

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 27, 2022

If this week is any indication of how quickly the short session will move this year, we can all plan on this being a truly short session. Over 100 new bills have been filed in the House this week and the Senate is just shy of that number in the same amount of time. Members are not letting grass grow under their feet and are filing and moving bills quickly.

Both chambers' policy committees were active this week holding hearings on bills and in some cases on nominees for appointment to State offices. The House and Senate will likely hold votes next week which could result in the first legislation of the session being sent to Governor Roy Cooper for his consideration.

The House and Senate adjourned on Friday and will reconvene on Tuesday, May 31, 2022.

BILLS OF INTEREST

[HOUSE BILL 1011](#), [Greenville/Wilmington Traffic Investigators](#), would authorize the City of Greenville to employ nonsworn personnel, to be known as “Traffic Crash Investigators,” to investigate crashes that only involve property damage. The bill would require the City of Greenville to establish minimum standards for employment as a Traffic Crash Investigator (“Investigator”) and create several other requirements for Investigators, including attending a training program created by the Greenville Police Department in consultation with the North Carolina Justice Academy, completing at least four weeks of field training, and being issued a uniform that is substantially different in color and style from that of a law enforcement officer for the City.

These Investigators would have no authority to arrest or issue criminal process but would have the same authority as law enforcement officers to tow vehicles obstructing a public street or highway and to direct traffic. In addition, Investigators would not be issued a weapon of any type (such as a firearm). The bill would still require law enforcement officers to investigate any crashes involving personal injury or a fatality.

The bill also contains a related provision applicable to the City of Wilmington, which already has Investigators. The bill would also allow these Investigators to issue citations for infractions under Chapter 20 of the General Statutes related to the traffic crashes they investigate. Additionally, the bill would grant Investigators the same authority as a law enforcement officer to direct traffic. Currently, Wilmington’s Investigators can tow or remove vehicles obstructing a public street or highway but they are only permitted to investigate crashes—they cannot issue citations. As with

the City of Greenville, a law enforcement officer must investigate any crash involving personal injury or a fatality.

This bill would apply only to the City of Greenville and the City of Wilmington. 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 Farkas, Humphrey, Davis and Miller, and assigned to the House Committee on Local Government.**

[HOUSE BILL 1024](#), [Durham/Civilian Traffic Investigators](#), would authorize the City of Durham to employ nonsworn personnel, to be known as "Civilian Traffic Investigators," to investigate crashes that only involve property damage. The provisions in this bill are substantially similar to those in [House Bill 1011](#), which is summarized above in this Weekly Legislative Report. The bill would authorized the City of Durham to employ these Investigators. However, this bill would not authorize Durham Investigators to direct traffic.

This bill would apply only to the City of Durham. 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 Morey, Alston and Hawkins, and assigned to the House Committee on Local Government.**

[HOUSE BILL 1030](#), [Increase Transport. Rate/Death Investigations](#), would appropriate \$2.9 million in recurring funds for the 2022-2023 fiscal year to the Office of the Chief Medical Examiner in the North Carolina Department of Health and Human Services ("Department") to increase the base contract rate paid by the Department to transport bodies one way for death investigations or autopsies to \$170.00 for the first 40 miles and then \$1.00 per additional mile after that.

Currently the base contract rate paid by the Department for such transport is \$95.00 for the first 40 miles and then \$1.00 per additional mile after that. **Introduced by Representatives White and Penny, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1038](#), [Highway Safety Omnibus/Addit'l Magistrates](#), would appropriate \$821,000 in recurring funds and \$660,000 in nonrecurring funds to the North Carolina State Highway Patrol for the 2022-2023 fiscal year to be used to fund 12 full-time State Trooper positions in Mecklenburg County. The bill would also appropriate \$142,000 in recurring funds and \$6,000 in nonrecurring funds to the North Carolina Administrative Office of the Courts for the 2022-2023 fiscal year to be used to hire two additional magistrates to serve in Mecklenburg County.

Additionally, the bill would appropriate \$10 million in recurring funds to the North Carolina Department of Transportation (DOT) for the 2022-2023 fiscal year for recording and storing video from DOT highway cameras. The bill would define a highway camera as a video or digital camera belonging to DOT that is located on a highway right-of-way for the purpose of monitoring vehicle traffic.

The bill specifies that highway camera recordings would not be public record and therefore could

only be released pursuant to a court order. However, under specific circumstances set out in detail within the bill, DOT would be authorized to disclose these recordings, for viewing only, to specific individuals such as the person depicted in the recording or their personal representative (such as a parent or a lawyer).

Additionally, the bill would require DOT to disclose or release a recording to a district attorney for the following purposes: (1) for review of potential criminal charges; (2) to comply with discovery requirements in a criminal prosecution; (3) for use in criminal proceedings in district court; or (4) for any other law enforcement purpose, including releasing a recording for suspect identification or apprehension or to locate a missing or abducted person.

