

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 10, 2022

The lobbyists and legislative professionals found sprinting around the halls of the two legislative buildings this week are still hearing from lawmakers that they intend to conclude this short session by the first week in July. That is normally when the short session ends, but recent sessions have been anything but predictable.

From the rapid pace of bills being heard in committees and the length of committee calendars, it seems evident that legislators are trying their hardest to finish their business quickly and efficiently. In fact, to speed things along, some bills are being placed directly on the powerful House or Senate Rules Committee calendars without being given a hearing in any other committee. Generally, each Rules Committee is the last hearing a bill receives (after the bill is heard and maybe amended in other committees) before being called for a vote in the respective chamber.

This requires all interested parties to pay close attention to what is happening on a daily if not hourly basis. Seemingly any bill could be calendared and on for a vote in either chamber before there is time to blink in this short session. However, even with the quick pace at which things are moving, only three bills have passed both chambers and been sent to the Governor for his signature thus far this session.

The House and Senate adjourned on Friday and will reconvene on Monday, June 13, 2022.

BILL STATUS

[HOUSE BILL 315](#), Arson Law Revisions, which is summarized in the March 19, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 615](#), Juvenile Court Mental Health Assessments, which was originally filed on April 20, 2021, has been amended in the Senate to change the entire content of the bill and to rename the bill "Jordan's Law." The bill has passed the Senate and has been sent back to the House for consideration of the Senate amendment.

The bill, as amended, is substantially similar to [Senate Bill 836](#), which is summarized in the May 27, 2022 Weekly Legislative Report.

The bill, as amended, 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

after 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 bill, as amended, would require the clerk of court to notify the sheriff if a temporary renewal is granted and provide a copy of the temporary order to the sheriff.

The bill would also require the temporary renewal to be served in the same manner as an ex parte order issued pursuant to G.S. 50B-2 if the defendant is not personally present in court when the temporary renewal is granted. If the bill is enacted into law, the sheriff of the county where the temporary renewal is granted will be required to enter the renewal into the National Crime Information Center (NCIC) registry as, under current law, renewals of domestic violence protective orders must be promptly entered.

Currently, a person granted a DVPO could temporarily be without its protections if the court date to consider its renewal is set after the order expires.

[HOUSE BILL 1008, Clarify Sex Offender Registration](#), 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.

[SENATE BILL 711, NC Compassionate Care Act](#), which is summarized in the July 2, 2021 Weekly Legislative Report, has passed the Senate with amendment and has been sent to the House for consideration.

[SENATE BILL 766, Organized Retail Theft](#), which is summarized in the June 3, 2022 Weekly Legislative Report, has passed the Senate with amendment and has been sent to the House for consideration.

[SENATE BILL 769, GSC Postponement/Judicial & Execution Sales](#), has passed the Senate with amendment and has been sent to the House for consideration. The bill, as amended, would allow a sheriff to postpone an execution sale for up to 90 days after the original date for the sale if any of the following occur: (1) there are no bidders; (2) the number of prospective bidders is substantially decreased because of inclement weather or any other casualty; (3) there are so many others sales advertised at the same time and place as to make holding the sale impracticable; (4) the sheriff is unable to hold the sale because of illness or other reason; or (5) other good cause exists.

The bill, as amended, would allow the sheriff to postpone the sale multiple times for the above-listed reasons as long as the total delay does not exceed 90 days. Further, it would require the sheriff to give written or oral notice of postponement to the judgment debtor.

Currently, a sheriff can only postpone the sale by up to six days, excluding Sundays, for the above-

listed reasons.

Finally, the bill, as amended, would clarify that no executions shall be issued until the time for giving notice of appeal has expired. The bill would provide that the 90-day period to submit a return on an execution is extended by the number of days the execution sale is postponed. Currently, a return on an execution must be submitted no more than 90 days after the execution was issued, regardless of whether the execution sale is postponed.

The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

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