

# North Carolina Sheriffs' Association

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Weekly Legislative Report

March 17, 2023

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As always, conversations regarding the business of the General Assembly were plentiful this week but sprinkled into those talks were also discussions focused on what so much of North Carolina waits for in the month of March . . . basketball! The Tarheels and Demon Deacons are out of the NCAA Tournament, which started this week, and the Blue Devils and Wolfpack are in. For some there is much to celebrate; for others there is always next year, which is also a feeling often associated with the legislative process.

So far this Session, House members have filed 394 bills and Senate members have filed 316, for a total of 710 bills between the two chambers. This same date in March during 2021's long Session, the House had filed 326 bills and the Senate had filed 314 bills, for a total of 640 bills. Based on these numbers, the 2023 General Assembly seems to be on track to file at least as many bills as those filed in 2021.

Both chambers passed bills this week that have been sent to the Governor for consideration. The Governor can either sign the bills into law, veto the bills, or allow the bills to become law without his signature after 10 days have passed. If the Governor vetoes any of the bills, a decision will have to be made by House and Senate leaders regarding a potential veto override vote which to be successful would require a supermajority of 72 Representatives and 30 Senators.

The House and Senate adjourned on Thursday and will reconvene on Monday, March 20, 2023.

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## BILLS OF INTEREST

[HOUSE BILL 339](#), Support Male Survivors of Domestic Violence, would appropriate to the Department of Administration, North Carolina Council for Women and Youth Involvement, \$1 million dollars in nonrecurring funds for the 2023-2024 fiscal year to create a grant program to award grants to centers, shelters and other organizations serving survivors of domestic violence for the purpose of developing, maintaining, or expanding services for male survivors of domestic violence. Units of local government would be eligible to apply for grant funding under the bill. **Introduced by Representatives Roberson, Logan, Gill and T. Brown, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 347](#), Sports Wagering, would authorize and regulate sports wagering on professional and college sports in North Carolina. Of interest to the criminal justice community, the bill would:

1. Legalize sports wagering in the State for persons 21 years of age and older who are in compliance with certain conditions established in the bill.
2. Provide that any sports wagering (such as betting on college sports and professional sports) conducted lawfully under the terms of the bill would not constitute a crime under Article 37 of Chapter 14 of the North Carolina General Statutes, "Lotteries, Gaming, Bingo and Raffles."
3. Make it a Class 2 misdemeanor for any person to engage in sports wagering in violation of the regulatory requirements of the bill.
4. Make it a Class 2 misdemeanor for any person to engage in sports wagering while under the age of 21.
5. Make it a Class G felony to knowingly attempt to suborn, collude, or conspire to influence the outcome or any aspect of any competition subject to the bill.
6. Make it a Class I felony for an applicant for an interactive sports wagering license to give false information on the license application.
7. Allow transmission or reception of interstate or intrastate simulcasting of greyhound races for commercial purposes in this State if authorized under the regulatory conditions of the bill.

**Introduced by Representatives Saine, Bell, Hawkins and Clemmons, and assigned to the House Committee on Commerce.**

[HOUSE BILL 355](#), Ensure Same-Sex Domestic Violence Prot. Order, would specify in the General Statutes that persons who are in a same-sex relationship with and who are not current or former household members of the person to be restrained by the order may be issued a Chapter 50B domestic violence protective order, provided that they meet all other conditions for issuance.

Currently, it is unconstitutional under both the North Carolina and United States Constitutions to deny an applicant the protections of a Chapter 50B domestic violence protective order solely because they are in a same-sex dating relationship with and are not current or former household members of the person to be restrained by the order. **Introduced by Representatives Butler, Morey, Clemmons and Longest, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 357](#), Funds/Durham Juvenile Detention Ctr., is identical to [Senate Bill 262](#), Funds/Durham Juvenile Detention Ctr., which is summarized in the March 10, 2023 Weekly Legislative Report. The bill 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 Representatives Morey, Alston, Hawkins and Jeffers, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 358](#), Increased Security/Privacy for NC Legislators, would make it a Class C felony for a person to knowingly and publicly post on the internet the personal information of a legislator or member of the legislator's immediate family if: (1) the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the legislator or member of the legislator's immediate family; and (2) the posting is a proximate cause of bodily injury or death of the legislator or a member of the legislator's immediate family.

