

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

March 24, 2023

Thursday was an important day for anyone interested in the expansion of Medicaid in North Carolina. House Bill 76, Access to Healthcare Options was passed by the House and will be sent to the Governor for his signature. The Senate passed this bill earlier in the month.

This significant legislation could have a big impact on law enforcement since individuals who commit crimes often suffer with mental health or substance abuse issues. Increased access to care and treatment could ultimately lead to an overall reduction in crime. This in turn would enhance public safety not only for those individuals but also for future potential victims of crime and would also reduce the financial cost to taxpayers for the operation of our county jails.

In addition to House Bill 76, there was a full slate of bills considered by the House this week both by the full membership and in committee. The Senate, as anticipated, did operate at a slower pace this week.

If the schedule remains on track as announced by House leadership, the House will unveil their version of the budget, with a full day of committee hearings to focus on the bill, on Thursday of next week. Votes by the full House are anticipated on this year's budget bill as early as the week of April 3rd.

The House and Senate adjourned on Thursday and will reconvene on Monday, March 27, 2023.

BILLS OF INTEREST

HOUSE BILL 411, General Assembly Appointments, has passed the House with amendment and has been sent to the Senate for consideration. The bill would make numerous appointments to State commissions and boards. Bills appointing persons to State commissions and boards do not require the signature of the Governor and become law when approved by the General Assembly. Those appointments of interest to the criminal justice community are:

The Speaker of the House of Representatives would appoint the following individual:

1. Alexis T. Townsend of Burke County would be appointed to the Criminal Justice Education and Training Standards Commission for a term expiring June 30, 2023.

The President Pro Tempore of the Senate would appoint the following individuals:

1. Richard A. Epley of Burke County would be appointed to the North Carolina Private Protective Services Board for a term expiring July 1, 2024.
2. Avis Watkins-Smith of Harnett County would be appointed to the Domestic Violence Commission for a term expiring August 31, 2023.

Introduced by Representative D. Hall.

[HOUSE BILL 415](#), Stop Addiction Fraud Ethics Act of 2023, would make enact various laws governing advertising for facilities and providers of substance use disorder treatment services. Of interest to the criminal justice community, the bill would:

1. Make it a Class G felony for any treatment provider or facility, recovery residence, or third-party providing services to the previously mentioned provider, facility, or residence to knowingly make a materially false or misleading statement about the nature, identity, or location of substance use disorder treatment services or a recovery residence in any advertising or marketing materials.
2. Make it a Class G felony for any treatment provider or facility, recovery residence, or third-party providing services to the previously mentioned provider, facility, or residence to knowingly make a false or misleading statement about: (1) the provider's status as an in-network or out-of-network provider; (2) the credentials, qualifications, or experiences of persons providing treatment or services; or (3) the rate of recovery or success in providing services.
3. Make it a Class G felony for any person or entity to knowingly: (1) provide or direct another person or entity to provide false or misleading information about the identity of, or contact information for, any treatment provider; (2) include false or misleading information about the internet website of any treatment provider, or to surreptitiously direct or redirect the reader to another internet website; (3) suggest or imply that a relationship with a treatment provider exists, unless the treatment provider has provided express, written consent to indicate that relationship; or (4) make a materially false or misleading statement about substance use disorder treatment services.
4. Make it a Class G felony for any person or entity to: (1) offer or pay anything of value or solicit or receive anything of value, directly or indirectly, in return for referring a patient or patronage to or from a treatment provider or laboratory; (2) solicit or receive anything of value, directly or indirectly, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility; or (3) aid or abet any prohibited offer or solicitation.

Introduced by Representatives Reeder, Chesser and K. Baker, and assigned to the House Committee on Health.

[HOUSE BILL 424](#), Private Parking Immobilization, would make it an infraction for any person to park in a private parking space unless they own or lease the parking space or have the express permission of the owner or lessee of the space. The bill would also allow the owner or lessee of a private parking space to use an immobilization device (i.e., wheel lock, wheel clamp, or wheel boot) on a vehicle that is parked in a private space without express permission, if the private lot is designated with signs as set forth in the bill.

