

North Carolina Sheriffs' Association

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Weekly Legislative Report

March 12, 2021

Yesterday, Thursday March 11th, was the deadline for proposed legislation to be submitted by senators to the Bill Drafting Division of the General Assembly and the deadline for senators to file legislative bills is Tuesday, April 6th. The deadlines for House members to submit their proposed legislation to the Bill Drafting Division and to file the legislative bills in the House are set for March 24th and April 20th, respectively. These deadlines will allow some additional time for advocates to request that House members introduce legislation. Deadlines for submitting requests to the Bill Drafting Division and for introducing legislation keep the General Assembly on schedule for a timely adjournment.

As always, conversations regarding the business of the General Assembly were plentiful this week but sprinkled into those talks were also discussions focused on what so much of North Carolina waits for in the month of March . . . the ACC Tournament. Games started on Tuesday, March 9th and the Conference will crown a champion to an unprecedented season on Saturday, March 13th. While some ticketed spectators are allowed in Greensboro, most fans focused on being able to be near a television to cheer on their favorite team to a victory that will hopefully land them a seed in the NCAA Tournament starting at the end of March.

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

BILLS OF INTEREST

[HOUSE BILL 234](#), Assault LEO/Require Destruction of Firearm, would authorize a judge, upon the filing of a motion by a district attorney for disposal of a firearm that is no longer needed as evidence in a criminal trial, to order the firearm destroyed if the firearm was used in committing an assault against a law enforcement officer or any other offense that resulted in serious bodily injury or death to the victim.

Currently, upon the filing of such a motion by the district attorney, the court must order the firearm destroyed if the firearm does not contain a unique identification number or if the firearm is unsafe.

Finally, the bill is entitled “Assault LEO/Require Destruction of Firearm.” However, if enacted into law as written, the bill would still authorize a judge to return the firearm to a rightful owner (i.e. “innocent” owner) if the person establishes they are the rightful owner of the firearm and that the person was unlawfully deprived of the firearm or had no knowledge or reasonable belief of the defendant's intention to use the firearm unlawfully. **Introduced by Representative Torbett, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 235](#), Evidence/Dist. Ct Speedy Trials, would allow remote testimony in district court by an analyst and any person in the chain of custody regarding the results of a forensic test if the State (1) provides a report to the defendant or the defendant's attorney of record; and (2) notifies the defendant or the defendant's attorney of record at least 15 days prior to the proceeding of the intent to introduce testimony regarding the results of the forensic test using remote testimony. Neither a defendant, nor the defendant's attorney could object to this remote testimony if given proper notice by the State.

Currently, remote testimony is permitted in district and superior court only by analysts regarding forensic tests if the State follows the proper notification procedures and there is no objection by defendant or his or her attorney.

The bill would also include the same authorization for remote testimony by a chemical analyst and each person in the associated chain of custody regarding the results of a chemical analysis of blood or urine in district court cases.

Currently, if the State follows the proper notification procedure to the defendant or defendant's attorney in cases involving the analysis of blood or urine, remote testimony is permitted only by analysts in district and superior court if the State follows the proper notifications procedure and there is no objection by defendant or his or her attorney.

Finally, the bill would still not allow remote testimony for any individuals in the chain of custody for any forensic test when a case is within a superior court's jurisdiction. **Introduced by Representative Arp, Blackwell, C. Smith and Bell, and assigned to the House Committee on Judiciary 4.**

[HOUSE BILL 238](#), Prohibit Possession of Skimming Device, would include in the current Class I felony criminal offense of "financial card transaction theft," the act of knowingly possessing, selling, or delivering a "skimming device."

A skimming device would be defined as a self-contained device that: (1) is designed to read and store in the device's internal memory information encoded on the computer chip, magnetic strip or stripe, or other storage mechanism of a financial transaction card or from another device that directly reads the information from a financial transaction card; and (2) that is incapable of processing the financial transaction card information for the purpose of obtaining, purchasing, or receiving goods, services, money, or anything else of value from a merchant.

In layman's terms, a skimming device is a device that collects credit card numbers and PINs from victims using devices such as ATMs and gas pumps. This unlawfully obtained information is then used to either replicate illegal credit cards or to make unlawful online transactions.