Finally, the bill specifically states that no elected officials may “review” these recordings, such as an elected mayor of a city. This would not apply to sheriffs and district attorneys if they are within the scope of a criminal investigation. The bill does not state whether “review” would mean disclosing the recording for viewing only or releasing the recording.

Finally, the bill does appear to authorize law enforcement agencies to receive disclosure or release of these recordings without obtaining a court order. **Introduced by Representative Logan and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1051](#), Preserve Hemp Legislation, would define “hemp” to mean “the plant *Cannabis sativa* (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.”

The bill would define “hemp products” to mean “all products made from hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and verified propagules for cultivation if the seeds originate from hemp varieties.”

Currently, “industrial hemp” and “hemp products” are defined in our General Statutes under the North Carolina Industrial Hemp Pilot Program (which expired December 31, 2021) that was governed by the North Carolina Industrial Hemp Commission. These terms are set to expire on June 30, 2022.

Finally, the bill would change the definition of marijuana in the North Carolina Controlled Substances Act to exclude hemp and hemp products as defined above. Therefore, if enacted into law, the bill would legalize all hemp and hemp products in this State. **Introduced by Representative Ager, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1055](#), Local LEO Retention Bonus Funds, would appropriate \$50 million in nonrecurring funds to the North Carolina Department of Public Safety (Department) for the 2022-2023 fiscal year to provide a one-time bonus in the amount of \$1,500 to local law enforcement officers (city or county) who are employed on July 1, 2022, in recognition of their service during the coronavirus pandemic. This would include eligible deputies, detention officers and

telecommunicators employed by sheriffs' offices.

The bill would require each local employing agency to submit documentation identifying the number of officers eligible for the bonus and any required supporting information to the Department by August 1, 2022 to participate in the bonus. The bill would require participating agencies to submit an attestation prior to receiving funds that any funds received would be provided directly to eligible officers and would require payment of the bonus by September 1, 2022. **Introduced by Representative McNeill, Boles and C. Smith, assigned to the House Committee on Appropriations.**

[HOUSE BILL 1103](#), Pasquotank County/Citizen Review Board, would authorize the Pasquotank County Sheriff or the sheriff's designee to release the disposition of disciplinary charges of a sheriff's deputy and the facts relied upon in determining the disposition to: (1) members of the Citizens' Advisory Council (Council) to review the disciplinary process; and (2) to the person alleged to have been aggrieved by the deputy's action or the person's survivor.

The bill would require each member of the Council to execute and comply with a confidentiality agreement and to keep confidential all information released to them that is part of a confidential personnel file. For purposes of this bill, "disposition of disciplinary charges" would include determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category later adopted by the county.

Under current law, the disposition of disciplinary charges if no dismissal resulted is not public record in North Carolina. The only underlying reasoning for a personnel action that is public record is: (1) the recorded reason for each promotion the employee receives; and (2) a copy of the final decision setting forth the underlying acts or omissions that were the basis of a disciplinary dismissal, but only if the final decision was reduced to writing.

This bill would apply only to Pasquotank County. 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 Representative Hunter.**

[SENATE BILL 201](#), Various Motor Vehicle/Dealer Changes, has passed the Senate, passed the House with amendment and has been sent back to the Senate for consideration of the House amendment. The bill, as amended, would create the criminal offense of possession of a catalytic converter removed from a motor vehicle. Unless another provision of law provides greater punishment for the conduct, possession of a catalytic converter that has been removed from a motor vehicle would be a Class I felony if the individual knew or should have known that the catalytic converter was unlawfully obtained.

Currently, there is no specific criminal offense for possessing a catalytic converter the person knows or should know was unlawfully obtained. As of December 1, 2021, larceny of a catalytic converter is a Class I felony and there is a legal presumption that a person in possession of an unattached catalytic converter is guilty of felony larceny of motor vehicle parts unless they: (1) are an employee of or agent for a motor vehicle dealer, motor vehicle repair shop, secondary metals

recycler, or salvage yard that is properly licensed, permitted, or registered under State law; or (2) possess documentation indicating that the catalytic converter in their possession is the result of a replacement of a catalytic converter on a vehicle registered to them. The bill, as amended, would repeal that legal presumption. **Introduced by Senators Sawyer and Johnson.**

[SENATE BILL 762](#), [North Carolina Farm Act of 2022](#), would define "hemp" to mean "the plant *Cannabis sativa* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis."

The bill would define "hemp products" to mean "all products made from hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and verified propagules for cultivation if the seeds originate from hemp varieties."

Currently, "industrial hemp" and "hemp products" are defined in our General Statutes under the North Carolina Industrial Hemp Pilot Program (which expired December 31, 2021) that was governed by the North Carolina Industrial Hemp Commission. These terms are set to expire on June 30, 2022.