The bill would also allow the General Assembly Special Police to conduct a security assessment of a legislator's primary residence and district office and would appropriate to the North Carolina General Assembly \$3.3 million in nonrecurring funds for the 2023-2024 fiscal year for those security assessments.

Finally, the bill would prohibit a government agency, including units of local government, from posting or displaying a legislator's personal information if the government agency has received a written request from the legislator that it not post the legislator's information. The bill would also require the government agency to remove the legislator's personal information from publicly available content within 5 business days of receipt of a written request and would provide that the legislator's removed personal information is exempt from disclosure in any public records request made to the agency. **Introduced by Representative Alexander, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 359](#), Require Passen. to Give Driv. Info to Law Enf., would require a passenger in a vehicle involved in an accident or collision to provide the driver's name, date of birth or approximate age, address, and telephone number at the time of the accident to the investigating law enforcement officer, if known.

Currently, a passenger in a vehicle involved in an accident or collision is only required to give information about the driver to the occupants of the vehicle with which the passenger's vehicle collided. **Introduced by Representative Miller, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 363](#), The Gabe Torres Act, would expand the definition of "official duties" for purposes of North Carolina's Public Safety Employees' Death Benefit Act to allow public safety employees, including sheriffs and other law enforcement officers, to be eligible for the death benefit if they are killed while commuting to or from work.

Currently, public safety employees are eligible for the death benefit if they are killed while en route to or returning from training but not if they are en route to or returning from work. **Introduced by Representatives Crawford, Paré, Roberson and Zenger, and assigned to the House Committee on State Personnel.**

[HOUSE BILL 371](#), Fox Trapping/Central and Western NC, would provide for an open season for taking foxes with weapons and for taking foxes and coyotes by trapping in all counties west of or traversed by Interstate 95 during the trapping season set by the North Carolina Wildlife Resources Commission each year.

Currently, there is an open season for taking foxes with weapons and for taking foxes and coyotes by trapping during the trapping season, but it only applies to 12 select counties. **Introduced by Representatives K. Hall, Penny and Clampitt, and assigned to the House Committee on Wildlife Resources.**

[HOUSE BILL 372](#), [Safeguard Fair Elections Act](#), is substantially similar to [House Bill 293](#), [Freedom to Vote](#), which is summarized in the March 10, 2023 Weekly Legislative Report, but this bill would also make it a Class 1 misdemeanor, punishable by a fine of up to \$10,000, for any public official to perform or communicate the intention to perform an official act in which that official, without substantial evidence, refuses to certify the actual results or count of an election.

The bill would also provide that any public official who engages in the above-described conduct shall be considered to have resigned from office upon engaging in the conduct and for the nullification or voiding of any official act performed while engaging in the conduct.

Finally, the bill would appropriate to the North Carolina State Board of Elections \$2 million in nonrecurring funds for the 2023-2024 fiscal year to establish, in coordination with the North Carolina Department of Public Safety, a new threat management system for monitoring information to: (1) provide a threat monitoring and analysis system for the protection of election officials and their immediate family members; (2) coordinate social media monitoring and threat assessments; (3) proactively manage the monitoring of websites for election officials' personally identifiable information and report violations to law enforcement; (4) maintain files of escalating behaviors and work in conjunction with law enforcement to counteract overt acts of aggression; (5) maintain a database of each election official to catalogue complaints; and (6) coordinate complaints by election officials with law enforcement partners. **Introduced by Representatives Dahle, Morey, Liu and Rudow, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 378](#), [Firefighters Criminal History Record Checks](#), would provide that the criminal history record check required by [Session Law 2022-8](#), [Arson Law Revisions](#), for applicants for paid or volunteer positions providing fire-fighting or prevention services could be conducted through the office of the clerk of superior court or a third-party vendor if the applicant has been a resident of North Carolina for 5 years or more and did not report any charges or convictions on their application.

