

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

October 11, 2019

The House concluded its work on Wednesday and the Senate concluded its work on Thursday and both will be taking a break from formal action all next week. They are scheduled to reconvene on Monday, October 21. When the legislature reconvenes, the “sprint” will be on to get remaining legislation approved between then and October 31 when the Senate has announced they plan to adjourn. Although the House has not yet announced their adjournment plans, it takes the House and the Senate both to pass legislation.

While there will be no public meetings next week, there will be a lot of activity by the legislative leadership making decisions on which bills will get further consideration this year and which bills will be left behind for potential consideration next year. Next week will also involve a lot of legislative staff work as amendments are drafted and revised bills are drafted for consideration when the legislature returns.

Due to the legislative break, we will not publish the Weekly Legislative Report next week and will publish the next edition on Friday, October 25.

We are conducting our annual Legislative Update Training classes across the State this year. The classes are open to criminal justice professionals from sheriffs' offices, police departments, State law-enforcement agencies, clerks of court personnel, assistant district attorneys, and any other criminal justice professional. To register, click on this link: <https://ncsheriffs.org/2019-legislative-update-training>.

Classes will be offered as follows:

- Wake County - October 24, 2019
- Haywood County - October 29, 2019
- Catawba County - October 30, 2019
- Duplin County – November 18, 2019
- Martin County – November 19, 2019

BILL STATUS

[HOUSE BILL 100](#), [DOT Budget for 2019-2021 Biennium](#), which is summarized in the October 4, 2019 Weekly Legislative Report, would reduce the number of years in age for a vehicle to qualify for an antique registration plate to 30 years old. Currently a vehicle must be at least 35 years old to qualify for an antique vehicle registration plate. The bill has been approved by the

General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 283](#), Conner's Law, 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 October 9, 2019, unless noted otherwise in the bill. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 511](#), North Carolina First Step Act, which is summarized in the July 12, 2019 Weekly Legislative Report, would allow a judge in a drug trafficking case to reduce fines and impose a sentence lower than the applicable mandatory minimum prison term provided by statute if the judge enters into the record all of the specified findings of fact listed in the bill. Among those, the court would have to find that the imposition of the mandatory minimum prison term would result in substantial injustice, that the defendant accepted responsibility for the criminal conduct and has agreed to participate in drug treatment, that the defendant has not been convicted of a prior felony drug conviction and did not use violence or a firearm or other deadly weapon in the commission of the drug trafficking offense.

The bill, as amended, would add to the list of specific findings that a court must make before entering a sentence lower than the applicable mandatory minimum prison term. The additional findings the court would be required to make are that: (1) the defendant is being sentenced solely for trafficking or conspiracy to commit trafficking as a result of possession of a controlled substance; (2) there is not substantial evidence that the defendant has ever engaged in the sale, manufacture, delivery, or transport of a controlled substance or that the defendant has ever had the intent to sell, manufacture, deliver, or transport a controlled substance; (3) the defendant has provided reasonable assistance in the identification, arrest, or conviction of any accomplices, accessories, or co-conspirators; and (4) the defendant is being sentenced for trafficking or conspiracy to commit trafficking for possession of an amount of a controlled substance that is not of a quantity greater than the lowest category for which a defendant may be convicted for trafficking of that controlled substance.

The bill, as amended, would also require the court to conduct a hearing prior to imposing a sentence lower than the applicable mandatory minimum prison term. The district attorney would be allowed to present evidence at this hearing, including evidence from the investigating law enforcement officer, other law enforcement officers or from witnesses with knowledge of the defendant's conduct. **The North Carolina Sheriffs' Association is OPPOSED – HIGH PRIORITY to the original version of this bill. However, the bill has been significantly rewritten at the request of the North Carolina Sheriffs' Association and the North Carolina Conference of District Attorneys, and the North Carolina Sheriffs' Association therefore SUPPORTS the current version of the bill.**

[HOUSE BILL 1001](#), Raise the Age Funding, which is summarized in the October 4, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 579](#), Prison Reform Act of 2019, which is summarized in the April 5, 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 bill, as amended, would require

the Program Evaluation Division (PED) of the General Assembly to study alternate organizational and management structures for the North Carolina Division of Adult Correction and Juvenile Justice (DACJJ), such as by re-establishing DACJJ as two separate State Departments: the Department of Correction and the Department of Juvenile Justice and Delinquency Prevention.

The bill, as amended, would require the PED to submit its findings to the Joint Legislative Program Evaluation Oversight Committee and to the Joint Legislative Oversight Committee on Justice and Public Safety no later than November 1, 2020.

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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