

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

March 10, 2023

On Tuesday, sheriffs from across the State attended a news conference and the Senate Judiciary Committee hearing at the State Legislative Building in Raleigh to speak in support of Senate Bill 189, Fentanyl Drug Offenses and Related Changes. This bill creates new methods for law enforcement to combat fentanyl and other dangerous controlled substances. The bill was heard on Wednesday in the Committee on Rules and Operations of the Senate where it received a favorable report. It is now eligible for a vote of the full Senate.

As for the remainder of the business this week, both Tuesday and Wednesday were packed with committee meetings that drove a number of bills through the legislative process. It seems that as quickly as things are moving, House and Senate leadership may be able to make good on their early session projection to have this Long Session wrapped up by the end of the fiscal year in June.

Speaker Tim Moore announced to House members on Wednesday that the House and the Senate have reached an agreement on how much money they will spend in this year's budget. Speaker Moore noted that in the past this number has not been reached until much later in the session causing the budget process to take much longer than they are estimating this year. House leadership is still projecting they will have a budget to present by Easter which is only one month away.

The House is expected to have a heavy committee schedule on Tuesday and Wednesday next week and to have votes of the full House on Wednesday and Thursday. The Senate is also expected to be moving at a rapid pace in both committee schedules and bills being voted on by the full Senate.

The House and Senate adjourned on Thursday and will reconvene on Monday, March 13, 2023.

BILLS OF INTEREST

[HOUSE BILL 271, Restrict Cash Bail for Class 3 Misdemeanors](#), would restrict judicial officials from imposing a cash bond on defendants who are charged with only Class 3 misdemeanors. Currently, a judicial official may impose a cash bond, regardless of the class of the criminal offense, if the official believes it is necessary to secure the defendant's appearance in court, the defendant poses a danger to another person, or the defendant is likely to destroy evidence, suborn

perjury, or intimidate a witness. **Introduced by Representatives Morey, Alston, A. Jones and John, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 274](#), Grandfather Provisional License Modification, would allow a person who is 16 or 17 years old to obtain a limited provisional license after having their limited learner's permit for only 6 months if they met all the other requirements for obtaining a limited provisional license prior to December 31, 2022.

Currently, a person 16 or 17 years old needs to have a limited learner's permit for 12 months to be eligible for a limited provisional license. **Introduced by Representatives von Haefen and Hawkins, and assigned to the House Committee on Transportation.**

[HOUSE BILL 281](#), Allow ERPOs to Prevent Suicides & Save Lives, would create a process to temporarily restrict a person's access to firearms if there is evidence the person poses a danger to themselves or others by possessing a firearm. Of interest to the criminal justice community, the bill would:

1. Allow a family or household member, current or former spouse or dating partner, health care provider, law enforcement officer, or a law enforcement agency to petition a district court for an Extreme Risk Protection Order (ERPO). The petition for an ERPO must include facts to show the person (Respondent) is a danger to himself or herself or others by having firearms in their possession.
2. Give the court the authority to issue an emergency ERPO, without the Respondent being present in court, if the court finds that the Respondent poses an imminent danger of causing physical injury to himself or herself or others by having firearms in their possession.

An emergency ERPO would be effective for ten days unless the district court has a hearing on a final ERPO sooner. The chief district court judge would have the authority to designate at least one judge or magistrate in each county to issue emergency ERPOs when court is not in session.

3. Allow a court to issue an ERPO, effective for a fixed period of time not to exceed one year and able to be renewed as necessary, if the court makes findings that the Respondent is a danger to himself or herself or to others by having firearms in their possession.
4. Require the Respondent to surrender all firearms, ammunition, permits to purchase firearms and permits to carry a concealed handgun to the sheriff upon service of the ERPO.
5. Require a court to issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be located and the seizure of any firearms discovered during the search if the court finds probable cause that the Respondent has failed to surrender all firearms pursuant to an ERPO.