Finally, this prohibition against the possession, selling or delivery of a skimming device would not apply to any officer, agent or employee of the following who are discharging their official duties: (1) a law enforcement agency; (2) a State or federal court; (3) an agency or department of the State, local or federal government; or (4) a financial or retail security investigator employed by a

merchant. **Introduced by Representative Torbett, and assigned to the House Committee on Judiciary 3.**

[HOUSE BILL 240](#), Standards of Student Conduct, would require a public school unit board to consult with teachers, school-based administrators, parents and law enforcement agencies in the development of policies governing student conduct and the procedures to be followed by school officials in disciplining students. A public school unit board would be defined as the governing entity of a public school.

Currently, local boards of education are required to fulfill this function, but local boards of education are not currently required to consult with teachers, school-based administrators, parents and law enforcement agencies when adopting these policies. **Introduced by Representative Torbett, and assigned to the House Committee on Families, Children and Aging Policy.**

[HOUSE BILL 247](#), Standards of Student Conduct, is identical to [House Bill 240](#), which is summarized above in this Weekly Legislative Report. **Introduced by Representative Torbett, and assigned to the House Committee on Education K-12.**

[HOUSE BILL 251](#), Additional Magistrates to Mecklenburg County, would provide Mecklenburg County with two additional magistrates, bringing the total number of magistrates in this county to 28.5. The bill would appropriate to the North Carolina Administrative Office of the Courts \$137,000 in recurring funds for each fiscal year of the 2021-2023 fiscal biennium and \$6,000 in nonrecurring funds for the 2021-2022 fiscal year to hire the two additional magistrates to serve in Mecklenburg County. **Introduced by Representative Logan, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 252](#), Various Raise the Age Changes/JJAC Recs, would make various changes to State law related to juvenile offenders in a continued effort to implement the Juvenile Justice Reinvestment Act (“raise the age” law) that became effective December 1, 2019.

The bill would extend juvenile court jurisdiction and increase the age to which a delinquent juvenile could be committed to a Division of Adult Correction and Juvenile Justice (DACJJ) facility up to the age of 21, depending on the type of offense the juvenile committed and the age of the juvenile when the offense was committed. Currently, the juvenile court’s jurisdiction continues to age 19 for offenses committed by juveniles who are 16 years old at the time of the offense and to age 20 for offenses committed by juveniles who are 17 years old at the time of the offense, unless terminated by the court.

The bill would also make technical corrections to clarify a juvenile that has been convicted in superior court and is awaiting transfer to a DACJJ facility must be housed in either a holdover facility or a detention facility that has been approved by DACJJ. This provision in the bill would clarify that no juvenile may be housed in a local jail unless the sheriff agrees to housing juveniles and the local jail has been approved by DACJJ for the housing of juvenile offenders.

In addition, the bill would make additional technical changes to our State juvenile laws to clarify that a superior court judge that transfers a case involving a juvenile back to juvenile court still

retains jurisdiction over the juvenile for the purpose of entering a secure custody order. Currently, when a juvenile is within the juvenile court jurisdiction, a district court judge has jurisdiction to issue secure custody orders. The bill would not change this provision of law.

Finally, the bill would allow a prosecutor to decline to prosecute Class E through Class G felony offenses in superior court that would otherwise be subject to mandatory transfer to superior court under current law. Currently, the juvenile court is required to transfer juvenile matters to superior court where the juvenile was 16 years of age or older at the time the juvenile committed an offense that would be a Class A through Class G felony offense if committed by an adult and prosecutors have no discretion to transfer these cases out of superior court.

If the prosecutor declines to prosecute the Class E through Class G felony offense in superior court, the bill specifies that the juvenile court would maintain jurisdiction over the juvenile following a finding of probable cause. However, the bill would give the prosecutor the authority to transfer the matter to superior court at any time prior to adjudication. **Introduced by Representatives McNeill, C. Smith, Richardson and Greene, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 254, Const. Amend./Concealed Carry](#), would allow North Carolina citizens to vote to remove language from the North Carolina Constitution that states that there is no constitutional right to carry concealed weapons and that the General Assembly can regulate the carrying of concealed weapons. By removing this language, the General Assembly may not be able to regulate the carrying of concealed weapons.

The bill would provide that any mentally competent United States citizen who has not been indicted or convicted of a violent crime or offense involving controlled substances would be allowed to openly or concealed carry any legal weapon without obtaining a concealed handgun permit in the State of North Carolina for the purpose of self-defense. This would be allowed in all locations except on public or private property that is legally posted against carrying concealed weapons.

