

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

November 5, 2021

After several days of floor debates and amendments offered in both chambers, the legislative redistricting battle that happens after every census came to end for this decade when both chambers passed redistricting bills on Thursday. At least redistricting has come to an end for now. Given some of the challenges raised by opponents of the bills on the floor of each chamber, it seems almost inevitable that litigation will follow.

Throughout each of the legislative sessions this week, the desks of legislators were dotted with colorful pages that looked as if they came out of a North Carolina history book. Colorful redistricting maps of all 100 counties in the State were printed for many legislators to have in hand and study while debates took place over the drawing of proposed legislative House, Senate and United States Congressional districts lines. Other legislators viewed the proposed maps on their computers and zoomed in and out to see if their old districts would remain intact or if their campaigns would have to stretch into new districts drawn by the proposed maps.

In another bit of news, Speaker Tim Moore announced that budget negotiations are ongoing between the Governor and legislative leadership and members of each chamber. Speaker Moore is hopeful a vote on a budget will take place the week before Thanksgiving. It is likely safe to say that members would like to have the business of the State wrapped up before they head back to their home districts to begin the holiday season.

The House and Senate adjourned on Thursday and will reconvene on Monday, November 8<sup>th</sup>.

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## BILL STATUS

[HOUSE BILL 404](#), Ltd. Immunity for PSAP/TC for S.L. 2021-171, which is summarized in the March 26, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

The bill has been amended to provide that the immunity from damages in a civil lawsuit granted to public safety answering points (PSAPs), regional PSAPs, their employees, directors, officers, vendors, and agents, and employees of a law enforcement agency that are certified by the North Carolina Sheriffs' Education and Training Standards Commission (such as telecommunicators) will be lost if any of these entities engage in wanton or willful misconduct or gross negligence. In previous versions of the bill, the immunity granted to these entities was not lost unless they engaged in wanton or willful misconduct.

The bill, as amended, also specifies that this immunity will be waived to the extent a liability insurance policy provides coverage. This merely restates the current law in North Carolina that waives immunity to the extent liability insurance is purchased by State or local governmental entities that would otherwise be immune from civil damages.

[SENATE BILL 183, Ignition Interlock/Various Changes](#), which is summarized in the October 1, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

The bill has been amended to delay the proposed effective date of the repeal of certain driver's license privilege restrictions until December 1, 2021. The bill, as amended, also makes several technical and conforming changes related to Session Law 2021-138, also known as the Criminal Justice Reform Act. Of interest to the criminal justice community, the bill would:

1. Substitute the correct term "office" in various statutes where the Office of Sheriff is incorrectly described as a "department." The Office of Sheriff is not and has never been a department of local government.
2. Allow a court making the determination of whether to enroll an offender in satellite-based monitoring (SBM) to consider other relevant evidence in addition to the risk assessment that must be conducted by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice (DACJJ).
3. Allow DACJJ to use a prior risk assessment performed on an offender for use in determining whether that offender should be enrolled in SBM, provided the prior risk assessment was performed within six (6) months of the date of the hearing to determine SBM enrollment.
4. Allow the courts to consider petitions to terminate SBM filed by offenders who were enrolled in the program because they were required to register under Part 2 of Article 27A of Chapter 14 of the General Statutes and because they committed an offense involving the physical, mental, or sexual abuse of a minor.
5. Prohibit a court from considering a petition to terminate SBM filed by an offender enrolled in the program prior to December 1, 2021 until the offender has been enrolled in SBM for 10 years.
6. Allow a first appearance for a felony or misdemeanor to be conducted within 96 hours after a defendant has been taken into custody if the courthouse has been closed for transactions for a period longer than 72 hours and no regular session of district court has yet been held in the county.
7. No longer allow a magistrate to conduct a first appearance.

[SENATE BILL 311](#), No Waiting Period Under LGERS/VFDF Grants, which is summarized in the October 22, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

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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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