Currently, all required criminal history records checks for applicants to fire departments must be conducted by the North Carolina Department of Public Safety.

The bill would also exempt junior members of fire departments under the age of 18 from being subjected to a criminal history record check. Currently, all applicants for positions providing fire-fighting or prevention services must have a criminal history record check performed upon them, regardless of age. **Introduced by Representatives Blackwell, Saine, Torbett and Riddell, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 380](#), [Provide Support to Jail Inspectors](#), would appropriate to the North Carolina Department of Health and Human Services, Division of Health Services Regulation, Construction

Section, \$211,502 in recurring funds for each year of the 2023-2025 fiscal biennium to be used to hire two full-time Jail Inspectors to perform inspections of local confinement facilities. **Introduced by Representative Cunningham, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 386](#), Increase Permissible Interstate Speed Limit, would increase the maximum permissible speed limit on interstate highways in the State from 70 miles per hour (MPH) to 75 MPH.

The bill would also authorize the North Carolina Division of Motor Vehicles to suspend the license of any operator who has been convicted of speeding in excess of 85 MPH on a public highway where the maximum speed is 75 MPH. **Introduced by Representatives Lowery and Biggs, and assigned to the House Committee on Transportation.**

[HOUSE BILL 387](#), Medal of Valor Award for Emer. Responders, would allow the Governor and the Lieutenant Governor to each award the “Medal of Valor Award” to a maximum of two first responders and one entire unit of first responders each calendar year. The “Medal of Valor Award” would be for first responders who have performed great acts of heroism, while under threat of personal risk to their safety, beyond the call of duty in the field. The bill would define a “first responder” to include any firefighter, paramedic, law enforcement officer, emergency medical services personnel, or rescue squad member. **Introduced by Representative Miller, and assigned to the House Committee on State Government.**

[HOUSE BILL 399](#), The North Carolina Judicial Privacy Act, would make it a Class C felony for a person to knowingly and publicly post on the internet the personal information of a judicial official or member of the judicial official’s immediate family if: (1) the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the judicial official or member of the judicial official’s immediate family; and (2) the posting is a proximate cause of bodily injury or death of the judicial official or a member of the judicial official’s immediate family.

The bill would also prohibit a government agency, including units of local government, from posting or displaying a judicial official’s personal information if the government agency has received a written request from the judicial official that it not post the judicial official’s information. The bill would also require the government agency to remove the judicial official’s personal information from publicly available content within 5 business days of receipt of a written request and would provide that the judicial official’s removed personal information is exempt from disclosure in any public records request made to the agency. **Introduced by Representatives Alexander, Majeed and Belk.**

[SENATE BILL 303](#), Strengthen Juvenile Laws, would make various changes to the laws regarding juveniles. Of interest to the criminal justice community, the bill would:

1. Limit the definition of a “delinquent juvenile” to also exclude 16 and 17-year-olds who commit: (1) any Class A, B1, B2, or C felony and any related offense based on the

transaction or series of transactions; and (2) any felony in which they displayed a firearm while committing the felony.

This change would allow law enforcement officers to charge individuals 16 or 17 years of age who commit any of these offenses as adults, to be tried in district or superior court. Currently, a 16 or 17-year-old who commits these offenses is defined as a delinquent juvenile and is only chargeable for the offense through the filing of a juvenile petition in juvenile court.

2. In the case of a 16 or 17-year-old charged as an adult in district court with a felony in which they displayed a firearm while committing the felony, require a district court judge, upon a joint motion by the prosecutor and defense attorney, to remand the case from district court back to juvenile court.