Finally, the bill would change the definition of marijuana in the North Carolina Controlled Substances Act to exclude hemp and hemp products as defined above. Therefore, if enacted into law, the bill would legalize all hemp and hemp products in this State. **Introduced by Senators B. Jackson, Sanderson and Woodard, and referred to the to the Committee on Rules and Operations of the Senate. This week, the bill has been approved by the following committees: (1) Agriculture, Energy, and Environment; (2) Judiciary; (3) Finance; and (4) Rules.**

[SENATE BILL 765](#), [Marijuana Legalization & Regulation](#), would legalize in North Carolina the cultivation, use and sale of marijuana, marijuana concentrate (such as marijuana concentrate used in vaping products), marijuana accessories (such as water bongs and smoking pipes), and marijuana products (such as marijuana gummy bears, marijuana brownies and cookies, and other edible and smokable marijuana products), as set out in greater detail in the bill. The changes of interest to the criminal justice community that would be enacted to accomplish the legalization of marijuana include:

1. The bill would make it lawful for a person 21 years of age or older to possess, consume, ingest, smoke, or use an amount of marijuana that does not exceed two ounces of marijuana or an equivalent amount of marijuana product (such as hashish), if the product is approved by the North Carolina Cannabis Control Commission (described below). The bill would define marijuana products as products that are composed of marijuana and other ingredients and are intended for use or consumption, ointments, and tinctures.
2. The bill would also make it lawful for a person 21 years of age or older to grow up to two mature marijuana plants and two immature marijuana plants for personal use. The person would be required to grow the plant indoors (such as through the use of a hydroponic

growing system), and the person would be required to attach to each plant a legible tag that includes the person's: (1) name; (2) driver's license or identification number; and (3) a notation that the marijuana plant is being grown for personal use.

3. The bill would also authorize in North Carolina the lawful operation of "retail marijuana stores," "marijuana cultivation facilities," "marijuana establishments," "marijuana manufacturing facilities" and "marijuana wholesalers," provided various application and licensing requirements are met, as explained in greater detail in the bill.
4. The bill would create the North Carolina Cannabis Control Commission (Commission) that would be administratively located within the North Carolina Department of Public Safety (DPS). The Commission would exercise its authority independent of the Secretary of DPS and DPS would have no oversight over the Commission.

The Commission would be governed by a Board of Directors consisting of five "citizens at large" appointed by the Governor and confirmed by the General Assembly. The bill would also require the Governor to appoint a chairman and vice-chairman of the Board from the five selected at large citizens. The Board of Directors would be given the authority to elect "subordinate officers" who are not members of the Board and to form "committees" and "advisory councils" to undertake studies or facilitate discussions on issues before the Board of Directors.

5. A Chief Executive Officer (CEO) of the Commission would also be appointed by the Governor and confirmed by the General Assembly. The bill would empower the CEO to supervise and administer the operations of the Commission, which would include the hiring and supervision of personnel to include "special agents."

The bill would define a special agent as an employee of the Commission whom the Board has designated as a law enforcement officer pursuant to the new laws authorizing the possession and sale of marijuana.

6. If enacted into law, a law enforcement officer would be prohibited from lawfully stopping, searching, or seizing any person, place or thing solely on the basis of the odor of marijuana. If enacted into law, no evidence discovered or obtained in violation of this prohibition, including evidence discovered or obtained with the person's consent, would be admissible in any trial, hearing or other proceeding.
7. If enacted into law, the bill would require a law enforcement officer to first obtain a search warrant to search a vehicle of any kind (whether a land or watercraft) for illegally acquired or illegally transported retail marijuana or retail marijuana products.
8. Among numerous other powers listed in the bill, the Commission would have the authority to: (1) control the possession, sale, transportation and delivery of marijuana and marijuana products; (2) oversee the licensing requirements for the cultivation, manufacture, distribution, sale and testing of marijuana and marijuana products; (3) determine the nature, form, and capacity of all containers used for holding marijuana products to be kept or sold

and prescribe the form and content of all labels and seals to be placed on these containers; (4) assess and collect civil penalties and civil charges for violations of the rules implemented by the Commission; and (5) establish and collect fees for all licenses and permits issued by the Commission related to the regulation of marijuana in this State.

9. The bill would authorize the Commission to license in this State: (1) 400 retail marijuana stores; (2) 25 marijuana wholesalers; (3) 60 marijuana manufacturing facilities; and (4) 450 marijuana cultivation facilities.
10. The bill would prohibit local governments from adopting ordinances or resolutions that regulate or prohibit the cultivation, manufacture, possession, sale, wholesale distribution, handling, transportation, consumption, use, advertising, or dispensing of retail marijuana or retail marijuana products in the State. This would not apply to local ordinances that regulated the time of sale of retail marijuana establishments or that prohibit the consumption of marijuana or marijuana products in public places such as in parks, playgrounds, public streets or on sidewalks adjoining public streets.
11. The bill would make it unlawful to consume marijuana or marijuana products in public or to use or consume marijuana or marijuana products while driving a motor vehicle upon a public highway of the State or while being a passenger in a motor vehicle being driven upon a public highway of the State, or while operating a school bus.
12. The bill would make it unlawful to possess or consume any marijuana or marijuana products in or upon the grounds of any public elementary or secondary school: (1) during school hours; (2) after school hours; or (3) during or after student activities.
13. The bill would permanently legalize the production, processing and sale of industrial hemp in North Carolina and would enact into law various regulations relating to industrial hemp to replace those provisions of law set to expire June 30, 2022 that governed the North Carolina Industrial Hemp Pilot Program.
14. Finally, the bill would provide for an unlimited number of automatic expungements for marijuana or hashish convictions that would be legal under these new laws regulating the lawful possession of marijuana. For example, any person with a conviction or convictions for possession of less than 2 ounces of marijuana or for possession of marijuana drug paraphernalia that predate the enactment of this bill would have those convictions automatically expunged regardless of when those convictions occurred.

