

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 3, 2022

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Leadership at the General Assembly is following through on their promise to move things quickly this short session. Many House and Senate committees met this week and conducted hearings on bills. Some of those bills have made their way to a final vote and have been sent to Governor Roy Cooper for his signature.

Also, as is custom on the Tuesday and Wednesday after Memorial Day, the Association hosted sheriffs and sheriffs' personnel from across the State for our annual Legislative Day. This year, sheriffs met on Tuesday afternoon and discussed bills of interest to the Office of Sheriff, law enforcement and public safety. Wednesday, sheriffs made their way through the State Legislative Complex to meet with legislators representing all parts of the State.

Sheriffs came from western, eastern, and central North Carolina to represent both rural and urban, large and small sheriffs' offices and communities from across the State. Legislators happily welcomed sheriffs into their offices and took time to sit down and discuss particular legislation with them. While many legislators and sheriffs interacted with each other on the campaign trail this year, this was a special time for these elected officials to focus on issues that are of particular concern to sheriffs and our citizens across the State.

As the short session speeds into June, the Association will continue to monitor the issues of importance to the Office of Sheriff, law enforcement professionals and our citizens across the State.

The House and Senate adjourned on Friday and will reconvene on Monday, June 6, 2022.

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## BILLS OF INTEREST

[HOUSE BILL 1091](#), Homes for Heroes, is identical to [Senate Bill 812](#), which is summarized in the May 27, 2022 Weekly Legislative Report. The bill would appropriate \$150 million in recurring funds for the 2022-2023 fiscal year for providing homebuying assistance to first-time homebuyers that are employed full-time as public servants in the State. The definition of "public servant" in the bill would include law enforcement officers, firefighters, and emergency medical services personnel, among others. **Introduced by Representative Reives, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1107](#), Local Confinement Tech Modernization Fund, would create a Local Confinement Technology Modernization Fund (Fund) administered by the Division of Adult

Correction and Juvenile Justice (DACJJ) of the North Carolina Department of Public Safety and would appropriate \$50 million in nonrecurring funds to the Fund.

The Fund would be used to assist eligible counties in the modernization of local confinement facilities by awarding grants for the purchase or improvement of mobile detainee tracking systems, integrated detainee monitoring software, electronic jail management systems, integrated cloud-based recordkeeping, and security cameras with enhanced features.

The bill would define an eligible county as a county that has an adjusted market value of taxable real property of less than \$40 billion and would require a county awarded a grant through the Fund to provide matching county funds in an amount between 0% and 35% of the total grant funds awarded, depending upon the adjusted market value of taxable real property in the county. **Introduced by Representatives Pickett and Greene, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1108](#), [Allow ABC Permits for Bars](#), would add a “Bar” category to the categories of defined establishments within North Carolina Alcoholic Beverage Control laws. A bar would be defined as an establishment substantially engaged in the business of serving alcoholic beverages for consumption on the premises. In order to qualify as a bar, the bill would require that the establishment’s gross receipts from alcoholic beverages for consumption on the premises be no less than 75% of the establishment’s total gross receipts.

The bill would authorize bars to obtain an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, brown-bagging permit, special occasion permit, and mixed beverages permit.

Currently, owners of establishments that wish to sell and serve alcohol but do not regularly and customarily sell food are required to charge an annual membership fee to customers so that the establishment will fall under the “private club” or “private bar” category and thus be eligible to obtain the above permits. This bill would effectively remove that requirement for establishments that qualify as a bar. **Introduced by Representatives Moffitt, Hardister, Bradford and Turner, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 1110](#), [Mobile Home Park Regulation](#), would enact new provisions to regulate “mobile home parks.” The bill would define mobile home parks as “parcels of land used for the continuous accommodations of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land or the owner’s agents, lessees, or assignees.” The bill would give owners of mobile homes that are parked in mobile home parks substantially similar rights as tenants receive in traditional apartment or home rental arrangements, including eviction only by summary ejectment filed in our State courts.

