

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

February 12, 2021

---

COVID-19 pushed both chambers of the General Assembly to consider increasing access to technology for both the members and the public. Last session, while livestreaming of House sessions was available, there were only a few camera angles broadcast. With the addition of more cameras in the House chamber over the break, livestreaming now rotates between multiple cameras and allows the public to see the chamber and members as they are addressing their colleagues.

The public can livestream House sessions with video and audio via links on the General Assembly's webpage. The Senate does not have cameras in the chamber for livestreaming, but like the House, the public has the option to audio stream Senate proceedings via a link on the General Assembly's webpage.

The public also has the option to livestream various committee meetings. There are 18 Senate standing committees and 42 House standing committees that meet on a schedule. A great deal of work occurs within the committees as members meet to debate and sometimes to amend bills. Numerous committees of the House and the Senate began that work in earnest this week.

Thursday's live feed of the House session showed an almost full chamber of masked Representatives. Those few Representatives who were not present may have been granted an excused absence. The member may also have taken advantage of a rule in effect during the pandemic, and in the House's Temporary Rules, allowing a member to designate in writing either the majority or minority leader to cast a vote on the member's behalf. Unlike the House, the Senate rules currently require members to attend and vote in person. There is no remote voting option for Senators.

The House and Senate adjourned on Thursday and will return on Monday, February 15, 2021.

---

## BILLS OF INTEREST

[HOUSE BILL 62](#), [Gov. Immigration Compliance/Enjoin Ordinances](#), would clarify that any county or city policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws would be null and void.

The bill would also allow "any person" who believes a city, county, or law enforcement agency is not in compliance with State immigration laws to bring a lawsuit in the "appropriate division of the General Court of Justice" to seek an injunction to prohibit the policy, ordinance or procedure

that is noncompliant with State immigration laws. Currently, the General Court of Justice is comprised of the State's district courts, superior courts and our State appellate courts.

The bill would allow the person, if they obtain an injunction, to collect their attorneys' fees. Finally, the bill would protect a governmental body or governmental unit (such as a sheriff's office) from paying attorneys' fees if the governmental body or unit was acting in reliance on either a judgment or court order, or a published opinion issued by an appellate court. **Introduced by Representatives Cleveland, Warren and Clampitt, and assigned to the House Committee on Judiciary 1.**

[HOUSE BILL 65](#), ABC Administrative Penalties /PED Study, would require the North Carolina Alcoholic Beverage Control (ABC) Commission to develop a written policy to describe the actions that may be taken against a permittee for ABC law violations, which would include: (1) the "guidelines" the ABC Commission follows when determining when to take action against a permittee for a first rule violation or repeat violations; (2) when deviation from the guidelines is appropriate; (3) the justification for treating similar violations differently; and (4) the justification for dismissing a case where a violation of the rules has been alleged.

The bill would require the ABC Commission to post the written policy on the ABC Commission's website and would require the ABC Commission to provide 30 days' advance written notice before any revision to the policy becomes effective.

Finally, the bill would require the ABC Commission to post annually on its website various information relating to the number of alleged ABC law violations being reported and on the number of alleged violations being dismissed, including the grounds for dismissal. **Introduced by Representatives Hurley and Lucas, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 68](#), GSC Licensing Boards and Comm'ns/Rule Crimes, would eliminate the criminal penalty for violating any rule promulgated by the North Carolina Private Protective Services Board (PPSB) that has been adopted by the PPSB to implement the laws regulating private protective services. Currently, these rules are adopted and published in the North Carolina Administrative Code.

It is currently a Class 1 misdemeanor to violate any rule promulgated by the PPSB that has been adopted to implement the laws regulating private protective services. The bill would not eliminate the Class 1 misdemeanor penalty for violating certain State statutes that have been enacted into law to regulate private protective services. **Introduced by Representative Davis, and assigned to the House Committee on State Government.**

[SENATE BILL 64](#), Window Tint/Inspection/Approach of LEO, would remove tinted windows from the list of equipment to be inspected during motor vehicle safety inspections. Currently, the law requires safety inspection mechanics to determine if any after-factory tinting has been applied to a vehicle window and, if so, to use a light meter to determine if the window meets current State window tinting restrictions.

The bill would also place an added requirement on drivers of vehicles with tinted windows who are approached by a law enforcement officer to roll down the front window on the side of the vehicle the officer is approaching. The bill does not change any of the window tinting restrictions or exceptions included in current law. **Introduced by Senator Johnson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 69](#), [DMV Licensing Req/Auth. Vendor for Road Tests](#), would reduce the amount of time an individual must possess a learner's permit before being eligible for expanded driving privileges. The bill would provide that for the first three months after issuance of a learner's permit, a permit holder may drive from 5:00 a.m. until 9:00 p.m. After the three-month period, the permit holder would be permitted to drive at any time of day. Currently, a learner's permit holder is subject to the 5:00 a.m. to 9:00 p.m. restriction for six months after issuance of the permit.

Finally, the bill also decreases the amount of time a person with a learner's permit must wait before obtaining a limited provisional license. The bill would decrease the amount of time from 12 months to 6 months for individuals who are at least 16 years old but less than 18 years old. In addition, the bill would remove the requirement that a person seeking a limited provisional license pass a road test. **Introduced by Senators Sawyer, McInnis and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 72](#), [Advanced Cert. Service Purchase Option/LEOs](#), would allow a law enforcement officer who is a member of the Teachers' and State Employees' Retirement System (TSERS) or the Local Governmental Employees' Retirement System (LGERS) who has completed at least five years of membership service and who has been awarded the Advanced Law Enforcement Certificate issued by the North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education and Training Standards Commission to purchase up to four years of creditable service in the applicable retirement system. **Introduced by Senator Steinburg, and assigned to the Committee on Rules and Operations of the Senate.**

---

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.

*Proudly Serving the Sheriffs and Citizens of North Carolina Since 1922*

[www.ncsheriffs.org](http://www.ncsheriffs.org)

---