Finally, the bill would require a system of concealed carry permits to be maintained for purposes of concealed carry reciprocity with other States and ease of purchasing weapons, but the bill does not specify what this system would be.

Currently, a law-abiding citizen can legally open carry in the State of North Carolina. However, currently a person must obtain a concealed handgun permit to lawfully carry a concealed handgun in the State of North Carolina unless an exception applies (such as for law enforcement officers). **Introduced by Representatives Pittman and Kidwell, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 261, Raise Min. Age/Juvenile Jurisdiction](#), would raise the minimum age at which a juvenile could be subject to the juvenile court's jurisdiction for purposes of undisciplined or delinquency proceedings to 10 years of age. Currently, a juvenile that is 6 years or older is subject to the juvenile court's jurisdiction and may be adjudicated undisciplined or delinquent. The bill would not change the law with respect to the juvenile court's ability to hear cases for abused and

neglected juveniles at any age.

Finally, because the bill raises the minimum age of jurisdiction for all juveniles, the bill would not change the current requirement that a delinquent juvenile 10 years of age or older must be fingerprinted and photographed by a law enforcement agency: (1) at the time a complaint is prepared for filing in juvenile court for a nondivertible offense (these are offenses such as murder, rape, etc.) when the juvenile is in the custody of a law enforcement agency or the Division of Adult Correction and Juvenile Justice (DACJJ); or (2) if fingerprints and photographs were not taken or were destroyed, when the juvenile has been adjudicated delinquent for an offense that would be classified as a felony if committed by an adult.

Finally, the bill would not change the requirement that upon adjudication, fingerprints and photographs of juveniles meeting this criteria must also be transferred to the North Carolina State Bureau of Investigation. **Introduced by Representative Morey, and assigned to the House Committee on Families, Children and Aging Policy.**

[HOUSE BILL 267](#), Concealed Handgun Permit/Photo, would require a person applying for a North Carolina issued concealed handgun permit to submit as part of the application a current and valid photo identification, which would be defined as either a North Carolina issued drivers license or a special identification card issued to nonoperator applicants by the North Carolina Division of Motor Vehicles (DMV). Special identification cards are only available to North Carolina residents through DMV.

In addition, the bill would require the photo to be affixed to the concealed handgun permit. Note: this creates a logistical problem because the North Carolina State Bureau of Investigation (SBI) is the agency that prepares each individual concealed handgun permit, not the sheriff. Further, because the bill would require the applicant to show the sheriff either a North Carolina issued drivers license or a DMV special identification card, it is unclear how the sheriff would provide the SBI with a passport style photograph of the applicant that would be of sufficient quality to permanently affix to a concealed handgun permit.

Currently, photo identification is not required to obtain a concealed handgun permit. Applicants are required to complete an application and pay a fee, undergo a criminal background check, submit to fingerprinting, sign a release so mental health records can be obtained, and to submit a firearms safety course certificate of completion. **Introduced by Representative Pierce, and assigned to the House Committee on Judiciary 3.**

[HOUSE BILL 283](#), Increase Troopers in Mecklenburg County, would appropriate to the North Carolina State Highway Patrol \$821,000 in recurring funds for each year of the 2021-2023 fiscal biennium and \$660,000 in nonrecurring funds for the 2021-2022 fiscal year to fund 12 full-time State Trooper positions serving in Mecklenburg County. **Introduced by Representative Logan.**

[SENATE BILL 183](#), Begin Modernizing Ignition Interlock Laws, would make various changes to the laws governing ignition interlock devices. Either as a condition of restoration of a drivers license or pursuant to a limited driving privilege order, an ignition interlock is required if an individual is convicted of driving while impaired and their blood or breath alcohol concentration

was a 0.15 or greater. The bill would change the current ignition interlock laws in the following ways:

1. The bill would remove the current 45 day waiting period following final conviction before the effective start date of limited driving privileges issued to individuals convicted of an impaired driving offense with an alcohol concentration of 0.15 or higher at the time of the offense.
2. The bill would provide that where an individual has been issued a limited driving privilege requiring the individual's designated motor vehicle to be equipped with an ignition interlock device, the additional driving purpose and operational hour restrictions for those individuals throughout the statute would not apply when the person is operating their designated vehicle equipped with a functioning ignition interlock system.

