

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 29, 2020

New legislative bills were introduced through Wednesday in both the House and the Senate to spend state funds for a wide variety of projects and purposes. Some of those bills will get considered, a lesser number will get enacted into law, and some of them are likely to be DOA (dead on arrival) and will not receive any further consideration.

As a result of the COVID-19 pandemic and efforts to adhere to social distancing, the House and Senate are holding their public meetings in those meeting rooms that have audio capability for the public to listen in on the meeting. Some of the meetings are providing video as well.

The number of members of the general public, lobbyists and State agency officials in the building is only a fraction of the number of folks that are normally there pre-pandemic. As is true throughout communities across our nation, some folks are wearing facemasks and others are not. Nevertheless, everyone is attempting to comply with social distancing "to the extent possible"... but it is not always possible.

The House and Senate adjourned on Thursday and will reconvene on Monday afternoon.

BILLS OF INTEREST

[HOUSE BILL 1207](#), *Save Our Courts*, would provide judicial officials with the discretion to decide whether or not to require the execution of a secured appearance bond when imposing conditions of pretrial release on a defendant who has failed to appear on one or more of the charges the defendant is being held on.

Currently, judicial officials must require the execution of a secured appearance bond in an amount that is at least double the previous secured or unsecured bond where the defendant has failed to appear on one or more of the charges the defendant is being held on.

In addition, the bill would no longer require judicial officials to mandate the execution of a secured appearance bond when imposing house arrest with electronic monitoring as a condition of pretrial release. Currently, a secured appearance bond is required when imposing house arrest with electronic monitoring as a condition of pretrial release.

Finally, the bill would appropriate \$20 million in nonrecurring funds for the 2020-2021 fiscal year to the North Carolina Administrative Office of the Courts for: (1) technological expenditures to enable staff to work remotely; (2) supply expenditures, including purchasing PPE and obtaining

temporary rental facilities needed to hold court proceedings; and (3) personnel expenditures, including obtaining temporary clerk's office staff and emergency judges.

The \$20 million in appropriated funds would be transferred from the Coronavirus Relief Fund that was established through the enactment of House Bill 1043, Pandemic Response Act, which was signed into law by Governor Roy Cooper with an effective date of May 4, 2020. **Introduced by Representatives John, Brewer and Morey, and assigned to the House Committee on Judiciary.**

HOUSE BILL 1209, Permit Req'd/Assault Weapon & Long Gun, would require a person to have obtained either a pistol purchase permit or a concealed handgun permit issued by the sheriff in order to purchase or receive an "assault weapon" or a long gun. Currently, a pistol purchase permit or concealed handgun permit issued by a sheriff can only be used for the purchase or receipt of a handgun.

The term "assault weapon" would be specifically defined to mean:

1. A firearm capable of fully automatic fire.
2. 109 specifically identified rifles, pistols, and shotguns.
3. All semiautomatic, centerfire rifles that accept detachable magazines and have at least one additional feature, such as a pistol grip or flash suppressor.
4. All semiautomatic, centerfire rifles that have a fixed magazine and will hold more than 10 rounds of ammunition.
5. All semiautomatic, centerfire rifles that have an overall length of less than 30 inches.
6. Certain semiautomatic pistols.
7. Certain semiautomatic shotguns.

The bill would appropriate \$10,000 in nonrecurring funds for the 2020-2021 fiscal year to the North Carolina Department of Public Safety, which would be used "to assist sheriffs in implementing these provisions."

Finally, the provisions relating to "assault weapons" would be effective December 1, 2020 and would prohibit the sale, transfer or possession of assault weapons on or after that date. People already possessing these types of firearms would not be affected. **Introduced by Representatives Clark, Morey and Harrison, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 1218, Fund VIPER Tower Hardware Upgrades, would appropriate \$19.8 million in nonrecurring funds for the 2020-2021 fiscal year to the North Carolina Department of Public Safety for continued upgrades to the Voice Interoperability Plan for Emergency Responders

(VIPER). **Introduced by Representatives Faircloth, McNeill and Boles, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1220](#), [Fund DV Prevention Pilot Program](#), would appropriate \$100,000 in nonrecurring funds for the 2020-2021 fiscal year from the Coronavirus Relief Fund to the North Carolina Administrative Office of the Courts, which would be used to fund a domestic violence pilot program in Pitt County.