Introduced by Senator Fitch, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 766](#), [Organized Retail Theft](#), is identical to [House Bill 1005](#), which is summarized in the May 20, 2022 Weekly Legislative Report. The bill would, among other things, establish increased criminal penalties for the felony offense of organized retail theft depending on the aggregate value of the retail property that was stolen. **Introduced by Senators Britt, McInnis and Craven, and assigned to the Committee on Judiciary of the Senate.**

[SENATE BILL 778](#), Increased Bonus for LGERS Retirees/Funds, would provide an increased one-time cost-of-living supplemental payment for retirees of the Local Governmental Employees' Retirement System (LGERS) who are living as of September 1, 2022 and whose retirement commenced on or before that date.

The bill would calculate the supplemental payment at 4% of the beneficiary's annual retirement allowance payable as of September 1, 2022, would not allow the payment to be prorated for date of retirement commencement, and would mandate that the payment be made on or before October 31, 2022. The 4% payment calculated by the bill would include the 2% cost-of-living supplement already provided to LGERS members by the Board of Trustees at its January 27, 2022 meeting. If an LGERS beneficiary dies before payment, the bill would require that the payment be made to the beneficiary's legal representative.

Finally, the bill would appropriate \$34 million in nonrecurring funds for the 2022-2023 fiscal year to LGERS to cover one-half of the cost of the supplemental payment. **Introduced by Senator Mayfield and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 792](#), 2022 Governor's Budget, would make various changes to the 2021 State Budget for the 2021 – 2023 fiscal biennium and would also make other changes to the budget operations of the State and to State law. Those items of interest to the criminal justice community include:

1. The bill would appropriate \$8 million in nonrecurring funds to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DHHS), for the 2022-2023 fiscal year to fund two county-based pilot programs. In two counties that will be identified as having the highest incarceration rates, DHHS will fund a pilot program in each county to provide comprehensive justice and behavioral health intersection programs, including early diversion, treatment during incarceration, and re-entry services.
2. The bill would also specifically authorize the North Carolina Department of Health and Human Services (DHHS) to approve opioid treatment program medication units and opioid treatment program mobile units. An opioid treatment program medication unit would be defined as “a unit established as part of an opioid treatment program, but at a geographically separate location where the assessment or treatment is not the primary purpose of the site, from which licensed practitioners dispense or administer an opioid agonist treatment medication or collect samples for drug testing or analysis.”

Opioid agonist treatment medications include drugs such as methadone and buprenorphine.

An opioid treatment program mobile unit would be defined as “a mobile unit established as a mobile component of an opioid treatment program which operates at geographically separate, permanent or non-permanent locations where the assessment or treatment is not the primary purpose of the site, from which licensed practitioners dispense or administer

an opioid agonist treatment medication or collect samples for drug testing or analysis.” The bill would define a mobile unit as “a motor vehicle, lawfully used on public streets, roads, or highways with more than three wheels in contact with the ground, from which behavioral health services are provided at a permanent or non-permanent location(s).”

In sum, the bill would authorize the establishment of permanent and non-permanent locations where opioid use disorder treatment medications could be administered outside a hospital, medical clinic, or treatment facility.

The bill would require opioid treatment programs to apply for and obtain approval by the State Opioid Treatment Authority prior to seeking an amended license from the Division of Health Service Regulation of DHHS to establish and operate an opioid treatment program medication unit or an opioid treatment program mobile unit.

3. The bill would appropriate \$975,000 in recurring funds for the 2022-2023 fiscal year to the Office of the Chief Medical Examiner in the North Carolina Department of Health and Human Services (“Department”) to increase the base contract rate paid by the Department to transport bodies one way for death investigations or autopsies to \$265.00 for the first 40 miles and then \$1.00 per additional mile after that. This would be \$95 more than the increase proposed in [House Bill 1030](#), which is summarized above in this Weekly Legislative Report.
4. The bill would generally exempt wardens of adult correctional institutions from the provisions of the North Carolina Human Resources Act (Act), with the exception of policies, rules, and plans established by the State Human Resources Commission and certain provisions of the Act related to political activity, filing of grievances, equal employment opportunity, and privacy of personnel records.

Under the bill, wardens would be classified as “public servants” as defined under the State Government Ethics Act and would therefore be required to file statements of economic interest under the provisions of that same act.