Finally, the bill would make it a Class 1 misdemeanor to damage an immobilization device in removing or attempting to remove the device without authorization from the person or company that installed the immobilization device. **Introduced by Representative Pickett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 425](#), Stop Counterfeit Pills Act, is identical to [Senate Bill 206](#), Stop Counterfeit Pills Act, which is summarized in the March 10, 2023 Weekly Legislative Report. **Introduced by Representatives Blackwell, Sasser, Greene and Miller, and assigned to the House Committee on Health.**

[HOUSE BILL 429](#), Make Street Takeovers Unlawful, would make it unlawful for any person to operate a motor vehicle in a street takeover. The bill would define “street takeover” as the taking over of a portion of highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt, contest, or exhibition.

A motor vehicle “stunt” would be defined as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. “Contest” and “exhibition” are not defined in the bill.

The bill would make it a Class A1 misdemeanor for a first offense of operating a motor vehicle in a street takeover, and a Class H felony for a subsequent violation within 24 months.

The bill would also make it a Class A1 misdemeanor to knowingly participate in, coordinate through social media or otherwise, or to facilitate a street takeover.

The bill would make it a Class 3 misdemeanor to be knowingly present as a spectator of a street takeover for the first offense, a Class 2 misdemeanor for a second offense within 24 months, and a Class 1 misdemeanor for a third or subsequent violation within 24 months.

The bill would make it a Class H felony to operate a vehicle in a street takeover and assault or knowingly and willfully threaten a law enforcement officer.

Finally, the bill would subject a vehicle involved in a street takeover to seizure in the same manner as a vehicle used in a prearranged speed competition. **Introduced by Representatives Logan, Greene, Willingham and Bradford, and assigned to the House Committee on Transportation.**

[HOUSE BILL 430](#), Governor’s Budget, contains Governor Roy Cooper’s recommended budget for the 2023-2025 fiscal biennium. While the General Assembly will review the Governor’s Budget bill, the House is expected to file their own budget bill in the coming week.

The Governor's Budget bill would make various appropriations and changes to State law. Of interest to the criminal justice community, the bill would:

1. Require the North Carolina State Board of Education to establish the 2023-2024 School Safety Grants Program (Program) for the purpose of improving school safety. Public schools would be allowed to apply for grants under this Program to pay for services for students in crisis, school safety training, and for safety equipment in schools.

In order to qualify for these grants, public school units would be required to have an assessment performed, in conjunction with a local law enforcement agency, that would help identify current and ongoing school safety needs.

2. Appropriate \$9.1 million dollars for the 2023-24 fiscal year and \$9.9 million dollars for the 2024-25 fiscal year to the North Carolina Department of Health and Human Services to be used for: (1) the establishment, expansion, or sustainment of medication-assisted treatment (MAT) programs that provide to individuals who are incarcerated any medication approved by the United States Food and Drug Administration for opioid use disorder; and (2) expanded care management services, including the use of peer support specialists and care navigators in local health departments, detention facilities, local departments of social services, and community-based settings.

MAT programs funded through this appropriation would be required to be available to individuals who were already participating in MAT programs prior to their incarceration, as well as to individuals who begin MAT during their incarceration to address an opioid use disorder.

3. Prohibit the North Carolina Department of Justice, North Carolina Department of Adult Correction, and the North Carolina Department of Public Safety from using federally forfeited assets for new personnel positions, new projects, acquisition of real property, or repair of buildings without having the prior approval of the General Assembly.
4. Continue to authorize the North Carolina Department of Adult Correction to pay the sum of \$40 per day as reimbursement to counties for the cost of housing backlogged convicted inmates remaining in a county jail who were sentenced to imprisonment in the Department of Adult Correction, Division of Prisons.
5. Set the salary schedule for State law enforcement officers for fiscal year 2023-24 at \$52,735 to \$76,949 annually and for fiscal year 2024-25 at \$54,317 to \$79,257 annually, depending upon the officer's years of experience.
6. Set the salary schedule for probation and parole officers for fiscal year 2023-24 at \$44,517 to \$64,958 annually and for fiscal year 2024-25 at \$45,853 to \$66,907 annually, depending upon the officer's years of experience.
7. Legalize video gambling in North Carolina through the North Carolina Education Lottery. Currently, video gambling is illegal in North Carolina.