Currently, individuals convicted of an impaired driving offense with an alcohol concentration of 0.15 or higher at the time of the offense who are issued limited driving privileges may only drive for various essential purposes, such as to and from work, and are prohibited from driving outside a certain timeframe except when related to emergency medical care.

3. The bill would require a person who has their license restored under the statute to, among other things, agree to and indicate on their drivers license that the person cannot drive with an alcohol concentration of 0.02 or higher for convictions where: (1) the person had an alcohol concentration of 0.15 or higher; (2) the person had been convicted of another offense involving impaired driving within 7 years prior to the date of the offense for which the license has been revoked; or (3) the person was sentenced as an Aggravated Level One offender.

Currently, these restoration requirements impose different alcohol concentration restrictions ranging from 0.00 to 0.04 based on which of the three categories a person's conviction fell under. Therefore, if enacted into law, the bill would not consider a 0.01 as violating the law for certain offenders convicted of impaired driving who subsequently drive after consuming alcohol (meaning the offender could, to a certain extent, lawfully drink and drive).

4. The bill would require that a person ordered to have an ignition interlock system installed based on the 3 circumstances above designate all registered vehicles they own and operate, or intend to operate, and have those vehicles equipped with an ignition interlock system.

Currently, these individuals are required to equip all registered vehicles with ignition interlock systems and prove installation in all registered vehicles, regardless of whether they intend to operate the vehicle. Additionally, the bill would allow a restored license to be issued under the statute so long as proof of installation of the ignition interlock system in at least one designated vehicle is shown.

5. The bill would change the additional restrictions imposed on licenses restored after being revoked for certain offenses. The bill would provide that upon license restoration, individuals who had their licenses revoked for convictions of (1) driving while impaired in a commercial motor vehicle; (2) habitual impaired driving; (3) felony death by vehicle; and (4) manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving, may not operate a vehicle with an alcohol concentration of greater than 0.02 at any time after the driving. This restriction would also apply to restored licenses that were revoked for violating a license restriction imposed under the subsection or for the willful refusal to submit to a chemical analysis.

Currently, the alcohol concentration limit for this restriction is 0.00, and driving while less than 21 years old after consuming alcohol or drugs is on the list of applicable convictions.

The bill would also add a separate restriction for licenses restored after revocation for conviction of impaired driving while less than 21 or revocation for out-of-state or federal impaired driving offenses which, if committed in this State, would result in a conviction for driving while less than 21 years old after consuming alcohol or drugs. Individuals with these restored licenses are prohibited from operating a vehicle with an alcohol concentration of greater than 0.00 at any relevant time after the driving.

In addition, the bill specifies that a person seeking license restoration under the subsection must agree to submit to a chemical analysis at the request of a law enforcement officer who has reasonable grounds to believe the person is operating a motor vehicle on a highway or public vehicular area while consuming alcohol or at any time while the person has remaining in the person's body any alcohol or controlled substance previously consumed.

6. Finally, the bill would specify that the cost of installation and monitoring of an ignition interlock system required by a court or the Division of Motor Vehicles (DMV) is the responsibility of the person ordered to install the system, and collected by agreed terms with the vendor. The bill would also allow a person who is required to install an ignition interlock system who cannot afford the cost to apply to an authorized vendor for a waiver which would allow the person ordered to install the ignition interlock to avoid paying the cost of installation and removal of the ignition interlock and receive a 50% discount on the monthly monitoring fee.

Currently, a person may only apply for a financial hardship waiver from the DMV if the vehicle requiring installation of the ignition interlock is relied upon by another member of the person's family for transportation and is not in the possession of the person subject to the installation requirement.

Introduced by Senators Britt, Sawyer and Daniel, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 190](#), [Prohibit Weapons at Voting Place](#), would create the new criminal offense of “Weapons at voting place.” The bill would make it a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any dangerous weapon at any of the following: (1) at a location used as a voting place; (2) within 100 feet from the door of entrance to a location used as a voting place; or (3) while in line to vote at a location used as a voting place when the location is open and being used as a voting place.

A dangerous weapon would include, but not be limited to weapons such as a handgun, rifle, pistol, bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, or any form of powerful explosive device, such as dynamite.