5. The bill would extend the expiration of the North Carolina Juvenile Jurisdiction Advisory Committee (JJAC) from February 1, 2023 to February 1, 2025. The JJAC is comprised of subject matter experts in the field of juvenile justice and was created to assist in the development and implementation of the Juvenile Justice Reinvestment Act, North Carolina’s “raise the age” legislation, which came into effect December 1, 2019.

The bill would require the JJAC to submit to the General Assembly and the Governor a final report by January 15, 2025 on the implementation of raise the age and its findings and recommendations, including legislative, administrative, and funding recommendations.

6. The bill would create the Supplemental Down Payment Assistance Fund within the North Carolina Housing Finance Agency, which would distribute down payment funds to first-time home buyers who are public school teachers, sworn law enforcement officers, correctional officers, career firefighters, and emergency medical services personnel,

subject to certain income criteria set forth in the bill. Successful applicants would receive \$15,000 in down payment funds.

7. The bill would award various legislative salary increases and retention bonuses, including:

- (i) A combined legislative salary increase of 7.5% of annual salary for the 2022-2023 fiscal year for those persons whose salaries are set by the North Carolina Human Resources Act or the 2021 Appropriations Act, who are employed in a State-funded position on June 30, 2022, and who are employed as law enforcement officers.
- (ii) A combined retention bonus of \$1,000 for the 2022-2023 fiscal year for those persons whose salaries are set by the North Carolina Human Resources Act, the 2021 Appropriations Act, or the bill, who are continuously employed by the State or a public school unit from July 1, 2022 to October 31, 2022 in a permanent full-time capacity, and who are employed as law enforcement officers.
- (iii) A combined retention bonus of \$1,000 for the 2022-2023 fiscal year for those persons whose salaries are set by the North Carolina Human Resources Act, the 2021 Appropriations Act, or the bill, who are continuously employed by the State or a public school unit from November 1, 2022 to March 31, 2023 in a permanent full-time capacity, and who are employed as law enforcement officers.

Currently, a legislative salary increase of 2.5% of annual salary for the 2022-2023 fiscal year was previously awarded to those persons whose salaries are set by the North Carolina Human Resources Act or the 2021 Appropriations Act and who are employed in a State funded position on June 30, 2022.

- 8. The bill would amend the salary schedules for State law enforcement officers, correctional officers, and probation and parole officers in the 2021 Appropriations Act to increase the salary for those officers by approximately \$3,000 for the 2022-2023 fiscal year, depending upon the position classification and the officer's years of experience.
- 9. The bill would increase the State's employer contribution rates budgeted for retirement benefits in the 2022-2023 fiscal year to 17.80%, calculated as a percentage of covered salaries, for State law enforcement officers. Currently, the contribution rate for State law enforcement officers is budgeted at 17.07% for the 2022-2023 fiscal year.
- 10. The bill would provide a one-time cost-of-living supplement payment to those beneficiaries of the North Carolina Teachers' and State Employees' Retirement System (TSERS) who are living as of September 1, 2022 and whose retirement commenced on or before September 1, 2022, calculated at 4% of the beneficiary's annual retirement allowance payable as of September 1, 2022 and not to be prorated for date of retirement commencement.

Currently, the 2021 Appropriations Act provides a 3% one-time cost-of-living supplement payment to those beneficiaries.

11. From and after July 1, 2022, the bill would increase the retirement allowance to beneficiaries of TSERS whose retirements commenced on or before July 1, 2022 by 1% of the allowance payable on June 1, 2022 and would increase the retirement allowance to beneficiaries whose retirements commenced after July 1, 2021 but before June 30, 2022 by a prorated amount of 1% of the allowance payable, as determined by the Board of Trustees of TSERS and based upon the number of months that retirement allowances were paid between July 1, 2021 and June 30, 2022.
12. The bill would appropriate nonrecurring funds for the 2022-2023 fiscal year to the North Carolina Department of Public Safety for various capital improvement projects, including but not limited to improvements to the following State prisons: (1) \$3.5 million for improvements to Eastern Correctional Institution; (2) \$6.7 million for improvements to Bertie Correctional Institution; (3) \$6.4 million for improvements to Neuse Correctional Institution; and (4) \$7.7 million for improvements to Nash Correctional Institution.
13. The bill would make various changes to the law surrounding revocation of driver's licenses, including:
 - (i) Allowing a person whose license was revoked by the North Carolina Division of Motor Vehicles (DMV) for failure to pay a fine, penalty, or court costs to petition the court to order the DMV to lift the revocation on the condition that the person pay a minimum of \$10.00 per month towards the judgment which resulted in revocation to the clerk of superior court in the county where the judgment was entered until the judgment is paid in full.
 - (ii) Requiring the court to grant the petition if the person can show to the court that they have not had a conviction for any traffic offense in the 12 months prior to the petition. If the person fails to make payment of \$10.00 or more for a period of 60 days pursuant to the payment plan, the bill would require the DMV to again revoke the person's license.
 - (iii) Requiring the DMV to lift a license revocation for failure to appear on a motor vehicle offense 12 months after the effective date of the revocation if the person furnishes proof to the DMV that the person has proper motor vehicle insurance, unless the license revocation was the result of a charge for impaired driving. Individuals whose license revocations are lifted in this situation would not be required to pay any restoration fees prior to being relicensed. As written, this section of the bill would appear to allow an individual who is charged with a non-DWI motor vehicle offense to fail to appear in court on the charge and still get their license back after 12 months.