The bill would create various permitting requirements for “video lottery terminals” through the North Carolina State Lottery Commission (the Commission), which would be enforceable by the Commission through inspections and investigations conducted by the Alcohol Law Enforcement Division (ALE) of the North Carolina Department of Public Safety.

A “video lottery terminal” would be “any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video lottery game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash.”

The bill would define “video lottery games” as “electronically simulated games of chance” authorized by the Commission “that are displayed and played on permitted video lottery terminals.” If enacted into law, the Commission could authorize an unlimited number of games of chance for video gambling through the North Carolina Education Lottery without further authorization of the General Assembly.

The bill would require all video lottery manufacturers, operators, and merchants to be licensed by the Commission and would allow each merchant to operate up to six machines per location. However, the bill would allow the Commission to authorize an additional four machines per location, for a potential maximum of ten video lottery terminals per location. Licensed truck stops would also be authorized to operate up to ten machines per location.

The bill would also prohibit the placement of video lottery terminals within 500 feet of a church, public school, or a private school.

The bill would authorize any law enforcement officer to confiscate any “terminal or machine” that does not display a video lottery permit. The bill does not define what is meant by a “machine” and does not define “terminal,” although it appears that the reference to any terminal in the bill would refer to video lottery terminals as defined in the bill.

In addition, the bill does not provide any method by which a law enforcement officer can determine whether or not a permit affixed to a video lottery terminal is valid or the number of video lottery terminals that are authorized by the Commission at any given location, such as through the use of a database that is accessible to all law enforcement officers that could be used to search video lottery permits and locations that are authorized to have video lottery terminals (including the number of video terminals allowed at the location).

Finally, the bill, as amended, would not make all video sweepstakes games legal. Therefore, if enacted into law, there could remain unlawful video sweepstakes machines in operation in North Carolina simultaneously with the North Carolina Education Lottery’s video lottery games of chance.

8. Legalize sports wagering in the State for persons 21 years of age and older on professional and college sports in North Carolina in a manner substantially similar to [House Bill 347, Sports Wagering](#), which is summarized in the March 17, 2023 Weekly Legislative Report. Of interest to the criminal justice community, the bill would:
- (i) 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.”
 - (ii) Make it a Class 2 misdemeanor for any person to engage in sports wagering in violation of the regulatory requirements of the bill.
 - (iii) Make it a Class 1 misdemeanor for any person to offer sports wagering in violation of the regulatory requirements of the bill.
 - (iv) Make it a Class 2 misdemeanor for any person to engage in sports wagering while under the age of 21.
 - (v) 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.
 - (vi) Make it a Class I felony for an applicant for an interactive sports wagering license to give false information on the license application.
 - (vii) Make it a Class I felony for an interactive sports wagering operator or its service provider to give false information on the sports wagering privilege tax return.
 - (viii) Provide for a \$1,000 fine each time a sport wagering operator targets direct marketing to individuals on the voluntary exclusion program.
 - (ix) 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.
9. Enact a new law under our criminal statutes for “Amusements with non-cash prizes.” The bill would exclude from our State’s illegal video sweepstakes laws and illegal video gambling laws any coin-operated machines, video games, pinball machines, and other computer, electronic, or mechanical devices that are operated and played for amusement and that meet all of the following criteria:
- (i) Non-cash prizes, toys, novelties, free replays, coupons, or other representations of value redeemable for non-cash prizes, toys, or novelties are awarded;

- (ii) The wholesale value of a prize, toy, or novelty awarded for a single win from any individual play does not exceed ten dollars (\$10.00);
- (iii) Each play of the game involves the use of some element of skill or dexterity; and
- (iv) A notice is affixed to each machine or device in view of the player that provides notice that it is a criminal offense, with the potential of imprisonment, to award cash prizes from the play of the machine or device.

It is unclear from the bill why this new statute providing an exception for games of amusement that are played for a novelty prize (such as winning fake tattoos or a stuffed animal from a machine) would be necessary since games of amusement are already lawful to operate under current State law.

Introduced by Representatives Lambeth, Saine and Arp, and assigned to the House Committee on Appropriations.

[HOUSE BILL 454](#), Concord/Distribution of ABC Net Profits, would reduce the distribution of net profits from the City of Concord Alcoholic Beverage Control (ABC) Board to 5% for law enforcement. Currently, law enforcement receives 15% of the Concord ABC Board's net profits.