Among other things, the pilot program would give judges the option to use global positioning system (GPS) tracking devices as a condition of pretrial release in criminal cases involving stalking, sexual assault, domestic abuse and violations of domestic violence protective orders.

The bill would allow for the operation of a 24-hour monitoring center that would monitor these criminal defendants and would contact the victim if an offender violated a relevant condition of pretrial release in one of the crimes listed above.

Currently, a judge is authorized to order electronic monitoring or GPS monitoring as a condition of pretrial release if the court determines such monitoring is necessary for public safety. **Introduced by Representative P. Jones and assigned to the House Committee on Judiciary.**

[HOUSE BILL 1226](#), [Recodification of Criminal Laws](#), would create a working group to make recommendations for the recodification of North Carolina criminal laws and to oversee the Criminal Justice Innovation Lab (CJIL) at The University of North Carolina at Chapel Hill School of Government. The working group would consist of nine members and would be required to solicit input from several groups, including the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police.

The CJIL would assist the working group with creating a streamlined and comprehensive criminal code that would, among other things, use consistent terminology, simplify offense numbering, indicate the required mental state of a crime, and apply consistent and logical offense grading. **Introduced by Representative Riddell and assigned to the House Committee on Judiciary.**

[SENATE BILL 836](#), [State Operations/Increase Federal Funds Use](#), would increase the appropriations for specific COVID-19 pandemic recovery efforts from those amounts specified in [House Bill 1043](#), [Pandemic Response Act](#), which was signed into law by Governor Roy Cooper with an effective date of May 4, 2020, as summarized in the May 8, 2020 Weekly Legislative Report.

The bill would require the North Carolina Office of State Budget and Management (OSBM) to allocate \$370 million for operational needs across State government, which may include allocating a portion of these funds to pay for overtime costs in State prisons and juvenile facilities, providing COVID-19 testing for employees of the North Carolina Department of Public Safety, Division of Prisons, and for purchasing emergency hygiene and sanitation supplies to assist with COVID-19.

[House Bill 1043](#) allocates \$70 million for these operational needs. **Introduced by Senators Brown, Harrington and B. Jackson, and assigned to the Committee on Rules and Operations**

of the Senate.

[SENATE BILL 851](#), One-Time Retiree Supplement/Funds, would provide a one-time cost of living supplement of \$500 for retirees of the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Consolidated Judicial Retirement System and the Legislative Retirement System.

The bill would also provide this one-time \$500 cost of living supplement to beneficiaries of the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, the North Carolina National Guard Pension Fund and the Register of Deeds Supplemental Pension Fund. **Introduced by Senators Waddell, Chaudhuri and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 852](#), Fund Prison Software Mgmt. Pilot Program, would appropriate \$1 million in non-recurring funds for the 2020-2021 fiscal year to develop and administer a Prison Software Management Pilot Program (Pilot Program). The Pilot Program would identify a technology vendor to upgrade software and hardware of the current State Prison Management Information Systems and replace the current Offender Population Unified System (OPUS).

The bill would require the selected technology vendor to have the ability to integrate the Pilot Program with local jail management software systems, as well as other software currently used by law enforcement, such as the North Carolina Statewide Warrant Repository (NCAWARE), the Criminal Justice Law Enforcement Automated Data Services (CJLEADS), and E-Citation.

Finally, the bill would require the technology vendor to show proof of current contracts with sheriffs' offices for "local jail and record management software services" and would require the technology vendor to also have a willingness to reimburse sheriff's offices for first year licensure of software services if certain conditions are met. **Introduced by Senators Steinburg and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 855](#), Recodification of Criminal Laws, is identical to House Bill 1226, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Wells, Daniel and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 858](#), Expand Mixed Beverage Sale During Pandemic, would authorize the Chairman of the North Carolina Alcoholic Beverage Control (ABC) Commission to allow mixed beverage permittees, such as bars and restaurants, to sell and deliver mixed alcoholic beverages for consumption off premises.

