

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

January 27, 2023

On Wednesday, the General Assembly officially began the work of the 2023 Session. While legislators gathered a few weeks ago for a one-day session, that meeting was only an organizational one. On Wednesday, legislators were back in Raleigh to start work in earnest on issues important to their constituents.

House and Senate committee chairpersons and members have been announced for the session. Speaker Moore presented the House chairpersons with gavels during Wednesday's session. Those gavels will likely be used very soon in committee meetings since the filing period for bills began this week. At the end of this first week of business, the Senate has filed 29 bills and the House 23 bills.

This first week of session usually also brings many legislative events which garner the attention of legislators. One of those events is the Association Executives of North Carolina (AENC) Legislative Reception which was held Wednesday night. The North Carolina Sheriffs' Association was one of the sponsors of the event. A large number of sheriffs and sheriffs' personnel from across the State were in attendance discussing legislative issues which are important to the Office of Sheriff with their representatives and senators.

The House and Senate have adjourned and will reconvene on Monday, January 30, 2023.

BILLS OF INTEREST

[HOUSE BILL 6](#), Uniformed Heroes Voting Act, would clarify that any law enforcement officer, first responder, correctional officer, or member of the military may wear their uniform when entering a voting place "seeking to vote." **Introduced by Representatives D. Hall, Carson Smith, Miller and Pyrtle, and assigned to the House Committee on Election Law and Campaign Finance Reform.**

[HOUSE BILL 7](#), Stanly Comm. Coll. Safety Funds, would appropriate to the North Carolina Community Colleges System Office \$15 million dollars in nonrecurring funds for the 2023-2024 fiscal year to build a public safety training facility at Stanly Community College to house the Basic Law Enforcement Training (BLET) program at the College. **Introduced by Representative Sasser, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 10](#), [Require Sheriffs to Cooperate with ICE](#), would require the person in charge of a local confinement facility (i.e. county jail) that is unable to determine the residence status of a prisoner entering the facility to make a query with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security to determine whether the prisoner is a legal resident of the United States if the prisoner is charged with the following types of criminal offenses: (1) felony drug offenses; (2) homicide offenses (such as murder and manslaughter); (3) felony sex offenses (such as rape); (4) felony and Class A1 misdemeanor assaults; (5) felony human trafficking offenses; (6) offenses involving felony criminal gang activity; and (7) violations of valid domestic violence protective orders.

Currently, an ICE query must only be made for all prisoners entering confinement facilities with an unknown residency status who are charged with a felony or an impaired driving offense.

The bill requires that, upon a confinement facility receiving notice that an ICE detainer and administrative warrant have been issued for someone that appears to be in the facility's custody, the person must be taken before a State judicial official without unnecessary delay. If the judicial official determines that the prisoner is the same person as the person subject to the detainer and administrative warrant, the judicial official shall order the prisoner held until the earlier of: (1) 48 hours passing from receipt of the detainer and administrative warrant; (2) ICE taking custody of the prisoner; or (3) the detainer being rescinded by ICE.

Finally, the bill would provide criminal and civil immunity to state and local law enforcement officers and agencies who are complying with the requirements of the judicial official's order. **Introduced by Representatives D. Hall, B. Jones, Saine and Carson Smith, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 11](#), [Schools for the Deaf and Blind](#), would create separate boards of trustees to govern the Eastern North Carolina School for the Deaf, the North Carolina School for the Deaf, and the Governor Morehead School for the Blind. The bill would require each board of trustees to adopt a school risk management plan, in coordination with local law enforcement agencies, to provide schematic diagrams and keys to local law enforcement, and to conduct a school safety exercise with local law enforcement at least once each year.

Currently, each local school administrative unit in this State must provide schematics and keys to local law enforcement and are encouraged, but not required, to include local law enforcement in annual school safety exercises. **Introduced by Representatives Blackwell, Fontenot, Paré and Wheatley, and assigned to the House Committee on Education – K – 12.**

[HOUSE BILL 18](#), [Elk Conservation Permit Auction/Raffle](#), would require any person hunting deer during deer firearms season or elk during open elk season to wear hunter orange in a manner that is visible from all directions. Currently, persons hunting deer during deer firearms season are required to wear hunter orange but there is no requirement that they wear it in a manner that is visible from all directions.

