

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

November 1, 2019

On Thursday, the General Assembly adjourned the 2019 Session for a short break. They will reconvene on Wednesday, November 13 but at the November Session are only authorized to consider a very limited list of topics. Those topics include: court litigation related to redistricting of State legislative or Congressional election districts; appointment of persons to various State positions or adoption of conference reports that are currently pending.

Conference reports can be considered when agreement is reached by those House and Senate members appointed to a “conference committee” to resolve differences between the House and Senate on specific legislation. If the House and Senate members appointed to the conference committee reach an agreement, then they recommend that their agreement be voted on and approved by the full House and the full Senate. Often, but not always, the House and Senate will approve the conference report.

When the General Assembly adjourns the Session that will convene on November 13, they plan to adjourn again to reconvene on Tuesday, January 14, 2020. During that Session, the list of topics that may be considered is more broad and, in addition to the topics listed above, will include consideration of bills that have been vetoed by the Governor and bills appropriating state funds.

Several important issues to law enforcement and the criminal justice community are included in conference committees that have not yet reached a decision. The controversy with these bills is not related to the criminal justice provisions; but nevertheless the entire bill is held up pending an agreement between the House and Senate. Hopefully these conference reports can be approved when the General Assembly reconvenes on November 13.

BILL STATUS

[SENATE BILL 199](#), [Child Sex Abuse/Strengthen Laws](#), which is summarized in the August 2, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

The bill would create the new criminal offense of “failure to report crimes against juveniles.” It would be a Class 1 misdemeanor for a person or institution suspecting that a juvenile has been the victim of a crime to fail to immediately report the matter to a local law enforcement agency in the county where the child resides or is found. The bill has been amended to clarify that this reporting requirement would also apply to the juvenile’s parent or legal guardian.

The bill, as amended, would also increase the statute of limitations for the filing of a civil lawsuit by a victim of child sex abuse to allow the victim until the age of 28 to file the lawsuit. Currently, the lawsuit must be filed within three years of the victim turning the age of 18.

The bill, as amended, would clarify that a person could withdraw consent to vaginal intercourse or other sexual act, even after initially consenting, by adding a new definition for “against the will of the other person” that would be applicable to our State’s rape and other sex offenses. Against the will of the other person would be defined as either occurring without the consent of the person or occurring after consent is revoked by the other person in such a way that a reasonable person would believe that consent to the sexual act has been revoked.

Finally, as amended, the bill would give the victim of a sex crime that resulted in the defendant being placed on North Carolina’s Sex Offender and Public Protection Registration Program (Sex Offender Registry) the right to appear and be heard at any proceeding initiated by the sex offender to be removed from the Sex Offender Registry. Currently, a victim does not have the right to appear and be heard when a registered sex offender petitions a court to be removed from the Sex Offender Registry. **The North Carolina Sheriffs’ Association SUPPORTS this bill.**

[SENATE BILL 315](#), North Carolina Farm Act of 2019, which was last summarized in the October 25, 2019 Weekly Legislative Report, has passed the Senate, passed the House with amendment and was sent back to the Senate for consideration of the House amendment. A Conference Committee consisting of both House and Senate members was appointed to resolve the differences between the House and Senate versions of the bill.

Last week, the Conference Committee unanimously voted to amend the bill to make smokable hemp, which is indistinguishable from illegal marijuana without the aid of scientific testing, unlawful in North Carolina beginning June 1, 2020. The bill would make it a Class 1 misdemeanor to possess smokable hemp on or after that date.

Although the Conference Committee has reached a unanimous decision to ban smokable hemp, a dispute arose this week on a provision in the bill unrelated to smokable hemp. Therefore, the bill has not been approved by the General Assembly and it is not currently scheduled for a vote. **The North Carolina Sheriffs’ Association SUPPORTS – HIGH PRIORITY enactment of this legislation to clearly make smokable hemp unlawful effective June 1, 2020.**

[SENATE BILL 419](#), Loss Prevention Professionals May Investigate, 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 bill has been amended to change the entire content of the bill and to rename the bill “Technical and Other Changes.”

The bill, as amended, would clarify that any person under the age of 18 that is ordered confined, whether pretrial or following a conviction, must be housed in a Division of Adult Correction and Juvenile Justice (DACJJ) juvenile detention facility or in a local confinement facility if the sheriff consents and the local confinement facility has been approved by DACJJ for the housing of juveniles. The bill, as amended, would also clarify that DACJJ personnel would be responsible

for transporting persons under the age of 18 to and from juvenile detention facilities and approved local confinement facilities.

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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