

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 12, 2020

For decades the General Assembly has had an annual goal of adjourning the legislative session by June 30. Part of the motivation is to ensure that a State budget will be adopted prior to the beginning of the new fiscal year on July 1. Sometimes the General Assembly achieves that goal, sometimes they come close, and sometimes they miss it significantly . . . like the year they adjourned in October and the year they adjourned during the first week of December.

This year's General Assembly seems to be working diligently toward achieving that goal. With a little less than three weeks until the end of June, rumors began circulating this week that most of the legislative committees would stop meeting soon. When that happens, any remaining legislation to be considered this year would be handled primarily by the Finance, Appropriations, and Rules committees.

Predicting the date on which the General Assembly will adjourn involves some slight amount of expertise and knowledge, and a whole lot of luck. Anyone who wants to place a bet on when the legislature will adjourn should not bet more than they can afford to lose.

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

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## BILL STATUS

[HOUSE BILL 536](#), Temp Outdoor Restaurants for Outdoor Seating, which is summarized in the May 29, 2020 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 to see if there are sufficient votes to override the veto.

[HOUSE BILL 594](#), HOAs-Leased Properties, which was filed on April 3, 2019, has been amended in the Senate to change the entire content of the bill and to rename the bill "Temp Open Gyms/Health Clubs/Fitness Ctrs." The bill has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

The bill, as amended, would authorize indoor and outdoor exercise or fitness facilities, gyms, health clubs and fitness centers to resume operations so long as fifteen criteria are met, as set out in the amended bill. Currently, Governor Roy Cooper's Executive Orders require these businesses to remain closed because of the COVID-19 pandemic.

These provisions related to indoor and outdoor exercise or fitness facilities, gyms, health clubs and

fitness centers are temporary and would automatically expire thirty days after any restrictions related to the current declared state of emergency expire.

The bill would also 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.

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 1062](#), Beaufort County/Animal Services Records, which is summarized in the May 8, 2020 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 1063](#), Fund VIPER Tower Hardware Upgrades, which is summarized in the May 8, 2020 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 1064](#), GSC Clarifying Bingo License Statute, would make the Alcohol Law Enforcement Division of the North Carolina Department of Public Safety responsible for issuing bingo licenses, annual or semiannual bingo game limited occasion permits, and beach bingo licenses. Currently, the North Carolina State Bureau of Investigation is responsible for issuance of these licenses and permits.

The bill has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 1187](#), Raise the Age Funding, would appropriate \$10 million in nonrecurring funds from the Statewide Misdemeanant Confinement Fund to the North Carolina Department of Public Safety for the 2020-2021 fiscal year for construction and renovation projects at certain youth detention centers specified in the bill. The Statewide Misdemeanant Confinement Fund is a fund that supports the housing of certain prison inmates in sheriffs' jails to alleviate overcrowding in our State prison system.

These funds would be appropriated from reserves contained in the Statewide Misdemeanant Confinement Fund and should not impact the operation of the Statewide Misdemeanant Confinement Program.

The bill has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

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[SENATE BILL 315](#), [North Carolina Farm Act of 2019](#), which is summarized in the June 5, 2020 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. The provisions that were in this bill last year that would make smokable hemp unlawful have been removed from the bill. The North Carolina Sheriffs' Association and others continue to have discussions with legislators about the possibility of amending another bill to include provisions that would clearly make smokable hemp unlawful. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY enactment of legislation to clearly make smokable hemp unlawful.**

[SENATE BILL 379](#), [Retirement Systems Admin. Changes](#), which is summarized in the June 5, 2020 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 562](#), [The Second Chance Act](#), which is summarized in the June 28, 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 allow for the expunction of a misdemeanor or Class H or I felony conviction if the crime was committed by a person after their sixteenth birthday but before the person's eighteenth birthday. This would not apply to motor vehicle law violations (including impaired driving) or to offenses requiring registration as a sex offender under North Carolina's Sex Offender Registry laws.

The bill would also allow prosecutors and law enforcement agencies to access these expunged records through the North Carolina Administrative Office of the Courts (AOC). The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission would also have access to these expunged records through AOC for purposes of determining whether a person is qualified to hold certification through either Commission.

In addition, the bill would also require the automatic expunction of any dismissal or finding of not guilty occurring on or after December 1, 2021 for any misdemeanor or felony charges, excluding a felony charge that is dismissed pursuant to a plea agreement. Therefore, the bill would provide for an unlimited number of expungements based on the charges being dismissed or the defendant being found not guilty.

The bill would allow an arresting agency to maintain investigative records relating to the criminal charge that was automatically expunged "by operation of law" due to a dismissal or finding of not guilty. This new category of automatic expungement by operation of law for dismissals or findings of not guilty would not have an expungement order signed by a judge. Currently, a judge reviews petitions for expungements and, if granted by the court, the law enforcement agencies listed on the expungement order signed by the judge are required to expunge from their records any information related to the criminal charge. The bill does not modify this provision of law for all other types of expungements.

Finally, the bill would allow for the expungement of more than one nonviolent misdemeanor

conviction after a seven-year waiting period if the person has had no further misdemeanor or felony convictions (excluding traffic violations) during that seven-year period. Currently, a person may obtain an expungement for one nonviolent misdemeanor conviction after a five-year waiting period with no further misdemeanor or felony convictions occurring during that five-year waiting period.

[SENATE BILL 805](#), [Coronavirus Relief Funds/Create Offsets](#), has been amended in the Senate and would require the transfer of \$645 million in nonrecurring funds for the 2020-2021 fiscal year from the Coronavirus Relief Reserve to the Coronavirus Relief Fund to offset expenditures from the General Fund. These funds would be used by State agencies to provide for payroll expenses (and other expenses allowed for by federal funding guidelines) for State law enforcement officers, probation and parole officers, correctional officers, public health doctors and nurses, and similar employees whose services are substantially dedicated to responding to the COVID-19 pandemic.

To the extent federal funding is available for these purposes, the bill would not expand any State agency budget. Rather, funds allocated to a State agency from the General Fund would be reduced by the amount of Relief Funds issued to the agency under the provisions of this bill.

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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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