Of interest to the criminal justice community, the bill would require special procedures for removal of a mobile home from a mobile home park upon the issuance of a judgment and writ of possession for the owner or management of the mobile home park, as follows:

1. The bill would require the sheriff to serve notice of the execution of the writ of possession upon receipt, as specified in the summary ejection statutes.
2. The bill would require the notice to advise the mobile homeowner to prepare the mobile home for removal and state that, at a specified time not less than 48 hours from the entry of judgment, the sheriff will return, serve the writ, and supervise removal of the mobile home if the tenancy was terminated for conduct that is criminal, dangerous to life, or injurious to property.

If the tenancy was terminated for any other reason, the bill would allow the owner of the mobile home an option to delay execution of the writ by up to 30 days upon prepaying, by certified check, cashier's check or wire transfer, the amount declared by the court to be due to the landlord and rent for each day following the court's ruling that the mobile homeowner will remain on the property. To exercise this option, the mobile homeowner would be required to make payment within 48 hours of the court's ruling in the action.

3. The bill would allow the landlord and the sheriff to extend the time for execution of the writ by written agreement if the mobile homeowner fails to have the mobile home safe and ready for removal or if inclement weather or other unforeseen problems occur.
4. If the mobile home is not removed within the time permitted in the writ of possession or any written extension, the bill would give the sheriff the right to take possession of the mobile home for removal and storage.

The bill would limit the liability of the sheriff and landlord in making this removal to gross negligence or willful or wanton disregard of the property rights of the mobile homeowner and would place all responsibility to secure the mobile home against freezing and wind and weather damage on the persons who have a property interest in the mobile home and not the sheriff.

**Introduced by Representatives Autry, Meyer and R. Smith, and assigned to the House Committee on Local Government – Land Use, Planning, and Development.**

[HOUSE BILL 1116](#), Fiona Mae Wagglebottom's Act, would make depriving an animal of "adequate shelter" or "adequate space," as those terms are defined in the bill, chargeable as misdemeanor cruelty to animals. The bill would also prevent the use of a dog in a lawful hunt from being charged as cruelty to animals.

"Adequate shelter" would be defined to mean shelter: (1) suitable for the species and condition of the animal; (2) that protects the animal from weather; (3) that is properly lighted and cleaned; (4) that enables the animal to remain clean and dry; (5) that is properly shaded and not readily conductive of heat on days above 85° Fahrenheit; (6) that provides a windbreak at its entrance; and (7) that provides bedding material promoting the retention of body heat on days below 32° Fahrenheit. Adequate shelter" would not include outdoor tethering during periods of extreme weather.

If the shelter has a wire, grid, or slat floor, the bill would require the floor to prevent the animal's feet from passing through any openings, protect the animal's feet and toes from injury, and not sag under the animal's weight in order to come within the definition of "adequate shelter."

The bill would define "adequate space" to mean "sufficient space to allow each animal freedom of movement." In the case of tethering, the bill would require the tether to be at least the greater of 15 feet or the length of the animal, as measured from the tip of its nose to the base of its tail. The bill would also require the tether to not weigh more than one-tenth of the animal's body weight and not have weights or other heavy objects attached to it.

Finally, the bill would define "extreme weather" as any period above 85° Fahrenheit, any period below 32° Fahrenheit, the effective period of any hurricane, tropical storm, or severe weather warning issued by the National Weather Service (NWS), or the effective period of a heat advisory issued by a local or State authority.

Currently, depriving an animal of just adequate shelter or adequate space is not clearly chargeable as cruelty to animals and the use of a dog in a lawful hunt is not explicitly excluded from being considered as cruelty to animals. **Introduced by Representative Dahle and Harrison, assigned to the House Committee on Appropriations.**