6. Allow the sheriff to charge the Respondent a reasonable fee for the storage of any firearms and ammunition taken pursuant to an ERPO. These fees would be required to be transmitted to the county finance officer but could only be used by the sheriff to pay the costs of keeping and storing firearms and related items seized pursuant to an ERPO.

The sheriff would be prohibited from releasing any firearms, ammunition, or permits seized pursuant to an ERPO without a court order and would be given civil and criminal immunity for any alleged damage or deterioration of the items due to storage or transportation.

7. Require the court, during the hearing for issuance of an ERPO, to consider whether a mental evaluation or chemical dependency evaluation of the Respondent is appropriate and allow the court to order such evaluation if appropriate.
8. Require the sheriff to provide “prompt” entry of the ERPO, and any subsequent changes to the ERPO, into the National Crime Information Center registry (NCIC).
9. Make it a Class A1 misdemeanor for any person covered by the ERPO to possess, purchase, or receive a firearm, ammunition, or permits, or attempt the same, while the ERPO is in effect.
10. Make it a Class 1 misdemeanor for a person to knowingly make a false statement when petitioning for an ERPO or knowingly make a false statement to a law enforcement agency or officer that an ERPO remains in effect.

Introduced by Representatives Morey, John, Autry and Harrison, and assigned to the Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 283](#), Purchase Permit Req'd/Long Gun, would prohibit the sale, transfer, or gift of a “long gun” to a person in this State without that person having a valid North Carolina concealed handgun permit or a purchase permit issued by the sheriff of the county in which the person purchasing or receiving the long gun resides. “Long gun” would be defined in the bill as a shotgun or rifle that is not considered an antique firearm.

Currently, a person in this State does not need a pistol purchase permit or a North Carolina concealed handgun permit to purchase or receive a long gun. **Introduced by Representatives von Haefen, Logan, Majeed and Rudow, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 284](#), Law Enforcement/Destroy Certain Firearms, would allow firearms seized as evidence, firearms acquired as unclaimed property, and firearms confiscated in connection with a conviction for an offense involving the use of a deadly weapon to be turned over to the sheriff of the county for destruction even if the firearms have legible, unique identification numbers and are safe to use. Currently, firearms turned over to the sheriff for destruction must either be unsafe to use or lacking a legible, unique identification number.

The bill would also place several requirements on law enforcement agencies that participate in “firearm buy-back programs,” defined in the bill as programs in which firearms and ammunition are purchased or voluntarily surrendered for the purpose of destruction. The bill would require any law enforcement agency participating in such a program to:

1. Check the serial number of a purchased or surrendered firearm against governmental records of stolen firearms and, if it is found that a firearm is stolen, obtain the lawful owner’s written permission before destroying the firearm.
2. Return any stolen firearm to the lawful owner if they refuse to give written permission and are determined by the law enforcement agency to be eligible to possess a firearm under federal law. If it is determined that the lawful owner is ineligible to possess the firearm, the law enforcement agency may destroy the firearm notwithstanding the lawful owner’s refusal to give permission.
3. Make an effort to arrest the thief or person who possessed the firearm knowing that it was stolen, if any purchased or surrendered firearm is found to be a stolen firearm.
4. Make a written determination before destruction of any purchased or surrendered firearm as to whether the firearm may have been used in the commission of a crime and, if a determination is made that the firearm was probably used in the commission of the crime, to retain the firearm for evidence.

If it is determined that the firearm was probably not used in a crime, the bill would still require the law enforcement agency to retain for possible use as evidence: (1) a fired bullet and fired cartridge case, in the case of a rifled firearm; or (2) just a fired cartridge case, in the case of a smooth bore firearm.

Introduced by Representatives Morey, von Haefen and Logan, and assigned to the Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 289](#), Gun Violence Prevention Act, would make various changes to our State’s firearm laws. Of interest to the criminal justice community, the bill would:

1. Require a person to have obtained either a pistol purchase permit or a concealed handgun permit issued by the sheriff in order to purchase or receive an “assault weapon” or a long gun. Currently, a pistol purchase permit or concealed handgun permit issued by a sheriff can only be used for the purchase or receipt of a handgun.