The bill would allow for these off premises mixed beverage sales provided the mixed beverage is in a sealed container with a secure lid or cap that requires removal for consumption, is ordered with food items and is limited to two mixed beverages per meal or food item ordered.

These provisions would be temporary and would automatically expire when Executive Order No. 116, Governor Cooper's declaration of a state of emergency, expires or is rescinded. **Introduced by Senator Garrett and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 860](#), Support Inmate/Juvenile Release to Community, would require the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice (DACJJ), to develop a plan for the release of community offenders who are either: (1) serving a sentence for a “nonviolent crime” [which is not defined in the bill]; (2) suffering from a medical diagnosis that compromises the offender’s immune system; (3) near release, or (iv) are juveniles.

In addition, the bill would require DACJJ to develop two additional plans, one regarding future response efforts to an emergency related to COVID-19, and the second for implementation of Extending the Limits of Confinement (ELC) policy to increase the number of “nonviolent offenders” being released to community supervision. The bill does not define nonviolent offender.

The bill would also require DACJJ to submit these plans to the Joint Legislative Oversight Committee on Justice and Public Safety no later than September 1, 2020.

The bill would also appropriate \$10 million in nonrecurring funds for the 2020-2021 fiscal year to DACJJ for electronic monitoring services, community corrections staffing, and other costs associated with the release of offenders into the community.

Finally, the bill would appropriate \$1.8 million in nonrecurring funds for the 2020-2021 fiscal year to the North Carolina Department of Public Safety, which would be allocated to eighteen different Reentry Councils listed in the bill. These funds would be used to help previously incarcerated individuals transition into their communities after release. **Introduced by Senators Smith and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

BILL STATUS

[HOUSE BILL 536](#), ABC Omnibus Regulatory Reform, 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 “Temp Outdoor Restaurants for Outdoor Seating.”

The bill, as amended, would temporarily authorize existing establishments that prepare or serve food or drink to operate outdoor dining and beverage service in outdoor areas that are not part of the establishment (such as an adjacent property) so long as eleven criteria are met, as set out in the amended bill.

Similar provisions for temporary outdoor dining and beverage service would also apply to private clubs, private bars, wineries and distilleries, allowing these establishments to operate outdoors as well.

Finally, these provisions for extended outdoor dining and beverage service are temporary and would automatically expire thirty days after any restrictions related to the current declared state of emergency expire, or October 31, 2020, whichever is earlier.

[HOUSE BILL 902](#), Military-Trained Spouse Licensure Practices, which was filed on April 16, 2019, has been amended in the Senate to change the entire content of the bill and to rename the

bill “Temp Open Clubs & Similar Establishes/Outdoors.”

The bill, as amended, would temporarily authorize any private club, private bar, winery or distillery to open and serve alcoholic beverages for on-premises consumption in outdoor seating areas not part of the establishment (such as an adjacent property) so long as ten specific criteria are met, as set out in the amended bill.

These provisions for on-premises alcoholic beverage sales at private clubs, private bars, wineries and distilleries in outdoor seating areas are temporary and would automatically expire thirty days after any restrictions related to the current declared state of emergency expire, or October 31, 2020, whichever is earlier.

[HOUSE BILL 1062](#), Beaufort County/Animal Services Records, which is summarized in the May 8, 2020 Weekly Legislative Report, would exempt from public records any personal identifying information held by the Beaufort County animal services agency related to an individual who voluntarily surrendered ownership of an animal or who adopts a shelter animal. The bill has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 1157](#), Abolish Coroner in Various Counties, which is summarized in the May 22, 2020 Weekly Legislative Report, would abolish the Office of the Coroner in Montgomery County. The bill has been amended to also abolish the Office of the Coroner in Avery, Bladen, Hoke and Yadkin counties. The bill has passed the House and has been sent to the Senate for consideration.

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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