The bill would also make it a Class 1 misdemeanor for an individual whose license revocation is lifted in this situation to operate a motor vehicle upon a highway without having proper motor vehicle insurance.

14. The bill would authorize the DMV to allow persons to pay license restoration fees and other service fees on a sliding scale adjusted to reflect the person's ability to pay based on a finding by the Commissioner of Motor Vehicles that the license holder has shown good cause for not being able to pay the full amount.
15. The bill would make various changes to the law applicable to license revocation for the conviction of motor vehicle moving offenses while a person's license is already revoked or suspended, including:
 - (i) Classifying operation of a motor vehicle without proper insurance as a "motor vehicle moving offense" for purposes of license revocation.
 - (ii) Requiring no additional period of license revocation for a person's first conviction of a motor vehicle moving offense while their license was suspended or revoked if either the offense which resulted in the underlying revocation has been resolved or the person is complying with a payment plan ordered by the court to satisfy any outstanding penalties, fines, or costs.
 - (iii) Requiring the DMV to revoke the person's license for an additional year for a second conviction of a motor vehicle moving offense while the person's license is suspended or revoked.
 - (iv) Requiring the DMV to revoke the person's license for an additional two years for a third or subsequent conviction of a motor vehicle moving offense while the person's license is suspended or revoked, unless the person committed the offense while their license was revoked or suspended for impaired driving, in which case the revocation would be permanent.
 - (v) Requiring any person applying for a license after their license was revoked for an additional period to furnish proof to the satisfaction of the DMV that they maintain proper motor vehicle insurance.

Introduced by Senators B. Jackson, Harrington and Hise, and assigned to the Committee on Appropriations/Base Budget of the Senate.

[SENATE BILL 795](#), Inmate and Youth Offender Tracking Technology, would require the North Carolina Department of Public Safety (DPS) to use standardized electronic technologies to track inmates and youth offenders within Division of Adult Correction and Juvenile Justice (DACJJ) facilities no later than January 1, 2028.

The bill would require DPS to digitally standardize the logging of daily movements and activities of State prison inmates and youth offenders in DACJJ facilities so correctional officers do not have to record this daily information on paper and then reenter the information into the Offender Population Unified System (OPUS) at a later time. OPUS is the State's electronic inmate management system that, among other things, assists in the tracking of inmates and inmate information within the State prison system.

The bill would require DACJJ to implement the transition required by this new law according to the following schedule: (1) four facilities no later than January 1, 2024; (2) at least one-quarter of the facilities no later than January 1, 2025; (3) at least one-half of the facilities no later than January 1, 2026; and (4) full implementation for all facilities no later than January 1, 2028.

The bill would require the North Carolina Criminal Justice Information Network (CJIN) to report to the Senate Select Committee on Prison Safety and the Joint Legislative Oversight Committee on Justice and Public Safety with the following information no later than nine months after this bill becomes law: (1) the total cost it will take to become fully compliant by 2027; (2) an outline of the implementation of this new digitally standardized process; (3) whether or not other information, such as movement of tools, inventory and equipment should also be tracked as a part of this digitally standardized process in order to promote safety.

Finally, the bill would appropriate \$15 million in nonrecurring funds for the 2022-2023 fiscal year to CJIN for the implementation of this technology upgrade. **Introduced by Senator Steinburg, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 800, Law Enforcement Investment Act](#), would provide funds to be invested in the law enforcement community and would expand opportunities for law enforcement officers in the following ways:

1. The bill would appropriate \$250,000 in recurring funds to the North Carolina Justice Academy (Academy) for the 2022-2023 fiscal year to be used to expand its ability to serve law enforcement agencies of the State by providing more opportunities to attend courses and training classes.
2. The bill would appropriate \$250,000 in nonrecurring funds to the Academy for the 2022-2023 fiscal year to be used to expand the Academy's ability to offer online courses for law enforcement agencies to allow for greater statewide participation in Academy courses and training.
3. The bill would appropriate \$250,000 in recurring funds to the North Carolina Department of Justice for the 2022-2023 fiscal year to be used to further develop, maintain, and staff the North Carolina Law Enforcement Accreditation Program.
4. The bill would expand the Criminal Justice Fellows Program (Program) by making any county in North Carolina eligible for participation. Currently, only counties with a population of less than 200,000 are eligible to participate in the Program. The Criminal Justice Fellows Program was created to increase the recruitment of criminal justice professionals by providing loan forgiveness to qualified individuals that earn an Applied Associate Degree in Criminal Justice. The Program is administered by the North Carolina Criminal Justice Standards Division.