The bill would also make it unlawful for any person in this State to receive a pistol, assault weapon, or long gun unless a period of 72 hours has passed from the date of purchase or agreement to give away or transfer the pistol, assault weapon, or long gun. Current State law does not require a waiting period before a person receives a pistol, assault weapon, or long gun. However, the purchase of a firearm from a firearms dealer may be delayed by up to three business days while the firearms dealer awaits a response from the National Instant Criminal Background Check System (NICS).

2. The term "assault weapon" would be specifically defined to mean: (i) a firearm capable of fully automatic fire; (ii) 109 specifically identified rifles, pistols, and shotguns in the bill; (iii) all semiautomatic, centerfire rifles that accept detachable magazines and have at least one additional feature, such as a pistol grip or flash suppressor; (iv) all semiautomatic, centerfire rifles that have a fixed magazine and will hold more than 10 rounds of ammunition; (v) all semiautomatic, centerfire rifles that have an overall length of less than 30 inches; (vi) certain semiautomatic pistols; and (vii) certain semiautomatic shotguns.
3. Prohibit any person under the age 18 from possessing or carrying a long gun and any person under the age 21 from possessing or carrying an "assault weapon." However, the exceptions in current law allowing a minor to possess a handgun (such as while supervised for recreational purposes, or for hunting or trapping) would remain intact and would apply to long guns (for persons under the age 18) and "assault weapons" (for persons under the age 21). In addition, the bill would include long guns and "assault weapons" in our State law that prohibits the sale of handguns to minors.

Currently, there is no state law prohibiting a minor under the age 18 from possessing a shotgun or long gun. The law currently prohibits a child under the age of 12 from having access to, or possession, custody, or use of any gun, pistol, or other dangerous firearm unless the child is under the supervision of an adult.

4. Would make it a Class I felony to manufacture, sell, give away, transfer, use, or to possess bump stocks, trigger cranks or any other similar device or instrument that is added to a firearm by a person other than the manufacturer in order to increase the rate of fire of the firearm.

"Bump stock" would be defined as any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

"Trigger crank" would be defined as any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion. This would not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

5. Require a person in possession or control of a firearm (including machine guns and other like weapons) to store or keep the firearm in a locked container when the firearm is not being carried or used. It would be a Class A1 misdemeanor for any person in lawful possession or control of a firearm to fail to store the firearm in a locked container when not being carried or used.
6. Require any retail or wholesale shop, store, or sales outlet that sells firearms to conspicuously post a sign at the purchase counter stating: "EXCEPT WHEN BEING CARRIED OR USED BY THE OWNER OR ANOTHER LAWFULLY AUTHORIZED USER, IT IS UNLAWFUL TO STORE OR KEEP A FIREARM IN ANY PLACE OTHER THAN A LOCKED CONTAINER."

7. Revise our State's concealed handgun permit reciprocity laws so that only states with concealed handgun permit qualification requirements at least as stringent as North Carolina's concealed handgun permitting laws would be recognized in North Carolina. The North Carolina Department of Justice would be required to compile the list of states that meet this requirement. Currently, all out-of-state concealed handgun permits are recognized in North Carolina regardless of how stringent or lenient the permitting requirements are in the other state.
8. Require any owner of a firearm to report the loss or theft of the firearm within 48 hours after the discovery of the loss or theft to either a local law enforcement agency having jurisdiction over the location where the loss or theft of the firearm occurred, or to the North Carolina State Bureau of Investigation. The bill would make it a Class 3 misdemeanor to fail to report such a loss or theft and it would be a Class I felony for a second or subsequent violation of this law.
9. Require every person that owns a firearm to obtain and continuously maintain liability insurance in an amount not less than \$100,000. The bill would require the person to have obtained the liability insurance prior to taking possession of the firearm and this would apply to all firearm transfers (such as a gift) and not just the purchase of a firearm. This liability insurance requirement would not apply to law enforcement officers that are authorized to carry a firearm.
10. Limit the size of ammunition magazines and would prohibit the sale, transfer or possession of large-capacity ammunition magazines, as described in greater detail in the bill.
11. Repeal our State law that prohibits local governments from regulating the possession, ownership, storage, transfer, sale, purchase, licensing, taxation, manufacture, transportation, or registration of firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers in handgun components or parts, and that prohibits local governments from regulating firearms shows with regulations more stringent than those applying to shows of other types.
12. Allow firearms seized as evidence, firearms acquired as unclaimed property, and firearms confiscated in connection with a conviction for an offense involving the use of a deadly weapon to be turned over to the sheriff of the county for destruction even if the firearms have legible, unique identification numbers and are safe to use.