A voting place would be defined as it is under current law to be any building or any area of the building that contains the voting enclosure (or enclosures). The prohibition against possessing a dangerous weapon at a voting place would not apply to a law enforcement officer that is acting in discharge of the officer’s official duties.

Currently, there is no law that prohibits a person from carrying a firearm at a polling place unless firearms are generally prohibited at that location, such as on the premises of a school or in a local government building where the possession of firearms has been prohibited by local ordinance. **Introduced by Senators Mayfield, Fitch and Marcus, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 193](#), [Charlotte Citizens Review Brd Subpoena Power](#), would amend G.S. 160A-168(c) to allow the Charlotte Citizens Review Board (Board) additional authority in its investigations of police officer incidents. Currently, the Board reviews the Charlotte-Mecklenburg Police Department’s disposition of citizen complaints involving certain types of alleged misconduct by police officers and the discharge of a firearm by an officer that results in injury or death.

The bill would allow the Board to subpoena witnesses and compel the production of evidence during the Board’s evidentiary fact-finding proceedings. In addition, if any person fails to obey a subpoena issued by the Board, the amendment would allow the Board to apply for an order from the Superior Court requiring the subpoena to be obeyed.

Currently, a citizen review board does not have the legal authority to issue subpoenas and a superior court judge does not have jurisdiction to order the production of a witness to testify or to produce evidence at a hearing conducted by a citizen review board.

This bill would apply only to the City of Charlotte. 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 would become law when approved by the General Assembly. **Introduced by Senators Marcus, Mohammed and Salvador, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 196](#), [GSC Sale of Property Amendments](#), would update the mailing method of

service required of sheriffs in notice of execution sales for real property. If the judgment debtor is located outside of the county, the sheriff may send notice of sale to the judgment debtor's last known address via certified mail, return receipt requested, or by registered mail.

Currently, the sheriff is authorized to serve the out of county judgment debtor only by registered mail or by serving the judgment debtor's agent if there is a person within the county known to the sheriff to be the judgment debtor's agent who has custody or management of, or who exercises control over, any property in the county belonging to the judgment debtor. **Introduced by Senators Edwards and Galey, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 207](#), Various Raise the Age Changes/JJAC Recs, is identical to [House Bill 252](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Britt, Daniel and Mohammed, and assigned to the Senate Committee on Judiciary.**

[SENATE BILL 213](#), Req Active Time Felony Death MV/Boat, is identical to [House Bill 151](#), which is summarized in the February 26, 2021 Weekly Legislative Report. The bill would require a period of continuous confinement of one-fourth the maximum sentence of imprisonment imposed for a conviction of felony death by motor vehicle or felony death by impaired boating. **Introduced by Senator Ford, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 216](#), Release of LEO Recordings/Greensboro, would allow (but not require) a Greensboro law enforcement agency that possesses law enforcement recordings, such as body-worn camera recordings or dashboard camera recordings, to provide a copy (release) of the recording to a Citizen Review Board or to the city or town council in closed session and upon recommendation of the city or town manager and majority vote of the city or town council.

Currently, the release of law enforcement recordings like body-worn camera recordings or dashboard camera recordings may not be released to a citizen review board, city or town manager, or to a city or town council unless a court order is obtained for the release of the law enforcement recording.

This bill would apply only to the City of Greensboro. 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 would become law when approved by the General Assembly. **Introduced by Senators Robinson and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 230](#), Increase Troopers in Mecklenburg County, is identical to [House Bill 283](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Waddell, and assigned to the Senate Committee on Appropriations/Base Budget.**

[SENATE BILL 233](#), Local Fox Trapping Omnibus, would create an open season for the taking of foxes with weapons and for the taking of foxes and coyotes by trapping during the trapping season set by the Wildlife Resources Commission. There would be no bag limit on coyotes and foxes

taken under these methods in Guilford, Harnett and Randolph Counties.

The bill would also remove Cumberland County from the list of other counties where the above hunting provisions currently apply to the taking of foxes and coyotes.

This bill would only apply to the counties of Cumberland, Guilford, Harnett and Randolph. **Introduced by Senators Craven and Burgin, and assigned to the Senate Committee on State and Local Government.**

[SENATE BILL 238](#), Life and Property Protection Act, would create civil liability for death, injury or damage caused as the result of any governmental entity intentionally prohibiting, preventing, or delaying law enforcement or fire and rescue services from accessing a specifically bounded area within the governmental entity's jurisdiction during a public demonstration unless the first responder services are replaced by like services provided by another governmental entity.