This bill would apply only to the City of Concord. 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 Representatives K. Baker, Crutchfield and Staton-Williams, and assigned to the House Committee on Local Government.**

[HOUSE BILL 456](#), Repeal Vehicle Emissions Inspection Rqmt's., would only require motor vehicle emissions inspections on vehicles in Mecklenburg County. Currently, motor vehicle emissions inspections are required on vehicles in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Randolph, Rockingham, Rowan, Union and Wake. **Introduced by Representatives Winslow, Arp, B. Jones and K. Hall, and assigned to the House Committee on Transportation.**

[HOUSE BILL 468](#), Camera Enforcement of Greensboro School Zones, 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 Representatives Clemmons, Hardister, Faircloth and Quick.**

[HOUSE BILL 470](#), Greensboro/Winston-Salem Civil Service Board, would establish within the cities of Greensboro and Winston-Salem a Civil Service Board (Board) with the power to create rules, subject to adoption by the appropriate city council, governing: (1) the suspension, discharge, or reduction in rank or compensation of all un-elected officers, including law enforcement officers, and other employees of each city; (2) the standardization and classification of all positions and

employment with each city; and (3) the investigation of all un-elected officers and other employees of each city.

The bill would also authorize the Boards to conduct hearings upon the request of any un-elected officer or member who has been discharged, suspended, reduced in rank, transferred against their will, or denied any promotion or raise as to whether such action was justified and would authorize the Boards to order the city to rescind any action it determines is unjustified.

This bill would apply only to the cities of Greensboro and Winston-Salem. 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 Representatives Zenger, Hardister and K. Hall.**

[SENATE BILL 330, Protect Judges' Personal Information](#), is similar to [House Bill 399, The North Carolina Judicial Privacy Act](#), which is summarized in the March 17, 2023 Weekly Legislative Report. The bill would prohibit a government agency, including units of local government, from posting or displaying a judge's personal information if the government agency has received a written request from the judge or an immediate family member of the judge that it not post the judge's information.

The bill would also provide that the judge's and immediate family members' personal information is exempt from disclosure in any public records request. **Introduced by Senators Robinson, Britt and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 339, Modify Lmt'd Driving Privilege/Criminal Laws](#), would make various changes to the laws regarding license revocations. Of interest to the criminal justice community, the bill would:

1. Make the provision of [Session Law 2015-186, NC Drivers License Restoration Act](#), which made the offense of driving a non-commercial vehicle while a license was revoked for a reason other than impaired driving (DWLR) a non-moving violation and exempt from an additional period of license revocation, applicable to any DWLR offense committed before December 1, 2015. Currently, the changes enacted by Session Law 2015-186 are only applicable to DWLR offenses committed on or after December 1, 2015.
2. Also make it a Class 2 misdemeanor if a person impersonates a taxicab driver and a Class H felony if the person impersonating a taxicab driver commits a separate felony offense while they are impersonating a taxicab driver. Currently, it is a Class 2 misdemeanor or Class H felony to commit the respective conduct while impersonating a transportation network company driver (such as Uber or Lyft), but not a taxicab driver.
3. Allow the North Carolina Division of Motor Vehicles (DMV) to extend the term of any limited driving privilege issued by the DMV to a person whose license was revoked for certain offenses until the date set by the DMV to determine whether the person meets the conditions for license reinstatement.

4. Provide that operation of a motor vehicle without financial responsibility (i.e. failing to maintain motor vehicle liability insurance) is a moving offense, subjecting a person to an additional period of license revocation if the offense was committed while the person's license was already revoked.
5. Modify the penalties for committing a moving violation while license revoked as follows: (1) no additional period of revocation for a first offense if the offense which resulted in license revocation has been resolved or the person is complying with a payment plan; (2) one year of additional license revocation for a second offense; (3) two years of additional license revocation for a third or subsequent offense committed while the person's license was revoked for anything other than an impaired driving offense; and (4) permanent revocation for a third or subsequent offense committed while the person's license was revoked for an impaired driving offense.

