

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 19, 2020

In years past, one good indicator of the impending adjournment of the legislative session was that the parking deck near the legislative buildings would be full, often with cars lined up in the driveway trying to get in when someone else left. That occurred because one of the last big pieces of legislation each year was consideration of the State Budget bill, and because unexpected issues often “pop up” during the last few days of the legislative session (some you may like and some you may not like).

This year, at the end of this legislative session, the parking deck is so deserted that the parking attendant who collects payment when vehicles exit is leaving early each day, presumably because there are so few cars left that it is not financially feasible to pay the parking attendant to stay to collect the meager parking fees from the few of us that are left at the end of the day (or evening).

Only a small percentage of the lobbyists normally at the legislative building have been there the last few weeks. Perhaps their absence is because they have been so successful that they have gotten all of their legislative goals accomplished and they foolishly are confident that no legislator will bring up any issues of concern to their client this late in the legislative session. Of course, it is likely that many folks are not coming around due to the COVID-19 pandemic, and that is certainly understandable, especially for those in the vulnerable category with pre-existing health conditions.

For those lobbyists who are still at the General Assembly every day, we are still able to get some good legislation enacted, we are available at all times to answer questions from legislators, and we are ever-vigilant on the lookout for any well-intentioned but misguided last minute legislation that may adversely impact the folks we represent.

It is hard to win the ballgame if you are not on the field participating when it is being played. The clear consensus is that this year’s “ballgame” at the General Assembly will be over next week most likely, and at the latest the week thereafter.

The House adjourned on Thursday and the Senate adjourned on Friday, both to return on Monday.

BILL STATUS

[HOUSE BILL 425](#), Increase and Expand Assault on/Resist of LEO, which is summarized in the March 22, 2019 Weekly Legislative Report, has been amended in the Senate to change the entire

content of the bill and to rename the bill “Implement Conner’s law.”

The bill, as amended, would appropriate \$1.2 million in nonrecurring funds from the Statewide Misdemeanant Confinement Fund to the North Carolina Department of State Treasurer for the 2020-2021 fiscal year for the payment of death benefits provided under Conner’s law.

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.

Conner’s law increased the punishment for anyone convicted of assault with a firearm on a law enforcement officer, probation officer or parole officer, or for an assault with a deadly weapon against other emergency responders. Conner’s law also provides an extra \$100,000 death benefit for the spouse, dependents, or dependent parents of a first responder that is murdered in the line of duty.

[HOUSE BILL 511](#), North Carolina First Step Act, which is summarized in the October 11, 2019 Weekly Legislative Report, has been amended to clarify that one of the eleven criteria the court must find prior to reducing the fine or mandatory minimum prison sentence in a drug trafficking case is that there is substantial evidence that the defendant has not previously engaged in the transport for the “purpose of sale” of a controlled substance, or had the intent to transport for the purpose of sale of a controlled substance. Previously, the bill would require a judge to find that the defendant had not previously transported a controlled substance or had the intent to transport a controlled substance.

The bill has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. **The North Carolina Sheriffs’ Association was 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 593](#), Superseding Domestic Orders, which was filed on April 3, 2019, has been amended in the House to change the entire content of the bill and to rename the bill “JCPC/Detention/CAA and Other Fees.”

The bill, as amended, would clarify that all juveniles under the age of 18 who are being held in custody for criminal violations of the law or motor vehicle offenses, whether pre-trial or post-conviction, would be transported and housed by the Division of Adult Correction and Juvenile Justice (DACJJ) of the North Carolina Department of Public Safety. The juvenile would be housed in a DACJJ facility or, with the consent of the county sheriff, in a DACJJ approved county jail.

The bill, as amended, would also make technical corrections to the General Statutes to correct an oversight in [HOUSE BILL 108](#), PED/Safekeeper Health Care Cost Recov. Pract., which was enacted into law effective October 1, 2019. The bill would clarify that Statewide Misdemeanant

Confinement Program (SMCP) inmates that are sent to DACJJ for “safekeeping” would be in the custody of DACJJ for an initial 30-day period.

A safekeeper is an inmate confined in a local confinement facility (i.e. county jail) that is transferred to a DACJJ prison facility due to safety concerns or for medical reasons.

DACJJ would be required to have their medical or mental health professionals conduct an assessment of the SMCP safekeeper during this 30-day period and to make recommendations as to whether the inmate should remain in the custody of the DACJJ or be returned to the county.