Currently, firearms turned over to the sheriff for destruction must either be unsafe to use or lacking a legible, unique identification number.

13. Require the North Carolina Department of Public Safety (DPS) to independently develop a roster of handguns that are safe for sale and would prohibit the possession, sale, transfer or ownership of any handgun that is not on the DPS roster of safe handguns. This roster of safe handguns developed by DPS would be based upon the model developed in the State of California called the "California Roster of Handguns Certified for Sale."

14. Repeal North Carolina's castle doctrine law that currently creates a presumption that the lawful occupant of a home, motor vehicle, or workplace is presumed to have held a reasonable fear of imminent death or serious bodily harm to himself or herself or another when using defensive force, including deadly force, when a person is unlawfully and forcefully entering, or had unlawfully and forcibly entered, a home, motor vehicle, or workplace of the lawful occupant.

The bill would also repeal North Carolina's stand your ground law that states a person is justified in the use of deadly force and does not have a duty to retreat in any place the person has the lawful right to be if the person reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another. The bill would also eliminate the civil and criminal immunities that are provided to a person that is justified in the use of deadly force in defense of their person.

The bill would enact a new law for "Use of deadly physical force against an intruder." A lawful occupant within a home or other place of residence would be justified in using any degree of force that the occupant reasonably believes is necessary, including deadly force, against an intruder to prevent a forcible entry into the home or residence or to terminate the intruder's unlawful entry if the occupant reasonably "apprehends" that the intruder may kill or inflict serious bodily harm to the occupant or others in the home or residence, or if the occupant reasonably believes that the intruder intends to commit a felony in the home or residence. A lawful occupant within a home or other place of residence would not have a duty to retreat. However, there would be no presumption that the lawful occupant had a reasonable belief that force, including deadly force, was necessary.

15. Would create a new criminal offense of "Firearms in Unattended Motor Vehicles," making it a Class 2 misdemeanor to leave a firearm in an unattended vehicle unless the vehicle is locked and one of the following conditions exist: (1) the firearm is secured with a trigger lock or other device to prevent unauthorized discharge, or (2) the firearm is in a locked container.
16. Would create a new criminal offense for possession of a ghost gun. The bill would make it a Class I felony for any person, firm, or corporation to manufacture, sell, give away, transfer, use, or possess a ghost gun. A ghost gun would mean a firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law. A ghost gun would not include a firearm that has been rendered permanently inoperable or a firearm that is not required to have a serial number in accordance with the federal Gun Control Act (this applies to certain firearms manufactured before 1968).
17. Would create a new criminal offense making it a Class 1 misdemeanor for a person under 21 years of age to willfully and intentionally possess or carry a semiautomatic firearm unless the person is an officer or enlisted personnel of the United States Armed Forces in the discharge of their official duties or acting under orders to carry a semiautomatic firearm.

18. Would require a sheriff who denies an application for a pistol purchase permit or denies, revokes, or refuses to renew an application for a concealed handgun permit on grounds which constitute a prohibitor under the National Instant Criminal Background Check System (NICS) to transmit the prohibiting record to NICS within 48 hours, excluding weekends and holidays, of notifying the applicant of the denial, revocation, or refusal to renew
19. Would require the State Treasurer to identify and divest any direct or indirect holdings in firearms manufacturers held by the Public Fund, which includes funds held by the State Treasurer for the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS). The bill would also prohibit the Public Fund from acquiring direct or indirect holdings in firearms manufacturers.

