

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

December 3, 2021

Unfortunately, each year law enforcement officers are killed or injured in the line of duty or pass away while fulfilling their duty of public service. This year has been no different. The General Assembly chose to honor some of those law enforcement professionals whom we all count as friends and protectors by naming bridges or roadways after them.

Sheriff James E. Clemmons, Jr. of Richmond County who passed away earlier this year will have a bridge named in his honor. Sheriff Clemmons served as President of the North Carolina Sheriffs' Association from 2018 to 2019, as a member of the Association's Executive Committee from 2015 to 2021 and served as Sheriff of Richmond County from 2011 to 2021. He will be honored with the naming of a bridge along U.S. 1 which passes over Highway 74 in Richmond County, which will be called the "Sheriff James E. Clemmons, Jr. Bridge." A dedication ceremony for the "Sheriff James E. Clemmons, Jr. Bridge" will be held in the early spring.

Senator Tom McInnis who represents Richmond County stated, "Sheriff Clemmons was a very special friend of mine, as well as a great community leader — just a wonderful person — and we don't need to let his memory fade away. This is a way that we can permanently endow his memory, of things he did for our community . . ." Representative Ben Moss stated, "Sheriff Clemmons deserved this honor and much more. He was a true leader in our community. An example of what we should strive to be as elected officials."

Two additional law enforcement officers who gave their lives in service were honored with the naming of bridges as well:

- Officer Jason Shuping will be honored with the naming of a bridge in the City of Concord in Cabarrus County which connects Bruton Smith Boulevard and crosses Concord Mills Boulevard in addition to crossing Interstate 85. This bridge will be known as the "Officer Jason Shuping Bridge."
- Trooper Nolan Sanders will be honored with the naming of a bridge in Wayne County on O'Berry Road which crosses U.S. Highway 117. This bridge will be known as the "Trooper Nolan Sanders Bridge."

The House and Senate met on Monday into the early evening hours and ultimately temporarily adjourned a very long session which began in January. Both chambers announced an intention not to return to Raleigh to conduct any voting sessions until January unless there was a need to address a pressing issue such as redistricting or a potential veto override.

We anticipate that this will be our last Weekly Legislative Report until the General Assembly reconvenes in January. However, if there are new developments of interest to sheriffs

and the criminal justice community, we will certainly report on them. A Final Legislative Report will be prepared and published by the Association well in advance of the Christmas holiday.

BILL STATUS

[HOUSE BILL 334](#), Budget Technical Corrections, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. The bill would make various technical corrections to this year's State budget bill that was signed into law by Governor Roy Cooper on November 18, 2021.

Of particular interest to the criminal justice community, the bill would appropriate to the North Carolina Department of Public Safety \$18 million in nonrecurring funds for the 2021-2022 fiscal year to provide funding for equipment for North Carolina State Highway Patrol Troopers to respond to excessive civil disturbances and related events, including the purchase of automatic external defibrillators.

[HOUSE BILL 406](#), Spec. Sep. Allowance/Certain 25-Yr LEOs, has been approved by the General Assembly and becomes effective January 1, 2022. 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 became law when it was approved by the General Assembly.

The bill requires every sworn law enforcement officer employed by either Cleveland, Rutherford, or Moore counties who meets the criteria below and retires on a basic service retirement to receive a special separation allowance (SSA) based on years of service ranging from 25 to 30 years or more. To qualify the officer must: (1) have completed 25 years or more of creditable service; (2) have not attained 62 years of age; (3) have completed at least 10 years of continuous service as a law enforcement officer for one of the above counties immediately before service retirement; and (4) is not a recipient of the SSA for retired law enforcement officers under the Teachers' and State Employees' Retirement System (TSERS) or the Local Governmental Employees' Retirement System (LGERS)

Currently, to qualify for a special separation allowance under LGERS, a retiring local law enforcement officer must, among other requirements, have completed 30 or more years of creditable service or be 55 years of age or older with 5 years of creditable service.

When this bill takes effect, retiring law enforcement officers employed by Cleveland, Rutherford, or Moore counties who have at least 25 years of creditable service but who have not yet attained 55 years of age will receive a reduced special separation allowance.

This bill applies only to Cleveland, Rutherford and Moore counties.

[SENATE BILL 105](#), 2021 Appropriations Act, which is summarized in the November 24, 2021 Weekly Legislative Report, has been signed into law by Governor Roy Cooper with varying effective dates, as noted in last week's Weekly Legislative Report. After further analysis of this year's budget bill that was enacted into law, we have identified the following additional

appropriations and other items that enhance public safety and that are of particular interest to the criminal justice community:

1. The bill appropriates \$350,000 in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to the Caldwell County Sheriff's Office for a Bearcat tactical response unit.
2. The bill appropriates \$450,000 in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Cleveland County for a new mobile command unit for the Cleveland County Sheriff's Office.
3. The bill appropriates \$10 million in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Columbus County for a new sheriff's office.
4. The bill appropriates \$21 million in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Duplin County for the expansion of the Duplin County Sheriff's Office detention facility.
5. The bill appropriates \$250,000 in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Iredell County for the purchase of a new boat for the Iredell County Sheriff's Office.
6. The bill appropriates \$200,000 in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to the Lincoln County Sheriff's Office for equipment.
7. The bill appropriates \$1 million in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to the Sampson County Sheriff's Office for a storage facility.
8. The bill appropriates \$500,000 in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Wayne County for a new mobile command unit for the Wayne County Sheriff's Office.
9. The bill appropriates \$5 million in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Yancey County for the purchase of land and construction of a new Yancey County Sheriff's Office and dispatch center.
10. The bill appropriates \$459,000 in nonrecurring funds for the 2021-2022 fiscal year to the North Carolina Department of Public Safety to provide funding to the Division of Alcohol Law Enforcement for equipment needed to respond to excessive civil disturbances and related events and to purchase computers and other needed equipment.
11. The bill appropriates \$450,000 in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Cleveland Community College for a new law enforcement training center.
12. The bill appropriates \$5 million in nonrecurring funds for the 2021-2022 fiscal year to provide a grant to Mitchell County for a new law enforcement center.

13. The bill appropriates \$300,000 in recurring funds for each year of the 2021-2023 fiscal biennium to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, for transfer to ALE to conduct tobacco compliance checks throughout the State to enforce the State's youth tobacco access law.
14. The bill requires, effective January 1, 2022, the North Carolina Department of Public Safety (DPS) to relocate the ALE headquarters and regional offices with funds appropriated to DPS in this year's budget.
15. Finally, the bill enacts new G.S. 136-27.3A to allow the North Carolina Department of Transportation or a public utility company to relocate automatic license plate reader system equipment that is on a right-of-way owned or maintained by DOT in the event DOT or a public utility needs immediate access to the right-of-way or utility facilities. The bill requires "prompt notice" to be provided to the law enforcement agency that owns or controls the automatic license plate reader system equipment but does not specify that notice must occur prior to relocating the automatic license plate reader system equipment.

Newly enacted G.S. 136-27.3A also provides that DOT and public utilities are protected from liability for damage to any relocated license plate reader system equipment so long as there is no gross negligence or willful misconduct in the relocating of this equipment.

The bill also enacts new G.S. 20-183.32A to require, no later than March 1 of each year, any law enforcement agency that has placed an automatic license plate reader system on a right-of-way owned or maintained by DOT to submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety that contains: (1) the written policy governing the use of the automatic license plate reader system; (2) the number of requests for captured data by each requesting agency; and (3) the amount of data preserved for more than 90 days compared to the amount of data captured on an annual basis.

Effective: July 1, 2021

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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