[HOUSE BILL 1126](#), [Abortion Law Revisions](#), would expand the circumstances under which an abortion is legal after the twentieth week of pregnancy, as described in greater detail in the bill. The bill would also appropriate \$500,000 to the North Carolina State Crime Laboratory for the fiscal year following the date the bill becomes law to be used for necessary equipment and resources. **Introduced by Representatives Logan and K. Smith, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 1128](#), [Law Enforcement Investment Act](#), is identical to [Senate Bill 800](#), which is summarized in the May 27, 2022 Weekly Legislative Report. The bill would appropriate various funds to be invested in the law enforcement community and would expand opportunities for law enforcement officers, as described in detail in the May 27, 2022 Weekly Legislative Report. **Introduced by Representative Reives, Hunter, Cooper-Suggs and Everitt, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1135](#), [ABC Laws/Local Sales Option](#), would authorize local governments to adopt ordinances authorizing the issuance of "Happy Hour Permits" to permittees with on-premises malt beverage permits, on-premises unfortified wine permits, on-premises fortified wine permits, or mixed beverages permits located within their jurisdictions.

The permit would allow any permittee to sell an alcoholic beverage at a different price from the usual or established price for that alcoholic beverage. In addition, permittees would be permitted to sell more than one alcoholic beverage to purchasers at a single price. Permittees would also be able to establish a single purchase price of an alcoholic beverage that is contingent on the purchase of additional alcoholic beverages.

Finally, permittees would be able to offer “cents off” coupons to patrons and offer a meal and an alcoholic beverage together for the same price even if the total price does not reflect a reduction in the price of the alcoholic beverage. The bill would allow permittees to advertise the price and types of alcoholic beverages: (1) on outside signage located on their premises; and/or (2) via newspapers, radio, television, and other mass media.

Currently, permittees with on-premises malt beverages permits, on-premises unfortified wine permits, and on-premises fortified wine permits are not allowed to sell more than two alcoholic beverages at one time to a single patron. Additionally, permittees with mixed beverages permits are not allowed to sell more than one alcoholic beverage at one time to a single patron, and no permittees are allowed to advertise the price of beverages on outside signage. **Introduced by Representatives Saine, Hardister and Dahle, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 1136](#), [NC Working Families Act](#), would appropriate \$19 million in nonrecurring funds to the North Carolina Department of Health and Human Services (DHHS) for the 2022-2023 fiscal year to be used to support State-operated alcohol and drug abuse treatment centers.

The bill would also appropriate \$10 million in nonrecurring funds to the Governor’s Crime Commission within the North Carolina Department of Public Safety for the 2022-2023 fiscal year to provide competitive grants to North Carolina municipal police departments for the purpose of funding permanent or contract mental health professionals to assist officers in responding to criminal and noncriminal incidents, when deemed appropriate by the municipal police department.

Any mental health professional funded by the appropriation would be required to provide one or more of the following services: (1) field services for individuals requesting services or experiencing crisis; (2) nonemergency transportation for individuals experiencing a crisis; (3) response to referrals for service; (4) field support to Crisis Intervention Team (CIT) law enforcement officers; (5) proactive follow up and referrals to persons with a history of behavioral health issues resulting in police response; (6) referral and support services information for an individual’s support network; and (7) collaborative responses to calls for service.

From and after July 1, 2022, the bill would increase the retirement allowance to beneficiaries of the North Carolina Teachers’ and State Employees’ Retirement System (TSERS) whose retirements commenced on or before July 1, 2021 by 3% of the allowance payable on June 1, 2022. The bill would increase the retirement allowance by a prorated amount of 3% of the allowance payable on June 1, 2022, as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 2021 and June 30, 2022, for those beneficiaries whose retirements commenced after July 1, 2021 but before June 30, 2022. The bill would appropriate \$153 million in recurring funds to the Reserve for Retiree Cost-of-Living Adjustments for the 2022-2023 fiscal year to implement this increase.

Finally, the bill would also amend the salary schedules for State law enforcement officers, correctional officers, and probation and parole officers in the 2021 Appropriations Act and award a legislative salary increase and retention bonuses in a manner identical to [Senate Bill 792](#), which

is summarized in the May 27, 2022 Weekly Legislative Report. **Introduced by Representatives Reives, Adcock and Lofton, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1142](#), Revise Motor Vehicle Emission Laws, would prohibit a person from modifying a diesel-powered motor vehicle with a device that temporarily or permanently enables the vehicle to emit visible air contaminants equal to or darker than the shade or density designated as No. 1 on the Ringelmann Chart or equal to or darker than a shade or density of 20% opacity or that enables the vehicle to perform “coal rolling.”