Introduced by Representatives Harrison, Morey, Autry and Price, and assigned to the Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 293](#), Freedom to Vote, would enact various new laws related to elections. Of interest to the criminal justice community, the bill would:

1. Make it a Class H felony for any person to threaten or attempt to threaten any person for: (1) voting or attempting to vote; (2) voting or attempting to vote for or against a particular candidate; (3) registering to vote; (4) lawfully urging or aiding others to vote; or (5) exercising any lawful powers or duties as an election official.

The bill would define "threaten" as expressing an intention to harm another and would consider an offender to have threatened another person if the offender knew or should have reasonably known that their actions would produce that effect.

Currently, it is a Class 2 misdemeanor to intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast.

2. Make it a Class H felony for any person to: (1) knowingly challenge another person's right to vote on fraudulent or spurious grounds; (2) engage in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the orderly administration of an election; or (3) fraudulently advise another person that the person is not eligible to vote or not registered to vote when, in fact, that person is eligible to vote or registered to vote.
3. Make it a Class H felony for any employer, in paying its employees, to: (1) enclose the employees' pay in envelopes upon which or in which the name of any candidate, political motto, device or argument containing threats appears, which is intended or calculated to influence the political opinions or actions of the employees; or (2) communicate in any way that the employees' pay or continued employment is conditioned on voting or not voting, or voting or not voting for a specific candidate.

Currently, threatening to discharge employees on account of votes is punishable as a Class 2 misdemeanor under State law.

4. Make it a Class A1 misdemeanor for a person to “intimidate” or “coerce,” as defined in more detail in the bill, any person for: (1) voting or attempting to vote; (2) voting or attempting to vote for or against a particular candidate; (3) lawfully aiding or urging other to vote; or (4) exercising any lawful powers or duties as an election official or enlisting another person for the purpose of doing the same.

Currently, it is a Class 2 misdemeanor to intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast.

5. Provide that any person who intimidates, threatens, or coerces an election worker or attempts to do so with the intent to impede or interfere with the election worker’s duties is liable in civil damages to the election worker for any injury or loss resulting from said conduct, subject to a fine of not more than \$100,000, and subject to imprisonment for up to five years.

The bill would define an “election worker” as any individual who is an election official, poll worker, or election volunteer performing duties in connection with an election. The bill would also grant immunity from liability to an election worker acting in good faith to prevent election interference or to preserve ballot access.

Currently, intimidation of election officials is punishable as a Class I felony under State law.

Introduced by Representatives Buansi, Dahle, Ball and Morey, and assigned to Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 298](#), [Criminal Falsification of Medical Records](#), would create three new criminal offenses for the willful destruction, alteration, or falsification of medical records. The bill would make it a Class H felony for a health care provider to willfully destroy, alter, or falsify a medical record for the purpose of concealing the commission of an error by the health care provider in providing medical services that caused injury to or death of a patient.

The bill would make it a Class I felony for a health care provider to willfully destroy, alter, or falsify a medical record for the purpose of unlawfully obtaining money or any other thing of value.

Finally, the bill would make it a Class A1 misdemeanor for a health care provider to willfully destroy, alter, or falsify a medical record for the purpose of concealing any material fact related to a potential claim or cause of action, such as information that could lead to the filing of a lawsuit.

Introduced by Representative Pless, and assigned to the House Committee on Judiciary 2.

[HOUSE BILL 309](#), [Inspection of Low-Speed Vehicles](#), would require low-speed vehicles to undergo an annual inspection conducted by a person licensed by the North Carolina Division of Motor Vehicles (DMV) to ensure they are in compliance with State safety requirements.

Currently, low-speed vehicles need only comply with federal safety standards, which require low-speed vehicles to have headlamps, taillamps, turn signals, stop lamps, mirrors, reflex reflectors, a parking brake, seat belts, a VIN, rear visibility, and a windshield that complies with the Federal motor vehicle safety standard on glazing materials.