The bill would also require the North Carolina Wildlife Resources Commission to adopt rules on the manner of taking an elk, providing a method to report the successful harvest of an elk, and on

tagging requirements. **Introduced by Representatives Moss, Sasser, Gillespie and Miller, and assigned to the House Committee on Wildlife Resources.**

[HOUSE BILL 22](#), Concealed Gun Permit/Dishonorable Discharge, would limit the types of military discharges that disqualify an individual from receiving a North Carolina concealed handgun permit. Only a dishonorable discharge would disqualify a person from receiving a concealed handgun permit.

Currently, if a person receives any type of discharge from the Armed Forces of the United States other than one under honorable conditions, they are disqualified from receiving a concealed handgun permit. **Introduced by Representative Crutchfield.**

[SENATE BILL 3](#), NC Compassionate Care Act, would allow patients with certain diagnosed debilitating medical conditions listed in the bill (such as PTSD, cancer, epilepsy, or HIV) to lawfully possess and or purchase an “adequate supply” of marijuana, as defined in the bill, if they obtain a registry identification card from the North Carolina Department of Health and Human Services (Department) to lawfully possess and purchase the marijuana, based upon a written certification from a physician stating that the patient suffers from a debilitating medical condition.

The bill would prohibit smoking and vaping of marijuana in public places, places of employment, in vehicles, and within 1,000 feet of certain places, even with a valid registry identification card.

The bill would also create a Compassionate Use Advisory Board (Board). The Board would have the authority to approve “any other serious medical condition” in addition to those already listed in the amended bill. Therefore, if enacted into law, the Board would have the unlimited authority to approve medical conditions for which marijuana could be prescribed without legislative action.

The bill would allow a person to apply for a Medical Cannabis Supplier License (License) that would allow the person to: (1) grow, cultivate, produce, or sell marijuana or marijuana-infused products (such as marijuana gummy bears, marijuana cookies, or other edible products); (2) operate a business to produce cannabis or cannabis-infused products; or (3) establish or operate a medical cannabis center for the sale of marijuana, marijuana-infused products, and paraphernalia (such as smoking pipes, water bongs and other similar products).

A licensed supplier would be exempt from the criminal laws of the State for possession, production, delivery, or transportation of marijuana (or aiding and abetting another in commission of the same) if the person is in compliance with the provisions contained in the bill and any rules established by the Medical Cannabis Production Commission (Commission) created by the bill.

The Commission would be comprised of nine members that would serve four-year terms, including a sheriff designated by the North Carolina Sheriffs' Association, and would have the power to approve applications for Medical Cannabis Supplier Licenses upon the recommendation of the Department, to suspend or revoke such licenses, and to adopt rules to establish qualifications and requirements for supplier licensure.

Individuals who have a felony conviction of manufacturing, selling, delivering, or PWISD of a Schedule I or II controlled substance at any time or who have served a sentence for certain other felonies within the five years immediately preceding their application for a License would be disqualified from receiving one.

In addition, the bill would require the Department to establish a Confidential Medical Cannabis Registry Database that would contain all qualified patients and designated caregivers that have been issued registry identification cards for the possession of marijuana and to also establish the North Carolina Medical Cannabis Verification System (System), which would be a secure web-based system accessible to State and local law enforcement personnel and medical cannabis centers that would allow law enforcement personnel and medical cannabis centers to determine whether a registry identification card is valid.

The System would include various items of information related to registry identification cards but would only disclose the amount of marijuana and marijuana-infused products dispensed in the past 30 days if accessed by a medical cannabis center employee or authorized Department personnel.

The bill would also establish various criminal penalties, as set out in greater detail in the bill, for the manufacture, sale, delivery or possession of marijuana in violation of the provisions contained in the bill and exclude “an adequate supply” of cannabis from the definition of “marijuana” in the North Carolina Controlled Substances Act.

Currently, possession, purchase, and/or use of marijuana or marijuana-infused products is only legal under State law to treat intractable epilepsy. **Introduced by Senators Rabon, Lee and Lowe, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 4, 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.