“Coal rolling” would be defined as operating a diesel-powered motor vehicle in a manner that causes emission of visible air contaminants with the intent to do any of the following: (1) cause a reasonable person to feel harassed, annoyed, or alarmed; (2) obstruct or obscure any person’s view of the roadway, other users of the roadway, or a traffic control device; or (3) create a hazard to a motor vehicle operator, bicyclist, or pedestrian. The bill would make “coal rolling” punishable as a Class A1 misdemeanor.

The bill would also require any safety and emission inspection required under law to include a determination that the inspected vehicle has not been modified to perform “coal rolling” and would empower both the North Carolina Sheriffs’ Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to develop training to identify emissions violations. **Introduced by Representatives Autry, Logan and Harrison, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1146](#), Community Safety Act, is identical to [Senate Bill 801](#), which is summarized in the May 27, 2022 Weekly Legislative Report. Among other provisions summarized in the May 27, 2022 Weekly Legislative Report, this bill 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. **Introduced by Representative Reives, Gailliard, Hurtado and Lofton, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1147](#), Fund Our Police, is identical to [Senate Bill 802](#), which is summarized in the May 27, 2022 Weekly Legislative Report. The bill 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. **Introduced by Representative Reives, Gailliard, Cooper-Suggs and Hunter, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1148](#), Remove Sheriff from Jury Summons Process, would remove the sheriff from the jury summons process. The bill would require clerks of court to prepare, issue, and serve all jury summonses.

Currently, clerks of court have the option to either (1) prepare, issue, and serve jury summonses themselves; or (2) provide printed jury summonses or a list of jurors' names and addresses to the sheriff, who is then required to ensure that all summonses are properly issued and served.

Additionally, the bill would appropriate \$50,000 in nonrecurring funds to the North Carolina Administrative Office of the Courts for the 2022-2023 fiscal year to be used to educate clerks of court, sheriffs, and other relevant stakeholders of the changes made in the bill. **Introduced by Representative Moss, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 1163](#), Bulkhead Authority for Carolina Beach, would give the Town of Carolina Beach (Town) authority to make, enact, and enforce ordinances that would require properties adjacent to waters of the State to construct structures to retain or stabilize the shoreline when such construction is necessary to protect property and public infrastructure from waves, tides, erosion, flooding, and sea level rise.

Additionally, the bill would authorize the Town to provide standards for the construction, replacement, reconstruction, and maintenance of these structures, which would be enforced by law enforcement officers for the Town. Currently, the Town has no authority to require properties to construct retaining or stabilizing structures or to provide or enforce construction standards of such structures.

This bill would only apply to the Town of Carolina Beach. 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 Miller.**

[SENATE BILL 873](#), Pitt County Funds, would appropriate \$600,000 in nonrecurring funds to Pitt County for the 2022-2023 fiscal year to be used for a ballistics laboratory for the Pitt County Sheriff's Office. **Introduced by Senator Davis, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 879](#), Funds for Greene Co. Emergency Op. Ctr., would appropriate \$145,000 in nonrecurring funds to Greene County for the 2022-2023 fiscal year to support Greene County's Emergency Operations Center. The Greene County Emergency Operations Center houses the Greene County Emergency Operations Center for Disaster Response, the 911 Communication and Dispatch Center, the Greene County Emergency Services Office and County Transportation Department offices. **Introduced by Senator Davis, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 889](#), Support Sick and Aging State Prisoners, would appropriate \$6 million in nonrecurring funds to the North Carolina Department of Public Safety (DPS) for the 2022-2023 fiscal year to support, maintain, or expand chronic care units in State prisons. The bill would also

appropriate \$4 million in nonrecurring funds to DPS for the 2022-2023 fiscal year to improve the screening and training of incoming staff at State prisons.

In addition, the bill would require the Secretary of DPS to use the Secretary's statutory authority to extend the limits of confinement to lessen overcrowding in State prisons when a State prison is at or above 80% of its maximum occupancy capacity. This would result in the early release from prison of certain State prisoners to serve the remainder of their prison sentence under the supervision of community corrections officers.

