

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 21, 2019

The House and Senate both scheduled “ceremonial” sessions on Friday but no legislative bills were on the calendar for consideration. It is likely that only a few members showed up for the Session, probably some from Wake County and some who are still in town working on the State budget bill.

It was reported that the budget bill may be finished this week, or this weekend, and might be released as early as next week. That will be dependent on whether or not a final agreement can be reached between the top House and Senate leaders on the outstanding items.

The House and Senate committee agendas are beginning to fill up with bills to be considered in certain committees, and other committees may not meet any further during this Session. That is a clear sign that the General Assembly is on track to adjourn near the end of the month.

The House and Senate are adjourned and scheduled to reconvene next Monday evening.

BILL STATUS

[HOUSE BILL 37](#), [Child Sex Abuse/Extend Statute of Limitations](#), 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 been amended in the Senate to remove the appropriation of funds to the North Carolina Department of Public Safety, Division of Alcohol Law Enforcement (ALE), for the purpose of funding ALE office space. The bill as amended passed the Senate and has been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 389](#), [ABC/Univ Athletic Facility](#), which is summarized in the March 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.

[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, rather than the delivery, of a specified controlled substance to the victim. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[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 amended in the Senate to also require a law enforcement agency to enter information about a missing child into NamUS when a child has been missing for more than 30 days. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[SENATE BILL 11](#), [ABC Regulation and Reform](#), which is summarized in the February 1, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 148](#), [Public Records/Release of LEO Recordings](#), which is summarized in the March 1, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 191](#), [Out-of-State Law Enforcement/2020 Rep Convtn](#), which is summarized in the March 8, 2019 Weekly Legislative Report, has been amended to increase the hours of alcohol sales at permitted establishments, such as bars and restaurants, to 4:00 A.M. and for alcohol consumption to 4:30 A.M. in counties that have a population of at least 900,000 or in a county that shares a border with a county that meets this population criteria. Currently, alcohol sales are allowed until 2:00 A.M. and alcohol consumption until 2:30 A.M.

[SENATE BILL 315](#), [North Carolina Farm Act of 2019](#), which is summarized in the March 22, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[HOUSE BILL 370](#), [Require Sheriff Cooperation with ICE](#), which is summarized in the March 15, 2019 Weekly Legislative Report, has been amended in the Senate. The original contents of the bill have been removed and replaced with new language that modifies G.S. § 162-62.

The bill as amended would require a person in charge of a confinement facility, such as a jail administrator, to allow an official with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security to interview a person in the custody of the jail. The interview must be allowed within 24 hours of the jail receiving the request and can be in person, by telephone or by other electronic means.

The bill also requires the person in charge of the confinement facility to attempt to determine if a prisoner in their facility, charged with any criminal offense, is a legal resident. Currently this is required for all prisoners in facilities who are charged with felony and impaired driving offenses. If the facility is unable to determine the residence status of a prisoner, the facility is required to query ICE.

The bill further requires that upon a confinement facility receiving notice that an ICE detainer and administrative warrant have been issued for someone that appears to be in the facility's custody, the person must be taken before a State judicial official without unnecessary delay. If the judicial official determines that the prisoner is the same person as the person subject to the detainer and administrative warrant, the judicial official shall order the prisoner held until: (1) 48 hours passes

from receipt of the detainer and administrative warrant; (2) ICE takes custody of the prisoner; or (3) the detainer is rescinded by ICE.

The bill as amended specifically authorizes the removal of a sheriff from office for failing or refusing to comply with G.S. § 162-62.

Finally, the bill creates an annual reporting requirement beginning October 1, 2020 for the person in charge of the confinement facility to report to the Joint Legislative Oversight Committee on Justice and Public Safety about their compliance with G.S. § 162-62. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

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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