The bill would also expand the Program by providing forgivable loans to individuals to obtain a bachelor's degree and a North Carolina Basic Law Enforcement Training (BLET) program certificate of completion, subject to certain conditions that are described in the bill. The bill would require these individuals to accept employment in a North Carolina county as a criminal justice professional for at least four out of five years following graduation.

Currently, the Program only provides forgivable loans for individuals to obtain Applied Associate Degrees in Criminal Justice or other approved related fields of study as preparation to enter a criminal justice profession.

5. The bill would require all law enforcement agencies in the State to designate specially trained law enforcement officers to be a part of an agency Crisis Intervention Team. Each member of the Crisis Intervention Team would be required to be trained in how to determine whether a person is experiencing a mental or behavioral health crisis and the methods available to de-escalate or otherwise safely engage in interactions with such a person experiencing a mental or behavioral health crisis.

In addition, the bill would require all law enforcement agencies in the State to have established Crisis Intervention Teams no later than December 1, 2024 in order to remain eligible for Governor's Crime Commission grants.

The bill would appropriate \$250 million to the Department of Justice to provide grant funds to law enforcement agencies for the Crisis Intervention Team training that the bill would require. Currently, there is no State mandate that law enforcement agencies form Crisis Intervention Teams. Many agencies already have officers trained in crisis intervention.

Introduced by Senators Batch, Fitch and Garrett, and assigned to the Committee on Appropriations/Base Budget of the Senate.

[SENATE BILL 801](#), Community Safety Act, would define strangleholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck as deadly force under the General Statutes and would require officers to use "the minimum amount of force reasonably necessary to accomplish the law-enforcement action" and attempt de-escalation tactics when possible. Currently, the above referenced restraints, holds, and tactics are not defined in the General Statutes or relevant case law as deadly force.

The bill would require the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission (the Commissions) to establish the minimum age requirement to be met to qualify for entry level employment as an officer, which cannot be less than 21. Currently, the minimum age requirement to qualify for entry level employment as a justice officer is 21 years of age through the North Carolina Sheriffs' Education and Training Standards Commission and 20 years of age through the North Carolina Criminal Justice Education and Training Standards Commission.

In addition, the bill would clarify the Commissions may access expunged misdemeanor conviction records maintained by the North Carolina Administrative Office of the Courts and may deny, suspend, or revoke an individual's certification based upon those records.

The bill would appropriate \$200,000 in recurring funds to the North Carolina Department of Justice (DOJ) for the 2022-2023 fiscal year for the purpose of hiring two full-time grant writers to assist law enforcement agencies with drafting and submitting grant proposals and applications.

The bill would appropriate \$250,000 in recurring funds to DOJ for the 2022-2023 fiscal year to be used to award grants to law enforcement agencies for initiatives to support community policing.

Additionally, the bill would appropriate \$500,000 in recurring funds to DOJ for the 2022-2023 fiscal year to be used to provide grants to law enforcement officers exhibiting exemplary service, as established by DOJ, and law enforcement agencies for meeting racial and gender diversity benchmarks, as established by the DOJ. No grant awarded for exemplary service or diversity would exceed \$10,000.

Finally, the bill would appropriate \$1 million in recurring funds to DOJ for the 2022-2023 fiscal year to be used to provide grants to law enforcement agencies for the purpose of funding detective or other investigative law enforcement positions to aid in the investigation of person crimes constituting a Class D felony or higher. **Introduced by Senators Batch, Fitch and Garrett, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 802](#), Fund Our Police Act, would appropriate \$50 million in nonrecurring funds to the North Carolina Department of Public Safety (DPS) for the 2022-2023 fiscal year to fund one-time bonuses in the amount of \$1,500, payable to local law enforcement officers who are employed on July 1, 2022, in recognition of their service during the coronavirus pandemic. For the purposes of this provision, a local law enforcement officer would mean a full-time employee hired by the local employing authority and serving as a sheriffs' deputy, police officer, detention officer, or telecommunicator.

To participate, local employing authorities (which include sheriffs) would be required to submit documentation to DPS by August 1, 2022 identifying the number of local law enforcement officers eligible for the bonus and any supporting information required by DPS.

Prior to receiving any funds, the local employing authority would be required to submit an attestation acknowledging that the funds will be provided directly to the designated eligible local law enforcement officers. The bill would require each local employing authority to pay the bonuses to eligible local law enforcement officers by September 1, 2022. **Introduced by Senators Batch, Garrett and Fitch, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 809](#), Winston-Salem Civilian Traffic Investigators, would allow the City of Winston-Salem to hire "Civilian Traffic Investigators" to investigate crashes that only involve property damage. The provisions in this bill are identical to those in [House Bill 1024](#), which is summarized above in this Weekly Legislative Report.