Finally, the bill would expand the eligibility for the medical release of "inmates" to include a prisoner that is incapacitated to the extent the inmate no longer poses a public safety risk. "Inmate" refers to a prisoner that is sentenced to the custody of the Division of Adult Correction and Juvenile Justice (DACJJ) of the North Carolina Department of Public Safety. Currently, eligibility for medical release applies to "inmates" who are permanently and totally disabled, terminally ill, or are geriatric. **Introduced by Senators Murdock and Waddell, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 892](#), Durham/Civilian Traffic Investigators, is identical to [House Bill 1024](#), which is summarized in the May 27, 2022 Weekly Legislative Report. The bill 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. **Introduced by Senators Woodard and Murdock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 893](#), ATV and UTV Titling/Mod. UTV Revisions, would authorize the North Carolina Division of Motor Vehicles (DMV) to issue certificates of title for all-terrain vehicles, modified utility vehicles, or utility vehicles. The bill would also allow modified utility vehicles to be operated on any street or highway where the posted speed limit is 55 miles per hour or less.

Currently, modified utility vehicles may not be operated on any street or highway having four or more travel lanes where the posted speed limit is above 35 miles per hour. **Introduced by Senator Jarvis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 902](#), Revise Motor Vehicle Emission Laws, is identical to [House Bill 1142](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Marcus, Garrett and Mayfield, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 903](#), Asheville/Raleigh Traffic Investigators, would authorize the City of Asheville and the City of Raleigh 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 in the May 27, 2022 Weekly Legislative Report.

The bill would authorize the City of Asheville and the City of Raleigh to employ these Investigators but would not authorize Investigators in either city to direct traffic. Investigators in Asheville only would be authorized to issue citations for infractions under Chapter 20 of the



## General Statutes.

This bill would apply only to the City of Asheville and the City of Raleigh. 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 Senators Blue and Mayfield, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 910](#), [Motorist Notification Act](#), would authorize a publicly owned fire apparatus in Davidson County to be equipped with blue lights so long as the fire apparatus parking brake is engaged, the on-scene lights of the fire apparatus are activated, and the blue lights are only visible from the rear of the fire apparatus. The bill would define “fire apparatus” to mean any of the following: a pumper apparatus, mobile foam apparatus, initial attack apparatus, quint, tanker apparatus, and aerial apparatus.

Currently, it is a Class 1 misdemeanor to possess a blue light or to install, activate, or operate a blue light on any vehicle other than publicly owned vehicles used for law enforcement purposes or any other vehicle used by law enforcement officers in the performance of their duties.

This bill would apply only to Davidson 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 Senator Jarvis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 912](#), [Greensboro Civilian Traffic Investigators/SBE](#), would authorize the City of Greensboro to employ nonsworn personnel, to be known as “Civilian Traffic Investigators,” to investigate crashes only involving property damage and issue citations for infractions under Chapter 20 of the General Statutes for any traffic crashes investigated. The provisions in this bill are substantially similar to those in [House Bill 1011](#), which is summarized in the May 27, 2022 Weekly Legislative Report.

The bill would require the City of Greensboro to establish minimum standards for employment as a Civilian Traffic Investigator and would require the Greensboro Police Department to design a training program for these investigators, in consultation with the North Carolina Justice Academy. Investigators would be required to complete the training program and at least four weeks of field training with a law enforcement officer who has experience conducting traffic crash investigations and would be issued uniforms substantially different in color and style from that of a law enforcement officer for the City. Investigators would not be issued a weapon of any type and would not have authority to arrest, but would have the same authority as a law enforcement officer to tow or remove vehicles obstructing public streets or highways.

This bill would only apply to the City of Greensboro. 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 Senators Garrett and Robinson, and assigned to the Committee on Rules and Operations of the Senate.**

## BILL STATUS

[HOUSE BILL 315](#), Arson Law Revisions, which is summarized in the March 19, 2021 Weekly Legislative Report, has been amended in the Senate. The bill, as amended, would make it a Class F felony if a person commits a felony under Article 15 of Chapter 14 of the General Statutes (various arson offenses) and a firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers “serious injury” while discharging or attempting to discharge their official duties. The bill does not define “serious injury.”

