

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

February 3, 2023

While folks are back at the General Assembly this week for the first full week of the Session, anyone familiar with the legislative process can tell that members are still really settling in before the busier part of the Session arrives. New members are learning their way around, both literally and figuratively, along with many new legislative and research assistants who are new to the process as well.

A few committees did meet this week to begin considering bills and confirmations. In particular, the Senate Judiciary Committee met to hear testimony from and vote on the confirmation of Todd Ishee to become the Secretary of the Department of Adult Correction (DAC). Mr. Ishee previously served the State as North Carolina's Commissioner of Prisons within the Department of Public Safety. DAC is the newest cabinet level agency in North Carolina.

The House and Senate adjourned on Thursday, February 2, 2023, and will reconvene on Monday, February 6, 2023.

BILLS OF INTEREST

[HOUSE BILL 34](#), Protect Those Who Serve and Protect Act, would create the new criminal offense of "Discharging certain barreled weapons or a firearm at or into certain unoccupied emergency vehicles." It would be a Class H felony to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles (such as a pellet gun, shotgun, or rifle) at or into any unoccupied emergency vehicle, including a law enforcement vehicle.

Currently, it is a Class E felony to discharge a firearm into occupied property, but there is no crime covering discharge of a firearm into an unoccupied vehicle other than misdemeanor offenses for damage to property.

The bill would also make it a Class I felony to intentionally point a laser device that is emitting a beam of light at any of the following persons who are in the performance of their official duties: (1) a law enforcement officer; (2) a probation officer or parole officer; (3) detention and correctional personnel (such as a detention officer working for a sheriff); (4) a firefighter; (5) an emergency medical technician or other emergency health care provider; (6) a member of the North Carolina National Guard or any branch of the Armed Forces of the United States; or (7) juvenile court counselors.

The bill would also make it a Class A1 misdemeanor to intentionally point a laser device that is emitting a beam of light at a law enforcement agency animal (such as an agency K-9) or a search and rescue animal while the animal is in the performance of its duty.

Currently, it is an infraction to point an emitting laser device at a law enforcement officer or at the head or face of another person. **Introduced by Representatives Hastings, Saine, Carson Smith and Pyrtle, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 35, Expand Definition of Opioid Antagonist](#), would expand the definition of “opioid antagonist” for the purposes of treatment of overdoses and use in authorized needle and hypodermic syringe exchange programs to include any opioid antagonist approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose.

Currently, naloxone hydrochloride (i.e. NARCAN[®]) is the only substance defined as an “opioid antagonist” under State law. If enacted into law, this could result in more versions of opioid antagonist drugs being distributed to law enforcement to combat opioid overdose. **Introduced by Representatives Sasser, Potts, Lambeth and Paré, and assigned to the House Committee on Health.**

[HOUSE BILL 36, Firearms Training/Probation & Parole Officers](#), would add “qualified probation or parole certified officer” to the list of individuals who are not required to take the approved firearms safety and training course in order to be issued a concealed handgun permit. Qualified probation or parole officers would be defined as those probation and parole officers that are authorized by the Department of Adult Correction to carry a handgun in the course of their duties.

Currently, a qualified retired probation or parole officer who has been retired for less than two years is exempt from the firearms safety and training course requirement, but not a current probation or parole officer authorized to carry a handgun in the course of their duties. **Introduced by Representatives Lowery, Ward and Crutchfield, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 39, Kayla’s Act: Protecting Dom. Violence Victims](#), would extend the State’s statute of limitations to charge misdemeanor crimes of domestic violence from 2 years to 10 years. The bill would also allow victims of domestic violence to testify remotely in criminal cases regarding the domestic violence to which they were the victim if: (1) the State provides notice of its intent to use remote testimony and the defendant does not object; or (2) a court authorizes remote testimony by the domestic violence victim, notwithstanding the defendant’s objection.

Currently, remote testimony in criminal cases is only allowed for child witnesses, witnesses with intellectual or developmental disabilities, and forensic analysts. Lastly, the bill would require that all proceedings in district court regarding domestic violence protective orders be recorded. Currently, district court proceedings are not recorded. **Introduced by Representatives Lowery, B. Jones, Miller and Carson Smith, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 40, Preventing Rioting and Civil Disorder](#), would increase the punishment for various rioting offenses, including inciting a riot, as explained in greater detail in the bill.

The bill would also increase the punishment for committing an assault upon emergency personnel from a Class I felony to a Class H felony and would add members of the North Carolina National Guard to the emergency personnel upon whom an assault would be prohibited. Furthermore, the bill would eliminate the requirement that the assault result in physical injury to emergency personnel in order for a person to be convicted.