The bill would exempt low-speed vehicles from the emissions inspection that is required for some vehicles.

Finally, the bill would require DMV to adopt rules for the inspection of low-speed vehicles and the licensure of low-speed vehicle inspectors. **Introduced by Representative Iler, and assigned to the House Committee on Transportation.**

[HOUSE BILL 333](#), [Restore State Emp/Teacher Retiree Med Benefit](#), would repeal certain sections of Session Law [2017-57](#), [Appropriations Act of 2017](#), which prohibited members of the Teachers' and State Employees' Retirement System (TSERS), the Consolidated Judicial Retirement System, the Legislative Retirement System, or the Optional Retirement Programs established for The University of North Carolina and State-funded community colleges who began contributing to their respective retirement system on or after January 1, 2021 from being eligible for state health insurance coverage after they have retired. **Introduced by Representatives Crawford, Gill and Reives.**

[HOUSE BILL 338](#), [Lifetime Concealed Handgun Permit](#), is substantially similar to [House Bill 101](#), [The Firearms Liberty Act](#), which is summarized below in this Weekly Legislative Report. **Introduced by Representatives Adams and Kidwell.**

[SENATE BILL 199](#), [Durham/Reduce Speed Limits](#), would make it unlawful to drive a vehicle over 25 MPH on residential streets in Durham when experiencing congestion, as determined by the City of Durham's Transportation Department. Currently, it is unlawful to drive a vehicle over 35 MPH within municipal corporate limits statewide.

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 Senators Woodard and Murdock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 201](#), [Union County/Use Wheel Locks](#), would authorize the use of wheel locks or similar devices to immobilize vehicles in violation of county parking ordinances in Union County, applicable to county-owned or county-leased property.

This bill would apply only to Union 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 Senators Johnson and Craven, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 203](#), [Authorize Skateboard Restrictions/Polk County](#), would allow Polk County to restrict or prohibit the use of skateboards on any public street or road in the county by passing an ordinance. The bill would also allow Polk County to pass an ordinance specifying: (1) streets where the use of skateboards is prohibited; (2) persons authorized to use a skateboard; (3) equipment required when using a skateboard; and (4) hours and method of use of a skateboard.

This bill would apply only to Polk 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 Moffitt, and assigned to the Committee on Transportation of the Senate.**

[SENATE BILL 206](#), [Stop Counterfeit Pills Act](#), would make it Class D felony for a person to possess, manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance. **Introduced by Senator McInnis, and assigned to the Committee on Health Care of the Senate.**

[SENATE BILL 210](#), [Gun Violence Prevention Act](#), is identical to [House Bill 289](#), [Gun Violence Prevention Act](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Marcus, Murdock and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 213](#), [Greensboro/Civilian Traffic Investigators](#), is substantially similar to [Senate Bill 77](#), which is summarized in the February 10, 2023 Weekly Legislative Report. **Introduced by Senators Robinson and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 215](#), [Allow ERPOs to Prevent Suicides & Save Lives](#), is identical to [House Bill 281](#), [Allow ERPOs to Prevent Suicides & Save Lives](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Mayfield, Chaudhuri and Marcus, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 219](#), [Camera Enforcement for Speeding in School](#), is substantially similar to [Senate Bill 178](#), [Greensboro/School Zone Elect. Enforc.](#), which is summarized in the March 3, 2023 Weekly Legislative Report. **Introduced by Senator Robinson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 245](#), [Park South Station Traffic Citations](#), would make the Chapter 20 laws regarding the operation of motor vehicles applicable to the streets, roadways, and alleys on properties owned by or under the control of Park South Master Association, Inc. (Park South) and would allow a law enforcement agency to contract with Park South to enforce those motor vehicle laws.

This bill would apply only to the City of Charlotte. 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 Salvador and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 246](#), [Property Owners Protection Act](#), would expand the crime of first degree trespass to include a person entering or remaining on the premises of another between the hours of midnight and 6:00A.M. without authorization.

