

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

July 19, 2019

This was a short week for the General Assembly in Raleigh. The Senate concluded work for the week on Tuesday and the House concluded work for the week on Wednesday.

It has been reported that the House plans for their “work to continue throughout next week”. At one point, it appeared that the Senate plan was to adjourn next Monday but that now seems unlikely.

Typically, when bills are scheduled for consideration on the calendar of the Senate or House, the bill is considered that same day. Occasionally a bill will be held over until the next legislative day, or a group of bills will be held over if the list of bills to be considered is exceptionally long.

It is interesting to note that nine House bills have been on the Senate calendar for almost three weeks, one since June 27th. Each day those bills are withdrawn from the Senate calendar and re-calendared for the next legislative day. Undoubtably, this is not a random occurrence, but so far, we have not heard or seen any explanation.

The House and Senate are both scheduled to reconvene Monday evening.

BILL STATUS

[HOUSE BILL 98](#), [Macon/Clay/No Right-of-Way Spotlighting](#), which is summarized in the February 22, 2019 Weekly Legislative Report, has been approved by the General Assembly and becomes effective October 1, 2019. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

The bill makes it a Class 2 misdemeanor to intentionally shine a light at night on any wild animal from the right-of-way of any public road, street or highway in Brunswick, Macon or Clay counties for the purpose of hunting.

Currently, North Carolina Wildlife Resources Commission rules allow certain wild animals such as raccoon and opossum to be hunted at night with the use of artificial lights, while other wild animals, such as deer, may not be hunted at night with the use of artificial lights. This bill applies only to Brunswick, Macon and Clay counties.

[HOUSE BILL 108](#), [PED/Safekeeper Health Care Cost Recov. Pract.](#), 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. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

HOUSE BILL 224, Assault w/Firearm on LEO/Increase Punishment, which is summarized in the March 1, 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 December 1, 2019. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

HOUSE BILL 257, Motorcycles/Face Masks, which is summarized in the March 8, 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 December 1, 2019. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

HOUSE BILL 324, Local Hunting Omnibus, which is summarized in the March 15, 2019 Weekly Legislative Report, has been approved by the General Assembly and becomes effective October 1, 2019. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

The bill makes it unlawful to discharge a firearm from, to, or across a roadway of any State maintained road Caldwell, Cleveland, Cumberland and Yancey counties. Currently, this restriction only applies to centerfire rifles.

Additionally, the bill provides all law enforcement officers with the authority to enforce the provisions of this law. Currently, the landowner or lessee of the land where a firearm is fired must request the assistance of law enforcement before law enforcement can enforce this provision.

Finally, the bill creates an open season for taking foxes with weapons and for foxes and coyotes by trapping during the trapping season. There would be no bag limit for foxes and coyotes. This bill applies only to Caldwell, Cleveland, Cumberland and Yancey counties.

SENATE BILL 5, School Safety Omnibus, which is summarized in the July 12, 2019 Weekly Legislative Report, has been amended in the House to define a “school safety resource officer” as a law enforcement officer who is assigned to one or more public schools for at least 20 hours per week for more than 12 weeks per calendar year to assist with responsibilities related to school safety and security.

The bill as amended requires school safety resource officers to comply with initial training standards within one year of assignment and would apply to school resource officers assigned on or after January 1, 2020 and requires all school resource officers assigned on January 1, 2020, to complete the initial training no later than December 31, 2020.

SENATE BILL 9, Female Genital Mutilation/Clarify Prohibition, which is summarized in the February 1, 2019 Weekly Legislative Report, has passed the Senate, passed the House with amendment and has been sent back to the Senate for consideration of the House amendment.

[SENATE BILL 191](#), Out-of-State Law Enforcement/2020 Rep Convtn, which is summarized in the March 8, 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 July 11, 2019.

[SENATE BILL 220](#), Removal of Political Signs by Citizens, 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 December 1, 2019.

[SENATE BILL 290](#), ABC Regulatory Reform Bill, which is summarized in the March 22, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[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 amended in the House. The bill as amended would modify the definition of marijuana under the Controlled Substances Act to include smokable hemp.

In the bill, Smokable hemp is defined as harvested raw or dried hemp plant material, in a form intended to allow THC to be introduced into the human body by inhalation of smoke, including hemp buds or hemp flowers, hemp cigars, and hemp cigarettes. "Smokable hemp" would be unlawful in North Carolina beginning December 1, 2019.

Finally, the bill makes it a Class 2 misdemeanor to sell hemp, hemp products or hemp extracts to a person under 18 years old. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY enactment of legislation to clearly ban smokable hemp.**

[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 amended in the House. The bill as amended would modify the definition of marijuana under the Controlled Substances Act to include smokable hemp. Smokable hemp would be defined as harvested raw or dried hemp plant material, in a form intended to allow THC to be introduced into the human body by inhalation of smoke, including hemp buds or hemp flowers, hemp cigars, and hemp cigarettes. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY enactment of legislation to clearly ban smokable hemp.**

[SENATE BILL 413](#), Raise the Age Modifications, which is summarized in the March 29, 2019 Weekly Legislative Report, has passed the Senate, passed the House with amendment and has been sent back to the Senate for consideration of the House amendment. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 493](#), DVPO Abuser Treatment/Time of Expiration, which is summarized in the April 5, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 686](#), Appointments Bill 2019, which is summarized in the July 12, 2019 Weekly Legislative Report, has been approved by the General Assembly. The bill was amended to make

numerous appointments to State commissions and boards upon the recommendation of the Speaker of the House of Representatives. Among those of interest to the criminal justice community are:

The Speaker of the House of Representatives makes the following appointments:

1. Earl W. Struble of Wake County is appointed to the 911 Board for a term expiring on December 31, 2020, to fill the unexpired term of Niraj G. Patel.
2. Gregory S. Coltrain of Beaufort County is appointed to the 911 Board for a term expiring on December 31, 2020, to fill the unexpired term of Eric S. Cramer.
3. R. Steven Johnson of Wake County, Randy Byrd of Wake County, Stanley H. Hicks of Randolph County, and Angela L. Williams of Guilford County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2021.
4. William M. Bryan of Nash County and Laura L. Fahnestock of Wake County are appointed to the Criminal Justice Information Network Governing Board for terms expiring June 30, 2023.
5. Effective September 1, 2019, Saira Estrada of Iredell County, The Honorable Robert M. Wilkins of Randolph County, and Regina E. Gurley of Wayne County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2021.
6. Robert C. "Bert" Kemp of Pitt County and Hoyt G. Tessener of Wake County are appointed to the Governor's Crime Commission for terms expiring on February 28, 2021.
7. David C. Arndt of Surry County is appointed to the Private Protective Services Board for a term expiring on June 30, 2021.
8. Jerry D. Pitman of Forsyth County and Gerald J. Stickl of Johnston County are appointed to the Private Protective Services Board for terms expiring on June 30, 2022.

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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