

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

August 20, 2021

Things have returned to a rapid pace at the General Assembly. This week, the bulk of the committee work occurred on Wednesday, but committees also met on Tuesday and Thursday with full calendars. In addition, conferees were appointed by the leadership of both chambers to make progress towards a final budget.

Conferees are the members of both the House and Senate who will meet to negotiate the differences between the Senate and House versions of the budget in an effort to deliver a final budget which captures the priorities for the two-year budget cycle and has a likelihood of passing both chambers. The House has 47 conferees and the Senate has 24. Democrats represent 9 of the conferees for the House and 4 for the Senate.

The House and Senate adjourned on Thursday and will reconvene on Monday, August 23rd.

BILL STATUS

[HOUSE BILL 84](#), Sex Offender Premises Restrictions, which is summarized in the February 19, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 312](#), Qualifications for Sheriff/Expunction, which is summarized in the April 2, 2021 Weekly Legislative Report, has been signed into law by Governor Roy Cooper with an effective date of October 1, 2021.

[HOUSE BILL 398](#), Pistol Purchase Permit Repeal, which is summarized in the April 23, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 436](#), Support Law Enforcement Mental Health, which is summarized in the April 2, 2021 Weekly Legislative Report, would require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (the Commissions) to require in-person psychological screening examinations of criminal justice officers and justice officers. The bill would also require entry-level employment training and two hours of in-service training every three years devoted to mental health and wellness strategies.

The bill, as amended in the Senate, would require the psychological screening examination to be

performed prior to: (1) initial certification; or (2) a criminal justice officer's performance of "any action requiring certification by the Commission[s]." This language is identical to the language in the latest version of [Senate Bill 300](#) and would allow individuals to be employed by agencies prior to being psychologically screened provided they are not performing the duties of criminal justice officers. The bill, as amended, would also allow virtual face-to-face psychological screening examinations to be performed if in-person screening is not practicable.

[HOUSE BILL 481](#), Firearm Disposal/UNC Campus Police, which is summarized in the August 13, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 608](#), Dignity for Women Who are Incarcerated, which is summarized in the April 23, 2021 Weekly Legislative Report, has been amended in the Senate as follows:

1. The bill, as amended, would divide the proposed text in the previous version of the bill, which would have been housed entirely within Chapter 15A of our General Statutes, and would create two almost identical sets of provisions: one under Chapter 148 applying to State correctional facilities and one under Chapter 153A applying to "local confinement facilities." A local confinement facility would include a county or city jail, a local lockup, a regional or district jail, a juvenile detention facility, a detention facility for adults operated by a local government, and any other facility operated by a local government for confinement of persons awaiting trial or serving sentences, except for a county satellite jail/work release unit. The requirements in each chapter would be identical except for the differences noted below in paragraph 4.
2. The bill, as amended, would no longer limit the postpartum recovery period for incarcerated women to six weeks, if a health care professional determines a longer period of time is necessary for the female's health and safety.
3. The bill, as amended, would prohibit any method of restraint of pregnant inmates during the second and third trimesters of pregnancy, labor, and delivery in both State correctional facilities and local confinement facilities. A female inmate in the postpartum recovery period could only be restrained in an "important circumstance." In such an "important circumstance," the bill would permit the use of wrist handcuffs held in front of the female inmate's body when ambulatory or in transfer outside the facility, unless she is in labor.

The bill, as amended, would define "important circumstance" as one in which an officer is required to make an individualized determination that there are reasonable grounds to believe that the female incarcerated person presents a threat of harming herself, the fetus, or any other person, or that she presents an escape risk that cannot be reasonably contained by other means, including the use of additional personnel.

4. The only provisions governing State correctional facilities that would not also be included as provisions governing local confinement facilities are those regarding: (1) placement of female inmates in facilities near their children under one year old; (2) visitation; and (3)

training for facility employees and the development of educational programming for pregnant inmates.

[SENATE BILL 207](#), [Various Raise the Age Changes/JJAC Recs](#), would give a prosecutor the discretion to decline to prosecute in Superior Court Class D through Class G felony offenses committed by a juvenile 16 years of age or older at the time the offense was committed. Currently, the court is required to transfer these cases to Superior Court if the court finds that a bill of indictment has been returned against the juvenile charging the commission of a Class A, B1, B2, C, D, E, F, or G felony or the court finds probable cause that the juvenile committed one of these offenses.

