

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



## Weekly Legislative Report

August 23, 2019

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The House and Senate were in town for a normal week through Thursday and various legislative bills saw action. On Tuesday, the room for the House Rules Committee was full, with other people waiting outside. The two bills that brought the most attendees were House Bill 370, Require Cooperation with ICE Detainers and Senate Bill 315, North Carolina Farm Act of 2019, both of which are summarized in this week's Weekly Legislative Report. Once these two bills were heard in committee, the crowd thinned out considerably.

Due to the impasse with the Governor on getting a State budget bill enacted, the legislature has started moving individual bills that will fund certain increases in state government spending for this fiscal year.

In what many legislative members, staff and lobbyists hope was a tongue-in-cheek light-hearted comment, House Speaker Tim Moore was quoted as saying that the General Assembly has "plenty to keep us busy through December." He continued: "I don't see us, at this point, leaving unless we have either overridden the veto or dealt with budget in other ways."

This week the House and Senate adjourned on Thursday morning. The House and Senate are scheduled to return on Monday evening.

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## BILL STATUS

[HOUSE BILL 55, Alexander County/Sheriff Vacancies](#), which is summarized in the May 3, 2019 Weekly Legislative Report, has been amended to rename the bill "Cleveland County/Sheriff Vacancies." The bill, as amended, would remove Cleveland County from those counties listed in G.S. 162-5.1.

G.S. 162-5.1 requires that upon a vacancy in the office of sheriff, such as due to retirement, the board of county commissioners must first consult with the county executive committee of the political party of the outgoing sheriff and must elect the person selected by the executive committee to fill the vacancy.

If Cleveland County is removed from G.S. 162-5.1, then pursuant to G.S. 162-5 a vacancy in the office of sheriff in this county would be filled by the board of county commissioners without the input of the county executive committee of the political party of the outgoing sheriff.

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[HOUSE BILL 99](#), [Transfer ALE](#), 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 this bill.**

[HOUSE BILL 206](#), [Various Transportation Changes](#), which is summarized in the August 9, 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 August 21, 2019, unless noted otherwise in the bill.

[HOUSE BILL 217](#), [DIT Changes.-AB](#), which is summarized in the April 26, 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 August 21, 2019, unless noted otherwise in the bill. **This bill is SUPPORTED by the North Carolina Sheriffs' Association and by the North Carolina Association of Chiefs of Police.**

[HOUSE BILL 370](#), [Require Sheriff Cooperation with ICE](#), which is summarized in the June 21, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. The bill has been vetoed by the Governor and has been returned to the General Assembly and assigned to the Committee on Rules, Calendar and Operations of the House to see if there are sufficient votes to override the veto. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 609](#), [Raise the Age Modifications](#), which is summarized in the April 5, 2019 Weekly Legislative Report, has been amended in the Senate to change the entire content of the bill and to rename the bill “[Salary Increases/Adult Correctional Employees.](#)” The bill, as amended, would make appropriations to the North Carolina Department of Public Safety (DPS) for the 2019-2020 and 2020-2021 fiscal years to award salary increases to State employees working in State adult correctional facilities.

The bill, as amended, would also create a base salary supplement of at least \$2,500 annually for certain qualified employees of DPS who work at high-need correctional facilities. This base salary supplement would increase for employees working at correctional facilities that have higher needs, such as a 30 percent employee vacancy rate for at least 12 months. A high-need correctional facility would be a facility that has a sustained employee vacancy rate of between 20 to 30 percent for at least 12 months.

[SENATE BILL 315](#), [North Carolina Farm Act of 2019](#), which is summarized in the March 22, 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. As amended, the bill makes smokable hemp, which is indistinguishable from illegal marijuana without the aid of scientific testing, unlawful in North Carolina beginning May 1, 2020. Previous versions of this bill made smokable hemp unlawful beginning December 1, 2019.

The bill, as amended, also seems to restate existing law that if evidence is obtained as a result of a search supported by probable cause at the time of the search, no evidence seized pursuant to that search can be excluded as evidence because it is later determined that a substance believed to be a

controlled substance was not a controlled substance or that it is later determined that the presence of the controlled substance was lawful.

Under Fourth Amendment case law, evidence seized as a result of a lawful search supported by probable cause is not subject to the “exclusionary rule” that prohibits evidence seized pursuant to an unlawful search from being introduced at trial. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY enactment of legislation to clearly ban smokable hemp.**

[SENATE BILL 321](#), Federal Motor Carrier Safety/PRISM, which is summarized in the July 25, 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 November 12, 2019.

[SENATE BILL 584](#), Criminal Law Reform, which is summarized in the April 5, 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 August 14, 2019, unless noted otherwise in the bill.

[SENATE BILL 682](#), Implement Crime Victim Rights Amendment, which is summarized in the June 28, 2019 Weekly Legislative Report, has been amended in the House to clarify that the failure of any State, county or municipal agency, or any of their officers or employees, to provide a service required under the Crime Victims' Rights Act does not create a claim for damages against the agency, officer or employee.

The bill, as amended, would also require a victim that intends to file a complaint against a law enforcement agency in superior court for failure to provide a service under the Crime Victims' Rights Act to first file the written complaint with the law enforcement agency so the agency can review the complaint and attempt to resolve the issue.

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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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