

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

August 27, 2021

Several bills which have been at the forefront of conversation this session at the General Assembly in Raleigh passed their last legislative hurdle this week and are on their way to Governor Roy Cooper for his consideration. Senate Bill 300, Criminal Justice Reform, which contains a comprehensive package of criminal justice reform items is one of those bills. In addition, House Bill 436, Support Law Enforcement Mental Health, passed both chambers as a separate bill, and the language of the bill is also included in Senate Bill 300.

If signed by the Governor, Senate Bill 300 will make major changes to the criminal justice system in North Carolina. Among other things, the bill would:

- Require the creation of a publicly accessible database containing revocations and suspensions of law enforcement officer certifications;
- Require the creation of a critical incident database accessible by law enforcement agencies;
- Mandate fingerprinting of current and future law enforcement officers and comparison of those fingerprints to a FBI database of nationwide arrests;
- Allow law enforcement officers to request a hearing regarding *Giglio* letters, and require reporting of those letters to the officer's certifying Divisions (the Sheriffs' Standards Division or the Criminal Justice Standards Division);
- Increase the awareness of and training regarding mental health and wellness strategies for law enforcement officers;
- Require the use of early warning systems in law enforcement agencies in order to intervene and improve performance of law enforcement officers;
- Create a duty to intervene and report excessive uses of force by law enforcement officers; and
- Make changes to requirements for releasing law enforcement agency recordings in cases involving death or serious bodily injury of an individual.

The Governor has 10 days to either sign Senate Bill 300 into law or veto the bill. The 10-day time period begins from when the bill is presented to the Governor and includes the weekend. The Governor may also allow the bill to become law without his signature by simply not signing the bill during the 10-day window after it is presented to him.

The House and Senate adjourned on Thursday and will reconvene on Monday, August 30th.

BILL STATUS

[HOUSE BILL 84](#), Sex Offender Premises Restrictions, which is summarized in the August 13, 2021 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 December 1, 2021. It applies to substantially similar out-of-state sex offenses committed on or after that date, and to all persons registered as a sex offender or required to register as a sex offender on or after that date. Note: the residency restrictions that were modified in the bill to clarify where a registered sex offender can reside do not apply to a registered sex offender who has established residency prior to the December 1, 2021 effective date.

[HOUSE BILL 143](#), Swain County Sheriff Vacancies, which is summarized in the February 26, 2021 Weekly Legislative Report, would amend G.S. § 162-5.1 to add Swain County to those counties listed in G.S. § 162-5.1. G.S. § 162-5.1 requires that upon a vacancy in the Office of Sheriff, such as due to death or retirement, the board of county commissioners must first consult with the county executive committee of the political party of the outgoing sheriff and must elect the person selected by the executive committee to fill the vacancy.

Currently, a vacancy in the Office of Sheriff in Swain county would be filled by the board of county commissioners without the input of the county executive committee of the political party of the outgoing sheriff. This bill applies ONLY to Swain County.

The bill has been amended in the Senate to prohibit the board of county commissioners of Swain County from appointing an individual to the Office of Sheriff without first being presented with a valid disclosure statement issued by the North Carolina Sheriffs' Education and Training Standards Commission within 90 days prior to the appointment stating that the prospective appointee has no felony convictions or felony expungements. This amendment would bring the bill in compliance with the newly-enacted law requiring prospective sheriffs to provide this disclosure statement prior to filing for candidacy or being appointed as sheriff.

[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 has been signed into law by Governor Roy Cooper with an effective date of August 23, 2021.

[HOUSE BILL 536](#), Law Enforcement Duty to Intervene, which is summarized in the August 13, 2021 Weekly Legislative Report, has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 608](#), Dignity for Women Who are Incarcerated, which is summarized in the August 20, 2021 Weekly Legislative Report, has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 692](#), Restrict Certain Vehicle Modifications, which is summarized in the July 2, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 805](#), [Prevent Rioting and Civil Disorder](#), which is summarized in the August 13, 2021 Weekly Legislative Report, has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

[SENATE BILL 207](#), [Various Raise the Age Changes/JJAC Recs](#), which is summarized in the August 20, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 300](#), [Criminal Justice Reform](#), which is summarized in the August 20, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 379](#), [Issuance of Unregisterable Cert. of Title](#), which is summarized in the April 2, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

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
