

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 20, 2022

This week has been exciting and much anticipated. It all began Tuesday with the primary election for races including those for United States House of Representatives and United States Senate, North Carolina House of Representatives and North Carolina Senate and local races, including for the Office of Sheriff.

Then, lawmakers began trickling back into Raleigh Tuesday night and Wednesday morning in preparation for the start of the short session which officially began with the bang of the gavel in both the House and Senate chambers mid-day Wednesday. After the longest long session in the history of the North Carolina General Assembly last year, speculation abounds about just how short this short session will be.

One of the goals of the short session will be making any needed adjustments to the State Budget. Last year's General Assembly adopted a two-year budget and this year's General Assembly can make various adjustments and changes to the budget as they determine to be appropriate. The second goal of the short session is to keep the session truly short. Some believe the session will wrap up in early July. However, some seasoned lobbyists, staffers, and other session-followers who have seen many short sessions come and go are skeptical about whether the session will actually be short. Only time will tell who is correct.

The North Carolina Sheriffs' Association prepares a Weekly Legislative Report each Friday that the North Carolina General Assembly is in session. The Reports detail legislation that is of special interest to sheriffs, sheriffs' office personnel and other law enforcement officers and criminal justice professionals in our State.

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's website: www.ncleg.net.

The House and Senate adjourned on Friday and will reconvene on Monday, May 23, 2022.

BILLS OF INTEREST

[HOUSE BILL 986](#), Restrict Unrestrained Transportation of Dogs, would make it an infraction to transport a dog in an open bed or open cargo area of a vehicle unless the dog is (1) under the physical control of a person other than the vehicle operator; (2) humanely secured in a cage or other container; or (3) humanely restrained by a harness manufactured for the purpose of restraining animals. Violation of this provision would be punishable by a fine not to exceed

\$25.00.

Currently, there is no prohibition on transporting an unrestrained dog in an open bed or open cargo area of a vehicle. **Introduced by Representative Martin, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 987](#), [Sheriff Excep. for Det. Facility Food Purch.](#), would allow the Bladen and Columbus County Sheriffs' Offices to contract for the purchase of food service supplies for detention facilities without being subject to the requirements of certain state purchase and contract laws. These sheriffs' offices would not be required to solicit bids prior to contracting for the purchase of food service supplies in any amount. Currently, sheriffs must solicit bids on contracts for food service supplies that exceed \$30,000 prior to contracting.

Note: This exception currently applies to sheriffs' offices in 35 other counties, which are already listed in the law.

This bill would apply only to Bladen and Columbus counties. Since the bill applies to fewer than 15 counties, it is considered a local bill. Local bills do not require the signature of the Governor and become law if approved by the General Assembly. **Introduced by Representatives B. Jones and Brisson, and assigned to the House Committee on Local Government.**

[HOUSE BILL 991](#), [ALJ Authority to Void Rules](#), would give an Administrative Law Judge (ALJ) the authority to declare an administrative rule adopted under Chapter 150B of the General Statutes void in all cases. Currently, an ALJ has the authority to determine that a rule is void only as applied in a particular case.

If enacted into law, the bill would undermine the rule review process mandated by State law by allowing an administrative law judge to determine an administrative rule is void without having to go through the rules review process (including public comment) and the adoption or modification (readoption) of the rule by the North Carolina Rules Review Commission.

In addition, if enacted into law, this change could impact the administrative rules of the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission. **Introduced by Representative Stevens, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 1003](#), [Support UNC Greensboro GCSTOP Wrap Project](#), would appropriate \$1 million in nonrecurring funds for the 2022-2023 fiscal year to the Board of Governors of The University of North Carolina System to be allocated to The University of North Carolina at Greensboro (UNC-G) for the Guilford County Solution To the Opioid Problem (GCSTOP) Wrap project.

Among other things, the funds appropriated to UNC-G for the GCSTOP Wrap project would be used to "explore the creation of evidence-based diversion programs" in cooperation with the Guilford County Sheriff's Office, the Greensboro Police Department, and the High Point Police Department.