Currently the penalties are: (1) one year's revocation for a first offense; (2) two years' revocation for a second offense; and (3) permanent revocation for a third or subsequent offense.

6. Require a person applying for a discretionary reinstatement of their license by the DMV to furnish proof to the DMV that they maintain applicable motor vehicle liability insurance.
7. Provide that any person driving a vehicle without maintaining a motor vehicle liability insurance policy after having their license reinstated in the discretion of the DMV is guilty not only of failing to maintain financial responsibility but also driving while license revoked.

Introduced by Senators Britt, Lazzara and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 340](#), Expand Prob. Officer/Sheriff Authority, would allow a district attorney to file a petition to reduce, terminate, extend, or revoke probation in district or superior court.

The bill would also allow a judge to delegate authority to a probation officer to reduce a term of supervised probation by up to one-fourth the amount of time an offender was originally required to serve on supervised probation if certain conditions are met as set forth in the bill.

Finally, the bill would allow all sheriffs statewide to contract for the purchase of food and food services supplies for the county's detention facility without being required to go through the formal or informal bidding process normally required by law.

Currently, only the sheriffs of 35 specified counties are not required to go through the formal or informal bidding process for food and food services contracts. **Introduced by Senators Britt, Lazzara and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 341](#), Safety and Emission Inspection Modifications, would make various changes to the safety and emission inspection laws for motor vehicles. Of interest to the criminal justice community, the bill would:

1. No longer require new vehicles and vehicles which are less than three years old to undergo a safety inspection.
2. Require that motor vehicles subject to a safety inspection which are at least three years older than the current model year be inspected every other year. Currently, vehicles subject to a safety inspection must be inspected every year.
3. Require that motor vehicles subject to a safety inspection that are at least 10 years older than the current model year be inspected during 2024 and then every other year.
4. Only require motor vehicle emissions inspections on vehicles within 20 years of the current year and earlier than the 2017 model year operating, registered, offered for rent, or offered used for sale by a dealer in Mecklenburg County.

Currently, motor vehicle emissions inspections are required on vehicles with model years within 20 years of the current year and older than the three most recent model years or with 70,000 miles or more in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Randolph, Rockingham, Rowan, Union and Wake.

5. Require a vehicle subject to an emissions inspection to be inspected within 180 days of vehicle registration and once every year.

Introduced by Senators Jarvis and Ford, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 342](#), ATV and UTV Titling/Mod. UTV Revisions, would allow for certificates of title to be issued for all-terrain vehicles (ATVs), modified utility vehicles, or utility vehicles. The bill would also allow modified utility vehicles to be operated on streets and highways having four or more travel lanes where the posted speed limit is 55 miles per hour (MPH) or less.

Currently, modified utility vehicles may not be operated on streets or highways having four or more travel lanes unless the posted speed limit is 35 MPH or less. **Introduced by Senators Jarvis, Sawyer and Lazzara, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 343](#), Protect the Children in Private Schools, would allow an employee or volunteer of a private school to possess a firearm or stun gun on the grounds of the private school at which they volunteer or are employed if: (1) the person has written authorization from the school board of trustees or school administrative director to possess and carry a firearm or stun gun on the grounds; (2) the person has a valid North Carolina or out-of-state concealed handgun permit; (3) the person has taken annually a minimum of 8 hours of courses related to gun safety and

appropriate use of firearms under the direct supervision of a National Rifle Association (NRA) instructor or equivalent, in addition to the firearms safety and training course required to be issued a North Carolina concealed handgun permit; and (4) the private school adopts and annually distributes to parents written standard operating procedures for possession and carrying of firearms and stun guns on school grounds.

The bill would also allow a person in a place of religious worship located on educational property to possess weapons (such as a firearm or bowie knife) on the school grounds while the person is attending worship services, funeral services, wedding ceremonies, Christenings, religious fellowships, and any other sacerdotal functions at the place of religious worship.