Currently, amounts received from retirement are only deductible from state income tax if paid to retirees whose retirement benefits vested on or before August 12, 1989. **Introduced by Senator Burgin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 15, Hands Free NC](#), would repeal the current law on the use of mobile phones while operating motor vehicles and instead prohibit a person from operating a motor vehicle: (1) with a wireless communication device in the person's hand; (2) while physically holding or supporting a wireless communication device; (3) while watching a video or movie with the device; (4) while communicating by video with the device; or (5) while texting.

“Texting,” as defined in the bill, would include sending or reading messages or emails, accessing a webpage, and initiating or terminating a call by pressing more than one button.

“Wireless communication device,” as defined in the bill, would include a cell phone, personal digital assistant, laptop computer, pager, and smartwatch, among other devices.

The prohibition on using a wireless communication device would not apply to first responders, including law enforcement, using a wireless communication device to communicate during an emergency situation, nor would the prohibition apply to law enforcement officers and various other first responders using a wireless communication device in the performance of their official duties. Finally, the prohibition would not apply to equipment that is integrated into a vehicle either at manufacture or thereafter.

The bill would provide that any person violating its provisions is guilty of an infraction and would be subject to monetary fines and insurance points, as set out in the bill.

Currently, the law prohibits a person from operating a moving motor vehicle while using a mobile phone to text or read e-mails; a person under 18 years of age from operating a moving motor vehicle while using a mobile phone in any capacity except to communicate in emergency situations or with the person’s parent(s), legal guardian(s) or spouse; or a person operating a moving school bus from using a mobile phone in any capacity except to communicate in an emergency situation. **Introduced by Senators Burgin, Corbin and Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 20](#), [Safe Surrender Infants/Safe Sleep Prog. Funds](#), would make various revisions to the laws governing the safe surrender of infants. The bill would require the following individuals, without a court order, to take into temporary custody an infant who is without signs of abuse or neglect and who is reasonably believed to be under 7 days old that is voluntarily delivered to the individual by the infant’s parent who does not express an intent to return for the infant: (1) a health care provider who is on duty or at a hospital, local or district health department, or a nonprofit community health center; (2) a first responder, **including a law enforcement officer**, a certified emergency medical services worker, or a firefighter; or (3) a social services worker who is on duty or at a local department of social services.

The bill would prohibit any person or agency from accepting a surrendered infant if it is determined that any of the following is true: (1) the surrendered infant is not reasonably believed to be under 7 days old; (2) the infant shows signs of abuse or neglect; (3) there is reason to believe the individual surrendering the infant is not the infant’s parent; or (4) at the time of surrender, there was reason to believe the parent intended to return for the infant.

Currently, (1) firefighters and first responders are not named in the list of individuals authorized to take temporary custody of a surrendered infant; (2) an off-duty law enforcement officer must be physically located at a police station or sheriff’s office to take custody of the infant; and (3) an off-duty emergency medical services worker must be physically located at a fire or emergency medical services station to take custody of the infant.

The bill would require an individual who takes temporary custody of an infant under the statute to perform any act necessary to protect the physical health and well-being of the infant and to immediately notify the department of social services in the county where the infant was surrendered.

The bill would continue to provide the individual taking custody of an infant under the statute with immunity from civil or criminal liability, so long as the individual acts in good faith. This immunity does not extend to gross negligence, wanton conduct, or intentional wrongdoing.

The bill would authorize the individual taking temporary custody of the infant to inquire as to the parents' identities, the date of birth of the infant, any relevant medical history, and the parents' marital status. The bill would require the individual to notify the parent that the parent is not required to provide the information. If practical, the bill would also require the individual to provide the parent with specified written information to be created by the North Carolina Department of Health and Human Services, Division of Social Services on the safe surrender of infants and the rights of the parents.

Lastly, the bill would exclude safely surrendered infants from the definition of "neglected juvenile" in the statutes and provide any surrendering parent with civil and criminal immunity as long as they were acting in good faith.

Currently, there is a procedure under the law for the surrender of an infant under 7 days old which provides immunity from criminal prosecution for a parent. However, the current procedure does not provide civil immunity for the surrendering parent, specify in explicit detail the rights and duties of the surrendering and non-surrendering parents and the department of social services, or provide any right to the surrendering parent to regain custody of a surrendered infant. **Introduced by Senators Burgin, Corbin and Ford, and assigned to the Committee on Rules and Operations of the Senate.**

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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