Currently, a person commits first degree trespass by entering or remaining, without authorization, in the building of another, on the enclosed or secured premises of another, or on the lands of the Eastern Band of Cherokee Indians after being excluded by a resolution of the Tribal Council. **Introduced by Senators Britt and Perry, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 247](#), [Amend Use of Defensive Force](#), would provide that an occupant of a home, motor vehicle, or workplace will NOT be legally presumed to have been in fear of death or serious bodily harm for the purposes of self-defense when: (1) the person against whom force is used is a firefighter or emergency medical services personnel who is entering or attempting to enter the occupant's home, motor vehicle, or workplace in the lawful performance of their official duties and who has provided appropriate notice of their identity and purpose; or (2) when the occupant knew or reasonably should have known that the person entering was a firefighter or emergency medical services personnel in the lawful performance of their duties. **Introduced by Senators Mayfield and Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 249](#), [Mooresville PD May Use License Plate Readers](#), would require the North Carolina Department of Transportation (DOT) to enter into agreements with the City of Mooresville Police Department (Mooresville PD) for the placement and use of automatic license plate reader systems on land or right-of-way owned by DOT within the Mooresville city limits on a temporary basis.

Currently, State law does not authorize the placement of automatic license plate reader system equipment on a right-of-way owned or maintained by DOT.

The bill would also require DOT, in consultation with Mooresville PD, to submit a report by March 1, 2024 to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Transportation Oversight Committee that would contain the written policy governing the use of each automatic license plate reader system, the number or requests for captured data, and the amount of data preserved for more than 90 days compared to the amount of data captured annually.

This bill would apply only to the City of Mooresville. 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 Sawyer, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 251](#), Civilian Traffic Investigators, is substantially similar to [Senate Bill 77](#), Cities/Civilian Traffic Investigators, which is summarized in the February 10, 2023 Weekly Legislative Report. **Introduced by Senators Lazzara, P. Newton and Moffitt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 254](#), Government Transparency Act of 2023, would make public record the general description of the reasons for each demotion, dismissal, transfer, suspension, separation, or other change in position classification of a State or local government employee. The bill would require all departments, agencies, institutions, commissions, bureaus of the State, local boards of education, community colleges, Local Management Entities – Managed Care Organizations (LME/MCOs), local governments, and water and sewer authorities to record a general description of the reasons for each of the personnel actions listed above.

The general descriptions of the personnel actions would not become public record until the later of: (1) the expiration of the time to file an administrative appeal; or (2) the entry of a final decision in that administrative appeals process.

The bill would require every employer to which it applies to adopt personnel policies to effectuate the changes required by the bill and to allow employees to challenge the wording of the general description for any promotion, demotion, transfer, suspension, separation, or dismissal they receive going forward.

Currently, only the date and type of dismissal, suspension, and demotion for disciplinary reasons of State and local government employees is public record. Additionally, the only reasoning for a personnel action that is currently 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 dismissal, if the final decision was reduced to writing. **Introduced by Senators Sanderson, Rabon and Meyer, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 262](#), Funds/Durham Juvenile Detention Ctr., would appropriate to Durham County \$15 million dollars in nonrecurring funds for the 2023-2024 fiscal year to build a new 36-bed juvenile detention facility and assessment center. **Introduced by Senators Murdock and Woodard.**

[SENATE BILL 267](#), Restrict Detached Catalytic Purchases, would amend the laws governing the purchase and sale of catalytic converters that are not attached to a motor vehicle. Of interest to the criminal justice community, the bill would:

1. Require secondary metals recyclers, such as recycling centers and scrapyards, to make and retain a copy of the receipt, including the name and address of the seller, for all purchases of catalytic converters that are not attached to a vehicle.
2. Make it a Class I felony, including a \$1,000 fine for each violation, for any person that is not a secondary metals recycler to purchase or sell a used catalytic converter not attached to a vehicle.