Finally, the bill would require the official that determines the conditions of pretrial release for persons charged with rioting offenses be a judge. Currently, magistrates may determine the conditions of pretrial release for persons charged with a crime except for crimes of domestic violence and for communicating a threat of mass violence on educational property or at a place of religious worship. **Introduced by Representatives Moore, Sauls, Miller and Willingham, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 46, Eliminate Tax on Gov't Retirees](#), is similar to [Senate Bill 4, Eliminate Tax on Gov't Retirees](#), which is summarized in the January 27, 2023 Weekly Legislative Report. **Introduced by Representatives Cleveland, Iler, Hardister and White.**

[HOUSE BILL 47, School Protection Act](#), would allow armed security guards registered with the North Carolina Private Protective Services Board to carry weapons on the grounds of private church schools, schools of religious charter, or qualified nonpublic schools when they are contracted with those institutions to provide security.

Currently, armed security guards are only allowed to carry weapons on educational property when they are providing security to a college or university hospital or health care facility. **Introduced by Representatives Johnson, N. Jackson, Biggs and Ward.**

[SENATE BILL 40, Pistol Purchase Permit Repeal](#), would eliminate the requirement to obtain a pistol purchase permit before selling, giving away, transferring, purchasing, or receiving a pistol in this State.

Currently, a pistol purchase permit issued by the sheriff is required to sell, give away, transfer, purchase, or receive a pistol in North Carolina. **Introduced by Senators Britt, Daniel and Perry, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 41, Protect Religious Meeting Places](#), would allow anyone with a concealed handgun permit, or who is exempt from having to obtain one, to carry a handgun on school grounds if the school grounds also house a place of religious worship. The bill would allow for the carrying of a handgun on the premises of the school grounds only when the premises are NOT being used for curricular or extracurricular activities, school-sponsored activities (such as on weekends or during holidays), or for any programs for minors conducted by entities unaffiliated with the religious institution.

Currently, carrying a weapon on educational property is prohibited, except in very limited circumstances. Those circumstances do not currently include allowing a person to carry a concealed handgun on school property that is being used for religious worship.

The bill would also allow a civilian employee of a law enforcement agency with a concealed handgun permit to carry a concealed handgun in a law enforcement facility so long as the person has been designated in writing by the agency head to carry the handgun and has in their possession written proof of the designation. The agency head would be allowed to rescind this authorization at any time.

Currently, civilian employees of a law enforcement agency may not carry a concealed handgun inside a law enforcement facility, even with a valid concealed handgun permit. **Introduced by Senators Britt, Daniel and Perry, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 50](#), Require Cooperation with ICE 2.0, is identical to [House Bill 10](#), Require Sheriffs to Cooperate with ICE, which is summarized in the January 27, 2023 Weekly Legislative Report. **Introduced by Senators Britt, Sanderson and B. Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 51](#), Kayla's Act: Protecting Dom. Violence Victims, is identical to [House Bill 39](#), Kayla's Act: Protecting Dom. Violence Victims, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Britt, Craven and Barnes, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 58](#), Protect Critical Infrastructure, would create the new criminal offense of "injuring energy facility," making it a Class C felony to knowingly and willfully destroy, injure or damage or attempt to destroy, injure or damage an energy facility.

An energy facility would be defined as a facility involved in the production, storage, transmission, or distribution of electricity, fuel, or other form of energy. Energy facilities would also include lines, wires, and pipes used as part of the normal operation of the facility. This new criminal offense would also be punishable by a mandatory \$250,000 fine.

The bill would also make it a Class I felony to trespass on an energy facility. Currently, this is punished as a Class A1 misdemeanor. Additionally, the bill would make it a Class G felony to trespass with the intent to disrupt the normal operation of the facility or involving an act that places the trespasser or others at risk of serious bodily injury. Currently, this is punished as a Class H felony.

Finally, the bill would make it a Class C felony to willfully injure, destroy, or pull down any telephone, broadband, or cable pedestal or pole, or any equipment used in the transmission of telephone, broadband, cable telecommunications, or wireless communications regulated by the Federal Communications Commission (FCC).

Currently, it is a Class I felony to injure, destroy, or pull down any telegraph, telephone, cable telecommunications, electric power transmission, or wireless communications pedestal, pole, or equipment. Broadband equipment is not included. **Introduced by Senators McInnis, Britt and P. Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 62](#), Schools for the Deaf and Blind, is identical to [House Bill 11](#), Schools for the Deaf and Blind, which is summarized in the January 27, 2023 Weekly Legislative Report. **Introduced by Senators B. Newton and Daniel.**

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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