly Legislative Report, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of May 30, 2019.

[HOUSE BILL 966](#), [2019 Appropriations Act](#), which is summarized in the May 3, 2019 Weekly Legislative Report, has been amended to include the [Senate](#) version of the proposed budget for the 2019-2021 fiscal biennium. On Wednesday, Thursday and Friday of this week the Senate reviewed, amended and approved the Senate version of the budget bill. The House and Senate

will then work towards a joint version of the bill. 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 Senate version of the budget bill that are different than those items summarized in the March 3, 2019 Weekly Legislative Report include:

1. The bill would clarify that the criminal offense of sexual servitude also includes a person who obtains another for the purpose of sexual servitude. Currently, the offense is limited to those persons who knowingly or recklessly subjects or maintains a person for sexual servitude.
2. The bill would also create the new criminal offense of “promoting travel for unlawful sexual conduct.” It would be a Class G felony to sell or offer to sell any travel services, such as a travel package, that the person knows would include conduct such as prostitution, sexual exploitation of a minor, or indecent liberties with a minor.
3. The bill would create a new civil claim for a victim of human trafficking that would allow the victim to collect money damages, attorneys’ fees, compensation for loss of income, and costs associated with medical care and psychological treatment from a person who violated the State’s human trafficking laws. The bill would allow a victim to file the civil claim within 10 years of the abuse occurring, or if the victim was a minor, within 10 years after reaching the age of 18.
4. The bill would expand the ability of a human trafficking victim to obtain an expunction of a nonviolent misdemeanor or felony convictions so long as the court finds that the victim was “coerced or deceived” into committing the offense(s) as a result of being the victim of human trafficking. However, Class A through G felony offenses and certain serious misdemeanor offenses, such as those involving assault, stalking, or that would require registration under our sex offender registry laws, would not qualify for expunction. Currently, a human trafficking victim could obtain an expunction of a prostitution offense if they otherwise qualify for an expungement.
5. The bill would create a statewide protocol for the processing and testing of Sexual Assault Examination Kits (SAEKs). Key provisions of this new protocol would include:
 - (i) For any SAEK that is collected on or after July 1, 2019, the bill would require the collecting entity, such as a hospital, to report to a law enforcement agency the use of the SAEK no later than 24 hours after the collection of samples has been completed.
 - (ii) The law enforcement agency that was notified of the completion of the SAEK would be required to take custody of the SAEK within seven days of receiving this notification and would be required to retain and preserve the

SAEK. The law enforcement agency would also be required to submit the SAEK to the North Carolina State Crime Laboratory, or another laboratory approved by the State Crime Laboratory, within 45 days of taking custody of the completed SAEK if the victim has consented to participating in the criminal justice process.

- (iii) For any SAEK that is reported to a law enforcement agency where the victim does not consent to participate in the criminal justice process, the law enforcement agency would be required to submit the “unreported” SAEK to the North Carolina Department of Public Safety for storage.
 - (iv) Every law enforcement agency that possesses SAEKs completed on or before January 1, 2018 would be required to establish a review team to conduct a case review of each SAEK to determine the priority for submitting untested SAEKs to the State Crime Laboratory, or an approved laboratory for testing.
 - (v) Law enforcement agencies would not be allowed to submit for testing any untested SAEKs under the following circumstances: (1) the allegations are unfounded; (2) the victim does not consent to participate in the criminal justice process; or (3) a criminal prosecution has resulted in a conviction and the defendant does not seek DNA testing and the defendant’s DNA profile is already in the State’s Combined DNA Index System (CODIS).
 - (vi) Law enforcement agencies that receive a CODIS (the Federal Bureau of Investigation’s DNA identification system) hit when they submit a suspect’s DNA sample would be required to provide to the State Crime Laboratory an electronic notification of the arrest within 15 days of the arrest of the person.
 - (vii) Law enforcement agencies would also be required to electronically notify the State Crime Laboratory of any person convicted of a crime that resulted from a CODIS hit within 15 days from the date of conviction.
6. The Criminal Justice Fellows Program (Fellows Program) that was enacted into law in 2018 would be modified to allow a person to apply for a Fellows Program grant if the person resides in a county with a population less than 125,000. Currently, an applicant for a Fellows Program grant must reside in a county with a population less than 75,000.
7. After receiving bids from potential service providers for the provision of litter pickup on State highways and roads, the North Carolina Department of Transportation (DOT) would be required to offer the contract to the North Carolina Department of Public Safety (DPS) upon the terms of the most favorable bid that DOT received from other service providers. DPS would be authorized but not required to accept the contract and thereby use DPS inmates for litter pickup. The use of inmate litter crews was discontinued by DPS in 2017.