Currently, unless limited exceptions apply, a person may not possess or carry weapons on any school property even if that property is a mixed-use property containing both a school and a place of religious worship, regardless of whether or not school activities are taking place. **Introduced by Senators Jarvis, Britt and B. Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 345](#), [Alarm Systems Licensing Act Modernization](#), would authorize, but not require, the North Carolina State Bureau of Investigation, Division of Criminal Information Network, to provide a criminal record check of an applicant for a security systems business license to the Alarm Systems Licensing Board. Currently, the North Carolina Department of Public Safety may provide such criminal record checks. **Introduced by Senator Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 346](#), [Marijuana Justice and Reinvestment Act](#), would legalize the use and sale of cannabis (marijuana) and cannabis accessories (such as water bongs and smoking pipes) in North Carolina, as set out in greater detail in the bill.

The bill would make it lawful for a person to possess, consume, ingest, smoke, use, grow, process, purchase, or transport an amount of cannabis that does not exceed the following: (1) two ounces of cannabis in a form other than concentrated cannabis or cannabis products; (2) fifteen grams of concentrated cannabis; (3) cannabis products containing no more than 2,000 milligrams of tetrahydrocannabinol; (4) six cannabis plants and any additional cannabis produced by the person's cannabis plants, provided that the possession of any amount of cannabis in excess of two ounces of cannabis, 15 grams of concentrated cannabis, and cannabis products containing no more than 2,000 milligrams of tetrahydrocannabinol must be limited to the same property where the plants were cultivated.

The bill would also authorize “cannabis establishments” and “cannabis product manufacturing facilities” in North Carolina, provided various application and licensing requirements are met, as explained in greater detail in the bill.

A “cannabis establishment” would be defined as any cannabis cultivation facility, a cannabis delivery service, an [on-site consumption establishment](#), a cannabis testing facility, a cannabis product manufacturing facility, a cannabis transporter, a [retail cannabis store](#), or any other type of cannabis business authorized and registered by the North Carolina Department of Public Safety.

The bill would define a “cannabis product manufacturing facility” to be an entity registered to purchase cannabis, manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis establishments but not to consumers.

Finally, the bill would make it unlawful to smoke cannabis in public or to consume cannabis while operating or driving a motor vehicle, boat, vessel, aircraft, or other motorized device used for transportation. **Introduced by Senators Meyer, Chaudhuri and Murdock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 359, Medal of Valor Award for Emer. Responders](#), is identical to [House Bill 387, Medal of Valor Award for Emer. Responders](#), which is summarized in the March 17, 2023 Weekly Legislative Report. **Introduced by Senators Sanderson and B. Newton, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 360, Modify Victim and Sex Offense Registry Laws](#), would make various changes to the laws regarding registered sex offenders, the Crime Victims' Rights Act, and domestic violence protection orders. Of interest to the criminal justice community, the bill would:

1. Allow the North Carolina Department of Public Safety (DPS) to deliver the address verification form for registered sex offenders to the North Carolina Department of Adult Correction, Division of Prisons (Division), for those registered offenders serving a sentence of more than 24 months in the custody of the Division, in lieu of sending it by non-forwardable mail. Currently, DPS must send the address verification form to the registered offender's last reported address, even if that last reported address is a correctional facility.
2. Clarify that a registered sex offender petitioning to be removed from North Carolina's sex offender registry who was required to register for an offense that occurred in North Carolina must file their petition for removal in the district where they were convicted of the offense, regardless of their current county or state of residence.
3. No longer require the investigating law enforcement agency to provide a victim of an offense against the person or a felony property crime, as defined in the Crime Victims' Rights Act, certain information in writing within 72 hours after identifying the victim. The bill would still require the investigating law enforcement agency to provide certain required information in writing “as soon as practicable” after identifying a victim, but it would not impose a hard deadline of 72 hours.
4. No longer allow a court to deny an award under the Crime Victims' Compensation Act because the claimant failed to report the criminal conduct that formed the basis of the award to law enforcement within 72 hours of its occurrence and without good cause for the delay. Currently, an award of compensation under the Crime Victims' Compensation Act can be denied on those grounds.
5. Also define a victim of attempted homicide or household member of a victim of murder, involuntary or voluntary manslaughter, or death by distribution of certain controlled substances where the household was the location of the crime as a “protected tenant,”

entitled to certain protections and rights in residential leases, such as the right to terminate any lease early without fear of retaliation from the landlord and the ability to force the landlord to change the locks to the protected tenant's dwelling unit. Currently, only victims of domestic violence, sexual assault, or stalking have such protections.