To have the SMCP safekeeper order extended beyond the initial 30-day period, the sheriff would be required to provide the DACJJ assessment and any other relevant information to a district or superior court judge, who would make a determination as to whether the SMCP safekeeper should remain in DACJJ custody beyond the initial 30-day period.

These provisions are consistent with current law for all other county inmates that are sent to DACJJ under a safekeeper order.

Finally, the bill would increase court costs in criminal cases resulting in a conviction. A portion of these funds would be appropriated to the North Carolina Criminal Justice Education and Training Standards Commission and to the North Carolina Office of Indigent Defense Services to support their continued operational needs.

This provision will increase from \$2.00 to \$3.00, effective December 1, 2020, the amount of each court costs directed to the Criminal Justice Standards Division to support the North Carolina Criminal Justice Education and Training Standards Commission. **The North Carolina Sheriffs' Association SUPPORTS this increase in the court costs for the Criminal Justice Standards Division.**

[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 becomes effective June 10, 2020. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

[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 has been signed into law by Governor Roy Cooper with an effective date of July 1, 2020.

[HOUSE BILL 1157](#), Abolish Coroner in Various Counties, which is summarized in the May 29, 2020 Weekly Legislative Report, has been approved by the General Assembly. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

Effective June 17, 2020, the office of coroner in Montgomery County is abolished. In addition, effective January 1, 2021, the office of coroner in Avery, Bladen, and Hoke counties are abolished.

However, any coroner elected in the 2018 or 2020 general election in these counties will be allowed to finish the remainder of their current term. If a vacancy in the office of coroner should occur following the 2018 or 2020 general election in these counties, a new coroner may be appointed to fulfill the remainder of the term.

[HOUSE BILL 1187](#), Raise the Age Funding, which is summarized in the June 12, 2020 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 July 1, 2020.

[SENATE BILL 374](#), Regulatory Reform Act of 2020, which was filed March 27, 2019, has been amended in the House to clarify that a sheriff or other person in charge of a local confinement facility may authorize inmates to use a mobile telephone or other wireless communications device (such as a tablet) that has been approved for use by inmates by the sheriff or other person in charge of the local confinement facility.

Currently, the Division of Adult Correction and Juvenile Justice of the North Carolina Department of Public Safety is authorized to approve the use of a mobile telephone or other wireless communications device by inmates in our State prisons.

The bill, as amended, would also provide campus law enforcement agencies that are part of a teaching hospital with jurisdiction to enforce the criminal laws on the premises of any other facility owned or leased by the teaching hospital that is within the hospital's health network. The bill would not expand the jurisdiction of the campus law enforcement officers beyond the premises of the teaching hospital's remote facility. Therefore, the jurisdiction of campus police in this remote facility scenario would not include public roads or highways passing through the facility or to any property immediately adjoining the facility.

[SENATE BILL 380](#), Reestablish NC Milk Commission, which was filed on March 27, 2019, has been amended in the House to change the entire content of the bill and to rename the bill "Clarify Felony Possession Sweepstakes Machine."

This bill does not legalize any electronic sweepstakes machines that are currently illegal.

The bill would make it a Class G felony to operate more than four electronic sweepstakes machines at one location, whether each individual machine is lawful to possess or is unlawful to possess.

In addition, the bill would make it a Class G felony to have a video sweepstakes machine located within 100 feet of more than three other video sweepstakes machines, whether each individual machine is lawful to possess or is unlawful to possess.

The bill would also make it a Class G felony to operate any video sweepstakes machine that does not operate autonomously. Autonomous operation would be defined as a machine that: (1) is not connected to the Internet or capable of being connected to the Internet; (2) is not connected to a

network or server (remote or local) and is not capable of being connected to a network or server; (3) is not capable of receiving any maintenance, upgrades, or software changes over any network; and (4) is not capable of accounting functions or retrieval of accounting data remotely over any network.

Finally, the bill would make it unlawful to operate any video sweepstakes machine or device that contains a fish game or a multi-station video game where multiple players play against each other or against software.

[SENATE BILL 562](#), The Second Chance Act, which is summarized in the June 12, 2020 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 599](#), State and Local Disability Benefit Reform, which was filed on April 3, 2019, has been amended in the House to change the entire content of the bill and to rename the bill "Open Skating Rinks/Bowling Alleys." The bill has passed the House with amendment and has been sent back to the Senate for consideration of the House amendment.

The bill, as amended, would authorize skating rinks and bowling alleys to resume operations so long as twelve 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 skating rinks and bowling alleys 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.

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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