8. \$2 million in recurring funds appropriated to the North Carolina Department of Public Safety for the 2019-2020 fiscal year would be allocated to establish a pay schedule for sworn law enforcement officers employed by the North Carolina State Bureau of Investigation (SBI) and by Alcohol Law Enforcement (ALE). The annual beginning salary of new SBI and ALE sworn law enforcement officers would be increased to \$45,100 and annual increases in salary would be established so that sworn law enforcement officers in these agencies would be making \$65,807 after working six years. A similar pay schedule and funding was provided to the North Carolina State Highway Patrol last year when the 2018 budget bill was enacted into law.
9. Employees of the North Carolina Department of Public Safety (DPS) who work at high-need correctional facilities would be eligible to qualify for a salary supplement in the amount of \$2,500 annually. A high-need correctional facility would be a facility that has a sustained employee vacancy rate of 20 to 30 percent for at least 12 months. The \$2,500 annual supplement could be increased by DPS, depending on the level of employee vacancy at the facility.

\$15 million in recurring funds for the 2019-2020 fiscal year and \$15 million in recurring funds for the 2020-2021 fiscal year would be appropriated to DPS for these annual salary supplements for qualified employees.

10. The number of years in age for a vehicle to qualify for an antique registration plate would be 30 years old. Currently, a vehicle must be at least 35 years old to qualify for an antique vehicle registration plate.
11. The bill would increase the registration fees for electric vehicles from \$130 to \$230. The bill would also increase the registration fees for plug-in hybrid vehicles to \$115. Currently, a passenger hybrid vehicle is classified as an ordinary passenger vehicle and has a registration fee of \$36.
12. The bill would appropriate the following funds to the North Carolina Department of Public Instruction for school safety grants:
 - (i) Grant funding in the amount of \$6 million in recurring funds for the 2019-2020 fiscal year and \$6 million in recurring funds for the 2020-2021 fiscal year to award grants for School Resource Officers (SROs).
 - (ii) Grant funding in the amount of \$6.1 million in nonrecurring funds for the 2019-2020 fiscal year to award grants for school safety equipment.
 - (iii) Grant funding in the amount of \$4.5 million in nonrecurring funds for the 2019-2020 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.

13. 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. The funding in the Senate version of the Budget Bill that differs from the House version reported in the May 3, 2019 Weekly Legislative Report includes:
- (i) \$186,000 in recurring funds would be appropriated to the North Carolina Administrative Office of the Courts for the 2019-2020 fiscal year and \$770,000 in recurring funds for the 2020-2021 fiscal year to create seven new deputy clerk positions and four district court judge positions.
 - (ii) \$1.7 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 ten new Assistant District Attorney (ADA) positions and seven district attorney legal assistant positions.
 - (iii) \$1.4 million in recurring funds would be appropriated to the North Carolina Department of Public Safety (DPS) for the 2019-2020 fiscal year and \$1.8 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.
 - (iv) \$1 million in nonrecurring funds would be appropriated to DPS for the 2019-2020 fiscal year and \$890,000 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.
14. \$258,000 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 and two new drug chemist positions to assist with the growing number of evidence submissions to the State Crime Laboratory.
15. \$1 million in nonrecurring funds would be appropriated to the North Carolina Department of Public Safety for the 2019-2020 fiscal year to award drug treatment grants for alcohol and opioid dependence treatment in county jails in the following counties: Forsyth County, Moore County, New Hanover County and Onslow County.
16. \$400,000 in recurring funds would be appropriated to the North Carolina State Bureau of Investigation (SBI) for the 2019-2020 fiscal year and \$800,000 in recurring funds for the 2020-2021 fiscal year to create new sworn law enforcement positions that will support the SBI’s human trafficking investigations.
17. \$5 million in nonrecurring funds for the fiscal year 2019-2020 and \$10 million in nonrecurring funds 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.

[SENATE BILL 381, Reconstitute/Clarify Boards and Commissions](#), has been amended to change the number of appointments to the Private Protective Services Board (Board) by certain State officials. The bill would increase the number of appointments to the Board by the Governor from three to seven appointments. The number of appointments by the General Assembly would be reduced from five to three appointments to the Board upon the recommendation of the President Pro Tempore of the Senate and from five to three appointments upon the recommendation of the Speaker of the House of Representatives.

Currently, the Governor is authorized to appoint three members to the Board and the General Assembly is authorized to appoint five members to the Board upon the recommendation of the President Pro Tempore of the Senate and five members upon the recommendation of the Speaker of the House of Representatives.

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

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