If the prosecutor declines to prosecute the matter in superior court, jurisdiction over the juvenile would remain in juvenile court and the bill would allow the prosecutor to choose to transfer the case to superior court at any time prior to adjudication if the court finds that a bill of indictment has been returned against the juvenile charging the commission of a Class A through Class G felony offense or if the court finds probable cause that the juvenile committed one of these felony offenses.

The bill, as amended, would also modify existing law so that a juvenile under 10 years of age could not be considered delinquent or undisciplined. Currently, a child that is at least 6 years of age can be considered a delinquent or undisciplined juvenile.

However, the bill would allow a juvenile less than 10 years of age but at least 8 years of age to still fall within juvenile court jurisdiction if the juvenile in this age range commits either a Class A, B1, B2, C, D, E, F, or G felony offense.

If enacted into law, a law enforcement officer could not take a juvenile under 10 years of age into temporary custody on the basis of the juvenile being delinquent or undisciplined, unless the juvenile committed a Class A through Class G felony.

[SENATE BILL 300](#), [Criminal Justice Reform](#), which is summarized in the May 14, 2021 Weekly Legislative Report, has passed the House with amendments and has been sent back to the Senate for consideration of the House amendments. The bill, as amended, would require a law enforcement agency that receives a written request for the immediate disclosure of a recording depicting death or serious bodily injury to file a petition in the superior court within 3 business days of receiving the request. The court would then be required to conduct an *in-camera* review of the recording within 7 business days to decide in what form and when, if at all, the recording should be disclosed.

The court would be required to consider a number of factors in determining whether the recording should be disclosed, including whether disclosure would jeopardize an ongoing investigation or a person's safety or reputation. Finally, if the disclosure is denied, the court would be required to schedule a subsequent hearing no more than 20 business days after denial and would be required to reconsider again whether the recording should be disclosed.

[SENATE BILL 301](#), [Expand Expunction Eligibility](#), which is summarized in the March 19, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 733](#), [2021 Appointments Bill](#), would make numerous appointments to State commissions and boards. Among those of interest to the criminal justice community are:

The President Pro Tempore of the Senate would appoint the following individuals:

1. Edward L. Kerlin of Wake County would be appointed to the 911 Board for a term expiring on December 31, 2022.
2. Ronald L. Parrish of Alamance County, Richard A. Epley of Burke County, Teresa M. Jardon of Caldwell County and Michael D. Slagle of Mitchell County would be appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2023.
3. Cathy Cloninger of Gaston County, Carianne E. Fisher of Durham County, Elizabeth Hunt of Wake County, Kathleen Lockwood of Forsyth County and TeAndra Miller of Wake County would be appointed to the North Carolina Domestic Violence Commission for terms beginning September 1, 2021 and expiring on August 31, 2023.
4. Crystal Combs Cody of Cabarrus County, Daniel N. Kiger of Surry County and Robert W. Lee of Anson County would be appointed to the North Carolina Criminal Justice Information Network Governing Board for terms expiring on June 30, 2025.
5. Marc Nichols of Wake County would be appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2023.
6. Nada Lawrimore of Wilkes County would be appointed to the Private Protective Services Board for a term expiring on July 1, 2022.

The Speaker of the House of Representatives would appoint the following individuals:

1. Jeffrey M. Oliver of Cleveland County, Angela L. Williams of Guilford County, Stanley H. Hicks of Randolph County and David L. Rose of Stokes County would be appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2023.
2. The Honorable Tare Davis of Warren County would be appointed to the North Carolina Criminal Justice Information Network Governing Board for a term expiring on June 30, 2025.
3. Regina E. Gurley of Wayne County, the Honorable Nathaniel M. Knust of Cabarrus County and Saira Estrada of Durham County would be appointed to the North Carolina Domestic Violence Commission for terms beginning September 1, 2021 and

expiring on August 31, 2023.

4. Andy W. Renfrow of Wake County would be appointed to the Private Protective Services Board for a term expiring on July 1, 2024.
5. The Honorable Sheriff Alan Norman of Cleveland County would be appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term beginning September 1, 2021 and expiring on August 30, 2024.

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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