Currently, a person is guilty of a Class E felony if they commit a felony under Article 15 of Chapter 14 of the General Statutes and any of the above individuals suffer “serious bodily injury” while discharging or attempting to discharge their official duties.

[HOUSE BILL 607](#), LEO Background Checks//FBI Rap Back Services, which is summarized in the April 23, 2021 Weekly Legislative Report, has been amended in the Senate to change the entire content of the bill and to rename the bill “Suspend Automatic Expunction.”

The bill, as amended, would freeze until August 1, 2023 the automatic expunction by operation of law of dismissed charges and not guilty verdicts under the [Second Chance Act](#) (SL 2020-35), and would require the North Carolina Administrative Office of the Courts (AOC) to convene a group of stakeholders, including sheriffs, to make recommendations to resolve the issues that have developed with these automatic expungements, including but not limited to lack of timely notice that a case has been automatically expunged, lack of timely release orders being delivered to confinement facilities because it is unknown that a case has been automatically expunged, seized evidence not being disposed of in a timely manner because it is unknown that a case has been automatically expunged, and agency file retention issues created by automatic expungements that are not accompanied by a court order.

Finally, the bill as amended would also require an individual petitioning to have convictions for multiple non-violent misdemeanors or felonies obtained in multiple counties to file a petition in each county of conviction within a 120-day period and would allow a court to grant a petition filed outside the 120-day period upon a showing of good cause for failure to file the petition within the 120-day period.

Currently, an individual filing petitions in multiple counties is required to file all such petitions within a 30-day period and there is no authorization for a court to excuse the filing of a petition outside the 30-day period upon a showing of good cause.

[HOUSE BILL 911](#), Regulatory Reform Act of 2022, has been amended in the Senate to clarify in our public records laws that specific security information or detailed plans, patterns or practices associated with prison and local confinement facilities operations is not public record. The bill has passed the Senate and been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 987](#), Sheriff Excep. for Det. Facility Food Purch., which is summarized in the May

20, 2022 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 1005](#), Organized Retail Theft, which is summarized in the May 20, 2022 Weekly Legislative Report, has passed the House with amendment and has been sent to the Senate for consideration. The bill, as amended, would clarify the lawful owner of any seized retail or other property that is evidence of larceny, organized retail theft, or embezzlement, may request the return of such property prior to trial from the district attorney.

Upon the receipt of such a request or upon the district attorney's own determination, the district attorney may apply to the court for an order authorizing the return of the property and would be required to give the defendant notice of the request and 10 business days to inspect and photograph the property that is the subject of the request.

Currently, there is no specific procedure for requesting the return of retail property and any property other than a firearm can be returned upon the district attorney's own determination, without need to make application for a court order.

The bill, as amended, would also provide that damage to property in excess of \$1,000 or the commission of an assault and battery against an employee or independent contractor of the retail establishment or a law enforcement officer during the commission of retail theft of retail property exceeding \$1,000 in value is punishable as a Class A1 misdemeanor, instead of as a Class G felony.

[HOUSE BILL 1006](#), Amend Prison Pilot Deadlines, which is summarized in the May 20, 2022 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 455](#), Decriminalize Non-Statutory Offenses, which is summarized in the April 2, 2021 Weekly Legislative Report, has been amended in the House to change the entire content of the bill and to rename the bill "Conform Hemp with Federal Law."

The bill, as amended, would define "hemp" to mean "the plant *Cannabis sativa* (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabanioids, 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, as amended, 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.

[SENATE BILL 762](#), North Carolina Farm Act of 2022, which is summarized in the May 27, 2022 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 766](#), Organized Retail Theft, which is summarized in the May 27, 2022 Weekly Legislative Report, has been amended in the Senate in a manner substantially similar to [House Bill 1005](#), which amendments are summarized above in this Weekly Legislative Report.

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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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