The bill would not allow remand of the case from district court back to juvenile court if the 16 or 17-year-old was also charged with a motor vehicle offense under Chapter 20 of the General Statutes. Chapter 20 violations committed by 16 or 17-year-olds have always been subject to prosecution in district court; North Carolina's [Raise the Age Act](#) excluded these offenses from juvenile court.

3. Allow the publication of a juvenile's picture, first name and last name, and identifying information for suspect identification and apprehension when the juvenile is under investigation for committing an offense that could be transferred to superior (adult) court. Currently, disclosure is only permitted of: (1) certain information about juvenile escapees; and (2) pictures of runaways, with parental permission.
4. Require that a juvenile be advised prior to custodial interrogation that they also have a right to have a caretaker present during questioning and allow a juvenile below the age of 16 years of age to be subject to a custodial interrogation if their caretaker is present.

Currently, a juvenile only has a right to have their parent, guardian, custodian, or attorney present during custodial interrogation and a custodial interrogation of a juvenile less than 16 years of age may not take place unless one of those individuals is present.

**Introduced by Senators Britt, Sanderson and McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 313](#), Safeguard Fair Elections Act, is identical to [House Bill 372](#), Safeguard Fair Elections Act, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Chaudhuri, Murdock and Mayfield, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 316](#), Regulate EV Charging Stations, is identical to [House Bill 255](#), Regulate EV Charging Stations, which is summarized in the March 3, 2023 Weekly Legislative Report. **Introduced by Senators Mayfield, Lazzara and Jarvis.**

**BILL STATUS**

[HOUSE BILL 186](#), Div. of Juvenile Justice Mods.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report, has been amended in the House to provide that a district court judge would not be allowed to authorize alternatives to detention, such as electronic monitoring or house arrest, for any juvenile alleged to have committed an offense that would be a Class A through Class G felony if committed by an adult.

The bill, as amended, would also authorize the court to order the Division of Juvenile Justice (DJJ) of the North Carolina Department of Public Safety or any law enforcement agency within the State to release to the public: (1) a juvenile's first name, full last name, and photograph; (2) any offense in a juvenile petition that the juvenile is alleged to have committed; (3) whether a secure custody order has been issued for the juvenile; (4) and a statement as to the juvenile's threat to self or others if the court finds, among other required findings, that a petition has been filed alleging the juvenile has committed an offense that would be a Class A through Class G felony if committed by an adult.

[HOUSE BILL 258](#), Novel Opioid Control Act of 2023, which is summarized in the March 3, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 41](#), Guarantee 2nd Amend Freedom and Protections, 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.

[SENATE BILL 58](#), Protect Critical Infrastructure, which is summarized in the February 3, 2023 Weekly Legislative Report, has passed the Senate with amendment and has been sent to the House for consideration. The bill, as amended, would expand the offense of injuring an energy facility to include obstructing, impeding, or impairing the services or transmissions of an energy facility or attempting to obstruct, impede, or impair the services or transmissions of an energy facility.

[SENATE BILL 90](#), Searches of Student's Person, which is summarized in the February 10, 2023 Weekly Legislative Report, has been amended to delete and replace the entire contents of the bill. The bill, as amended, would require all policies adopted by governing bodies of public school units regarding searches of students or their property to be consistent with the federal and State constitutions, as well as State and federal laws. The amended bill would also require that student searches be conducted in private by one school official and one adult witness, both of whom shall be the same sex as the student.

[SENATE BILL 157](#), Limited Provisional License Modification, which is summarized in the February 24, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 189](#), Fentanyl Drug Offenses and Related Charges, which is summarized in the March 3, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 206](#), Stop Counterfeit Pills Act, which is summarized in the March 10, 2023 Weekly Legislative Report, has been amended in the Senate to allow any lawfully licensed pharmacy, pharmacist, pharmacy technician, or pharmacy intern to possess, manufacture, distribute, export, or import equipment and chemicals used to manufacture controlled substances so long as this activity is for the purpose of administering a controlled substance pursuant to a prescription.

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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.

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