This bill would apply only to the City of Winston-Salem. 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 Senator Lowe.**

[SENATE BILL 812](#), Homes for Heroes, would require the North Carolina Housing Finance Agency (Agency) to establish a program under the Homeownership Assistance Fund (Fund) with the purpose of providing down payment and mortgage insurance premium assistance to first-time homebuyers that are employed full-time as public servants in the State. The Agency was created in 1973 by the North Carolina General Assembly and is a self-supporting public agency that finances affordable housing opportunities for North Carolinians whose housing needs are not met by the lending market.

The bill would appropriate \$150 million in recurring funds for the 2022-2023 fiscal year to the Fund for providing this homebuying assistance. The definition of “public servant” in the bill would include law enforcement officers, firefighters, and emergency medical services personnel, among others.

Finally, the bill would require the assistance to be in the form of reimbursement or direct payment and would limit such assistance to the lesser of \$25,000 or 10% of the purchase price of the home. The bill would allow the Agency to provide mortgage insurance premium assistance on a monthly basis, but for no longer than 60 months for any single first-time homebuyer. **Introduced by Senators Batch, Garrett and Fitch.**

[SENATE BILL 816](#), Ret. Svc. Purchase/Company Police Officers, would allow members of the North Carolina Teachers' and State Employees' Retirement System (TSERS) and the North Carolina Local Governmental Employees' Retirement System (LGERS) who have completed at least five years of creditable service, defined broadly as employment with the State, a unit of local government or as a teacher, to make a lump sum purchase of up to a total of five years' creditable service as a company police officer. **Introduced by Senator Alexander.**

[SENATE BILL 818](#), Reduced Size Plates/Modified Utility Vehicles, would allow the North Carolina Division of Motor Vehicles to issue suitably reduced size registration plates to registered owners of modified utility vehicles and suitably reduced size dealer license plates to dealers and manufactures of modified utility vehicles.

Currently, only owners of motorcycles and property hauling motorcycle trailers are eligible for reduced size registration plates. **Introduced by Senator Alexander.**

[SENATE BILL 823](#), Crime Victims Compensation Fund Expansion, would increase the allowable cumulative total for counseling services provided to immediate family members of victims under the Crime Victims Compensation Act to \$45,000 and would increase the allowable total charge for expenses related to funeral, cremation, and burial expenses to \$8,000. Currently, the total is set at \$3,000 for counseling services and \$5,000 for funeral, cremation, and burial expenses.

The bill would also appropriate \$500,000 in nonrecurring funds to the Crime Victims

Compensation Fund in the North Carolina Department of Public Safety for the 2022-2023 to accomplish the above increase. **Introduced by Senators Britt, Daniel, and Mohammed.**

[SENATE BILL 828](#), Child Abuse – Positive Drug Test, would make it Class G felony child abuse if a child under the age of 10 tests positive for a controlled substance listed in Schedules I or II of North Carolina's Controlled Substances Act and the presence of the controlled substance is not due to medical treatment.

If the presence of the controlled substance results in serious physical injury to the child, the offense would be classified as a Class E felony. If the presence of the controlled substance results in serious bodily injury to the child or permanent or protracted loss or impairment of any mental or emotional function of the child, the offense would be classified as a Class C felony.

Currently, the offense of felony child abuse cannot be committed solely on the basis of a positive test for controlled substances in a child under the age of 10. **Introduced by Senator Edwards.**

[SENATE BILL 831](#), Opioid Overdose Prevention Act, would appropriate \$350,000 in recurring funds to the North Carolina Department of Health and Human Services, Division of Public Health, for the 2022-2023 fiscal year to be used to purchase and distribute free of charge opioid antagonists (ex. Narcan) through local health departments. **Introduced by Senators J. Jackson, Murdock and Batch.**

[SENATE BILL 836](#), Jordan's Law, would allow the court to temporarily renew a current domestic violence protective order (DVPO) if the hearing for the motion to renew the protective order is set on a date on which the current protective order will have expired. This would ensure that there would not be a lapse in the legal protection provided by the order pending the renewal hearing.

The court would only be allowed to renew the current order until the date for the renewal hearing or 30 days from the date the current order is set to expire, whichever occurs first, unless both parties consent to a longer renewal. The temporary renewal allowed under the bill would not extend a temporary award of child custody entered as part of the protective order beyond the maximum one-year period. **Introduced by Senators Craven, Britt and Lee.**

[SENATE BILL 843](#), Eliminate Tax on Gov't Retirees, would allow taxpayers to deduct from their adjusted gross income any amounts received during the taxable year from State, local, or federal government retirement plans for purposes of calculating the taxpayer's North Carolina income tax owed if the deducted retirement amounts are on account of at least 20 years of government employment. **Introduced by Senator Burgin.**

[SENATE BILL 846](#), Firearm/Safety Products Sales Tax Exemption, would exempt firearm safety and storage items from State and local sales tax. Firearm safety equipment would be defined as "an enclosure or a device, other than one that is part of the design of a firearm, that is intended to prevent access to, or unintentional or unauthorized use of, the firearm," such as a handgun trigger lock. **Introduced by Senators Mohammed, Batch and Garrett.**

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