6. Prohibit agents of a victim assistance center (such as employees or volunteers) from being required to disclose information the agent acquired while providing services to a victim of attempted homicide or a family member or significant other of a victim of homicide, unless a court issues an order compelling disclosure.
7. Extend the duration of *ex parte* domestic violence protection orders (DVPOs) entered by magistrates pursuant to authorization from the chief district court judge until a hearing is held by a district court judge on the *ex parte* order. Currently, magistrate-issued *ex parte* DVPOs expire at the end of the next day district court is in session in the county in which the action for a domestic violence protection order was filed.

Introduced by Senators Britt, Lazzara and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 361](#), Stop Addiction Fraud Ethics Act of 2023, is identical to [House Bill 415](#), Stop Addiction Fraud Ethics Act of 2023, which is summarized above. **Introduced by Senators Burgin, Mayfield and Corbin, and assigned to Committee on Rules and Operations of the Senate.**

[SENATE BILL 367](#), Intercept Communications/All Parties Consent, would prohibit the interception and disclosure of a wire, oral, or electronic communication without the consent of all parties to the communication. Of interest to the criminal justice community, the bill would:

1. Make it a Class H felony for a person to intercept or disclose a wire, oral, or electronic communication without the prior consent of all parties to the communication. Currently, such conduct is a Class H felony without the consent of at least one party to the communication.
2. Allow an investigative or law enforcement officer, or a person acting under the direction of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication when:
 - (i) the officer or person acting under the officer's direction is a party to the communication, or one of the parties to the conversation has given prior consent to the interception of the communication; AND
 - (ii) the purpose of the interception is to obtain evidence of a criminal act.
3. Allow a law enforcement officer to intercept a communication as part of making a recording from a body-worn camera or dashboard camera during the course of the officer's official duties.

4. Allow an employee of a telephone company to intercept a wire communication for the sole purpose of tracing the origin of the communication when the recipient alleges that the communication is obscene, harassing, or threatening in nature, if the employee notifies the local law enforcement agency with jurisdiction within 48 hours of the interception.
5. Allow an employee of a public utility, or a law enforcement agency, fire department, ambulance company, or other emergency medical services provider, when receiving or responding to an emergency call, to intercept or disclose a communication, while engaged in any activity which is necessary to the rendition of service or the protection of life or property.

Introduced by Senator Moffitt.

BILL STATUS

[HOUSE BILL 11](#), Schools for the Deaf and Blind, which is summarized in the January 27, 2023 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. This bill would require the boards of trustees of various schools for the deaf and the blind to adopt school risk management plans, 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.

[HOUSE BILL 40](#), Prevent Rioting and Civil Disorder, which is summarized in the February 3, 2023 Weekly Legislative Report, has become law without the Governor's signature, has an effective date of December 1, 2023, and applies to offenses committed on or after that date.

[HOUSE BILL 77](#), Drivers License Designation/Autism, which is summarized in the February 10, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 250](#), Death by Distribution Revisions, which is summarized in the March 3, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill was amended in the House and renamed Death by Distribution/Good Samaritan/Autopsy.

The bill, as amended, would 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.

[SENATE BILL 51](#), Kayla's Act: Protecting Dom. Violence Victims, which is summarized in the February 3, 2023 Weekly Legislative Report, has been amended in the Senate to require that both the State and the defendant mutually agree on the location where the domestic violence victim may testify remotely.

The bill, as amended, would also allow both the State and the defendant to have at least two representatives approved by the court present at the remote location where the domestic violence victim is testifying, in addition to the prosecutor and defense attorney.

[SENATE BILL 83](#), No High Risk Apps/Gov't Networks & Devices, which is summarized in the February 10, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate 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 make it a Class E 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.

The bill, as amended, would also make it a: (1) Class 1 misdemeanor 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 create a counterfeit controlled substance, knowing, intending, or having reasonable cause to believe that it will be used to create a counterfeit controlled substance; and (2) Class I felony to intentionally 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 create a counterfeit controlled substance, knowing, intending, or having reasonable cause to believe that it will be used to create a counterfeit controlled substance.

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

North Carolina Sheriffs' Association, Inc.

Proudly Serving the Sheriffs and Citizens of North Carolina Since 1922

www.ncsheriffs.org