The bill would require UNC-G, in consultation with the GCSTOP program, to report the use of funds appropriated to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Education Oversight Committee no later than May 1, 2023. **Introduced by Representatives Clemmons, Hardister, Faircloth and Harrison.**

[HOUSE BILL 1005](#), Organized Retail Theft, would make it a Class F felony for a person to conspire with another person to commit theft of retail property from one or more retail establishments, with a value exceeding \$50,000 aggregated over a 90-day period, with the intent to sell that retail property for monetary or other gain, and who takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration.

It would be a Class F felony to conspire with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to cause the transfer or sale of property stolen from a merchant in violation of the above-stated \$50,000 aggregate amount.

The bill would also make it a Class C felony to conspire with another person to commit theft of retail property from one or more retail establishments, with a value exceeding \$100,000 aggregated over a 90-day period, with the intent to sell that retail property for monetary or other gain, and who takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration.

It would also be a Class C felony to conspire with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to cause the transfer or sale of property stolen from a merchant in violation of the above-stated \$100,000 aggregate amount.

Currently, the maximum classification of criminal offense for the commission of organized retail theft is as a Class G felony where the value of the retail property exceeds \$20,000.

Additionally, the bill would make it a Class G felony for an individual to conspire with another person to commit theft of retail property with a value exceeding \$1,000 if the individual also either: (1) damages real or personal property in excess of \$1,000; or (2) during commission of the theft, commits an assault and battery against an employee or independent contractor of the retail establishment or a law enforcement officer. Currently, whether an individual defaces or damages property or commits an assault and battery is not considered in classifying the offense of organized retail theft.

Finally, the bill would also make any vehicles, watercraft, or aircraft used in the commission of organized retail theft subject to forfeiture. **Introduced by Representatives Boles, Davis, McNeill and C. Smith.**

[HOUSE BILL 1006](#), Amend Prison Pilot Deadlines, would extend the deadline for the North Carolina Department of Public Safety (DPS), Division of Adult Correction and Juvenile Justice, to begin operating the Prison Software Management Pilot Program from October 15, 2020 to October 15, 2022.

The purpose of the Prison Pilot Program is to provide equipment and software upgrades to the State Prison Management Information Systems and to deploy a mobile inmate tracking system. This will enable the creation of a new shared database platform to replace the current OPUS System.

The bill would also extend the reporting deadline for DPS to give a final report to the Joint Legislative Oversight Committee on Justice and Public Safety from April 1, 2021 to no later than April 15, 2023. **Introduced by Representatives Boles, Davis, McNeill and C. Smith.**

[HOUSE BILL 1007](#), [Authorize Concurrent Juvenile Jurisdiction](#), would expand the State's authority to "adjudicate" juvenile cases when a juvenile violates federal law within the boundaries of any military installation (such as a military base) in North Carolina so long as (1) the United States Attorney or United States District Court waives jurisdiction; and (2) the violation of federal law is also a crime or infraction under North Carolina State law. Note: "adjudicate" is a legal term used in juvenile court since juveniles are not typically prosecuted as adults in North Carolina.

Currently, the State cannot adjudicate a juvenile as delinquent or vulnerable for offenses they commit on certain military installations. This bill would give the State the ability to investigate and adjudicate an offense committed on any military installation in North Carolina if the above criteria are met. **Introduced by Representatives Boles, Davis, McNeill and C. Smith.**

[HOUSE BILL 1008](#), [Clarify Sex Offender Registration](#), would clarify that the North Carolina Department of Public Safety (DPS) is authorized to deliver a sex offender verification form to the North Carolina Division of Adult Correction (DAC) for those registered sex offenders on the North Carolina Sex Offender and Public Protection Registry serving sentences of more than 24 months in the custody of DAC.

Currently, DPS must semiannually send all sex offender verification forms by nonforwardable mail to the last reported address of the registrant. A sex offender verification form is used to verify information about the sex offender, such as the current address where the sex offender resides, whether the sex offender has any online identifiers, and whether the sex offender still uses the same name.

Additionally, if enacted into law, the bill would allow individuals who are required to register on North Carolina's Sex Offender and Public Protection Registry for 30 years but who are currently living outside the State to petition to terminate their requirement to register 10 years after being registered. Currently, North Carolina registrants living outside the State are not explicitly given the ability to petition to be removed from the registry. **Introduced by Representatives Boles, Davis, McNeill and C. Smith.**

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