3. Make it a Class 1 misdemeanor the first time any person that is not a secondary metals recycler solicits or advertises for sale or purchase a used catalytic converter not attached to a vehicle. Any subsequent offense would be punishable as a Class I felony.
4. Classify any catalytic converters not attached to a vehicle that are sold or purchased in violation of the laws governing such sales as contraband that is subject to seizure by law enforcement and forfeiture to the State.

Introduced by Senators McInnis, Craven, and Burgin.

[SENATE BILL 276](#), Union County/Use Wheel Locks, is identical to [Senate Bill 201](#), Union County/Use Wheel Locks, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Johnson and Craven.**

[SENATE BILL 279](#), Allow Durham Co/Provide Employee Housing, would authorize, but not require, the Durham Public Schools Board of Education (DPSBE) and Durham County to enter into an arrangement to construct, provide, and maintain affordable rental housing on property now owned by DPSBE or Durham County exclusively for Durham Public Schools teachers, sworn law enforcement officers or other first responders employed by local government entities in Durham County, and other Durham Public Schools employees. The bill would require that 75% of the housing units established be reserved for Durham Public Schools teachers.

This bill would apply only to Durham 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 Senators Murdock and Woodard.**

BILL STATUS

[HOUSE BILL 40](#), Preventing Rioting and Civil Disorder, which is summarized in the February 3, 2023 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 101](#), The Firearms Liberty Act, which is summarized in the February 17, 2023 Weekly Legislative Report, has been amended in the House to delete and replace the majority of the contents of the bill. Of interest to the criminal justice community, the bill as amended would:

1. Allow for both lifetime concealed handgun permits which would remain valid until revoked or surrendered, and fixed duration concealed handgun permits which would remain valid for five years. Currently, all North Carolina concealed handgun permits are valid for five years.
2. Require a permittee to notify the sheriff of the county where the permittee resides of any permanent change in residence within 30 days of the change of address. Currently, a permittee must notify the sheriff who issued the permit of a permanent change in address.

3. Allow the holder of a fixed duration permit to renew the permit as either another fixed duration permit or a lifetime permit.
4. Allow the holder of a lifetime permit to apply to the sheriff at any time to have the permit reissued as a fixed duration permit. The sheriff would be required to consider the application in the same manner as the sheriff currently considers an application to renew a concealed handgun permit.
5. Require that a lifetime permit bear a clear indication of its lifetime validity on its face. A fixed duration permit must bear its expiration date on its face under the amended bill.
6. Require the sheriff, once notified of a change of address for a concealed handgun permit holder, to provide that information to the North Carolina State Bureau of Investigation (SBI) for inclusion in a statewide system.
7. Allow a sheriff to revoke a permit after a hearing if the permittee is no longer a resident of the State.
8. Require a sheriff to waive the requirement to take a firearms safety and training course upon the renewal of a concealed handgun permit if the person applies to renew the permit no more than 179 days after the permit expires.

Currently, a sheriff has the discretion to waive the firearms safety and training course if the person applies for a renewal within 60 days after the expiration date of the concealed handgun permit.

9. Allow the sheriff to waive the requirement of taking another firearms safety and training course if the permittee applies to renew a concealed handgun permit between 180 days and one year after expiration.

[HOUSE BILL 125](#), Safe Surrender Infants, which is summarized in the February 17, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 153](#), Use Tribal ID for Alcohol & Tobacco Purchase, which is summarized in the February 17, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 189](#), Fentanyl Drug Offenses and Related Changes, which is summarized in the March 3, 2023 Weekly Legislative Report, has been amended to expand the list of offenses for which limited immunity from prosecution is provided by the Good Samaritan Law for: (1) an overdose victim; or (2) an individual who calls 911 in good faith to seek medical assistance for an overdose victim and who identifies themselves to 911 or the responding law enforcement officers to include a felony violation for possession of less than one gram of any controlled substance.

The bill, as amended, would also require the Chief Medical Examiner or the county medical examiner to conduct a complete autopsy of a body when the district attorney or investigating law enforcement agency asserts that there is probable cause to believe that the criminal offense of Death by Distribution of Certain Controlled Substances has been committed.

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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