A governmental entity would be defined as a mayor, chief executive officer, governing body, board, commission, committee, or department of a municipality, county, or other political subdivision of the State.

The exposure to civil liability (money damages) created by this bill would not apply to tactical decisions made by law enforcement personnel or fire and rescue services personnel based on the risks to or safety of personnel or the public. **Introduced by Senators Johnson, McInnis and Craven, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 259](#), Additional Magistrates to Mecklenburg County, is identical to [House Bill 251](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senator Waddell.**

BILL STATUS

[HOUSE BILL 48](#), Concealed Carry/Emergency Medical Personnel, which is summarized in the February 5, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to allow emergency medical personnel that receive specialized training (as described in the February 26 Weekly Legislative Report) to carry a concealed handgun while on duty only if they are being deployed to provide tactical medical assistance to a law enforcement Special Weapons and Tactics (SWAT) team in an emergency situation.

[HOUSE BILL 49](#), Concealed Carry Permit Lapse/Revise Law, which is summarized in the February 5, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 62](#), Gov. Immigration Compliance/Enjoin Ordinances, which is summarized in the February 12, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to only allow a North Carolina

Resident who is either a citizen of the United States or has been lawfully admitted into the United States for permanent residence to file an injunction action against a governmental body or governmental unit for failing to enforce immigration laws.

The bill, as amended, would protect a governmental body or governmental unit from having to pay attorneys' fees in the event they lose the injunction case only if the court finds that the governmental body or governmental unit acted in reasonable reliance on a judgment or an order entered in a case to which the governmental unit or governmental body is a party.

[HOUSE BILL 134](#), 2nd Amendment Protection Act, which is summarized in the February 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill would allow anyone with a concealed handgun permit to carry a concealed handgun on the premises of a place of religious worship when the place of worship is also located on the grounds of a nonpublic school only when the premises is NOT being used for school or school activities.

The bill has been amended in the House to clarify that property owned by a local board of education or a county commission would not be considered a place of religious worship. In addition, the bill, as amended, would not authorize the carrying of a concealed handgun on the property of an institution of higher education (such as a public college, university or community college) or a nonpublic postsecondary educational institution (such as a private college or university).

The bill, as amended, would also clearly define school operating hours as any time when the following occur: (1) the premises are being used for curricular or extracurricular activities; (2) the premises are being used for educational, instructional, or school-sponsored activities; or (3) the premises are being used for programs for minors by entities not affiliated with the religious institution.

Finally, the bill, as amended, would allow emergency medical personnel that receive specialized training (as described in the February 26 Weekly Legislative Report) to carry a concealed handgun while on duty only if they are being deployed to provide tactical medical assistance for law enforcement during a Special Weapons and Tactics (SWAT) operation.

[SENATE BILL 101](#), Require Cooperation with ICE 2.0, which is summarized in the February 19, 2021 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration. The bill has been amended in the Senate and would require the person in charge of a local confinement facility that is unable to determine the residence status of a prisoner entering the facility charged with the following types of criminal offenses to make a query with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security to determine if the prisoner is a legal resident of the United States: (1) felony drug offenses; (2) homicide offenses (such as murder and manslaughter); (3) felony sex offenses (such as rape); (4) felony assaults; (5) felony human trafficking offenses; (6) offenses involving felony criminal gang activity; and (7) Class A1 misdemeanors.

Currently, an ICE query must be made for all prisoners entering confinement facilities with an unknown residency status who are charged with felony and impaired driving offenses.

The bill, as amended, further requires that upon a confinement facility receiving notice that an ICE detainer and administrative warrant have been issued for someone that appears to be in the facility's custody, the person must be taken before a State judicial official without unnecessary delay. If the judicial official determines that the prisoner is the same person as the person subject to the detainer and administrative warrant, the judicial official shall order the prisoner held until: (1) 48 hours passes from receipt of the detainer and administrative warrant; (2) ICE takes custody of the prisoner; or (3) the detainer is rescinded by ICE.

Finally, the bill would provide criminal and civil immunity to state and local law enforcement officers and agencies who are complying with the requirements of the bill.

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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