

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 7, 2023

The House budget has been at the forefront of almost all things legislative this week. The House spent a significant amount of time on Wednesday afternoon and into the early evening hearing a summary of the contents of this year's budget bill, House Bill 259, 2023 Appropriations Act and debating amendments. Over 9 amendments were offered and debated by the full membership of the House.

Maybe the bigger event for Republicans this week was welcoming their newest party member to the caucus. Rumors of a Democrat representative switching parties began to circulate on Tuesday and were all but confirmed when Representative Tricia Cotham, a Democrat from Mecklenburg County, was escorted by House leadership to a new seat on the majority side of the House chamber at the beginning of the afternoon session.

Cotham officially announced her new party affiliation on Wednesday morning at a news conference outside of Republican Party Headquarters in downtown Raleigh. Democrats held their own news conference Wednesday afternoon to blast her controversial decision. However, by the time session began mid-afternoon Wednesday Cotham seemed to be comfortably settled into her new surroundings amongst Republicans peers.

Her change in party affiliation solidifies a super-majority for Republicans in the House. They already hold a supermajority in the Senate. This is significant because it means Republicans now hold a veto-proof majority in both chambers and can override any veto of Democratic Governor Roy Cooper.

While the Senate did not make nearly as many headlines this week, their committees were incredibly busy, as was the bill drafting staff who were burning the midnight oil on their behalf and on behalf of all the House members working on the budget. Thursday marked the Senate's bill filing deadline. This week alone the Senate filed 263 bills. The House still has until Tuesday, April 18 to file bills. To date, the House has filed 590 bills and the Senate has filed 724.

The House and Senate have announced they will take a break the week of Easter and will return the following week to take up the business of the General Assembly. When they return, there will only be three weeks until the crossover deadline of May 4. Those involved in the legislative process will be pushing hard to get their bills calendared and voted upon in that short period of time.

The House and Senate adjourned on Thursday and will reconvene on Monday, April 10, 2023.

BILLS OF INTEREST

[HOUSE BILL 259](#), 2023 Appropriations Act, contains the House version of the proposed budget for the 2023-2025 fiscal biennium. The bill has passed the House and has been sent to the Senate for consideration. The House version of the proposed budget would make various appropriations and changes to State law. Of interest to the criminal justice community, the bill would:

1. Require the governing body of a public school unit to adopt a policy for the development of “threat assessment teams.” In adopting such a policy, the public school unit would be required to consult with guidance issued by the Center for Safer Schools (CSC) of the North Carolina Department of Public Instruction for the establishment of “threat assessment teams.”

These teams would include persons with expertise in counseling, instruction and school administration, in addition to law enforcement that conducts threat assessments in a public school unit when threatening behavior has been communicated and when a student has engaged in threatening behavior that warrants further evaluation.

As explained in greater detail in the bill, the threat assessment team would work to identify, assess, and manage students who might pose a threat to the safety of the school.

2. Appropriate to the North Carolina Department of Public Instruction \$20 million in nonrecurring funds each year of the 2023-2025 fiscal biennium for the School Safety Grants Program, to support students in crisis, school safety training, safety equipment in schools, and to subsidize the School Resource Officer Grants Program.

Applications for grants by public schools must include an assessment, performed in conjunction with a local law enforcement agency, of the need for improving school safety within the public school unit that would receive the funding or services.

3. Require the North Carolina Chief Medical Examiner (or their designee) to perform an autopsy or other study in any case in which the district attorney or the investigating law enforcement agency asserts to the Chief Medical Examiner, or to the medical examiner of the county in which the body was located, that there is probable cause to believe the death was associated with the illegal distribution of certain controlled substances, such as opioids.
4. 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.
5. Continue the long-standing prohibition on hiring sworn law enforcement personnel to fill vacant positions in the North Carolina State Crime Laboratory. However, the bill does not require the North Carolina State Crime Laboratory to terminate the employment of current

employees that are sworn law enforcement officers and who annually continue to meet the sworn status retention standards of the North Carolina Criminal Justice Education and Training Standards Commission.

This enactment simply conforms to policy that has been in place for many years prohibiting the hiring of sworn law enforcement personnel to fill vacant positions in the North Carolina State Crime Laboratory.

6. 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.
7. Require the North Carolina Department of Adult Correction (DAC) to report the following information for DAC employees to the Joint Legislative Oversight Committee on Justice and Public Safety no later than February 1, 2024 and also by February 1, 2025:
 - (i) The number of employees charged with a criminal offense that occurred in a State prison and during the employee's work hours.
 - (ii) The number of employees disciplined, demoted, or separated from service due to misconduct.
 - (iii) A description of the screening process used to select and hire employees, including any required credentials or skills, criminal background checks, personality assessments, and the process used to verify the information provided by an applicant.
8. Appropriate to the North Carolina Department of Public Safety \$9 million in nonrecurring funds for the 2023-2025 fiscal biennium to provide direct grants in equal amounts to North Carolina sheriffs' offices in counties with populations of fewer than 230,000 people.

Under the criteria set in the bill, the sheriff's offices in the following counties would not be eligible for the direct grants: Buncombe, Cabarrus, Cumberland, Durham, Forsyth, Gaston, Guilford, Mecklenburg, and Wake.

The bill would also appropriate to the North Carolina Department of Public Safety \$9 million in nonrecurring funds for the 2023-2025 fiscal biennium to provide direct grants in equal amounts to municipal police departments employing at least one, but fewer than 80 full-time sworn law enforcement officers based upon data provided by the North Carolina Criminal Justice Standards Division.

These grant funds would be used for workforce development, and for officer health and safety. In addition, the bill provides that the above appropriated funds will supplement and not supplant local funding for sheriffs' offices and municipal police departments.

9. Modify provisions within Session Law 2021-180 that provide competitive grants to sheriffs' offices for the purposes of assisting those offices in the establishment, maintenance, or expansion of jail Medication-Assisted Treatment (MAT) programs for alcohol or opioid addiction.

The bill would require the working group that is responsible for establishing the operational criteria for the grant program, application process, and evaluation of grant applications to ensure that all Federal Drug Administration (FDA) approved drugs for the treatment of opioid dependence through MAT in jails are considered as options for treatment, including but not limited to long-acting injectable medication regimes.

10. Separate the North Carolina State Bureau of Investigation (SBI) from the North Carolina Department of Public Safety (DPS) and establish the SBI as a single, unified cabinet-level department. Currently, the SBI is administratively located within DPS.

The Director of the SBI is currently appointed by the Governor and confirmed by the North Carolina General Assembly. The bill would not modify this appointment process for the Director of the SBI. However, the bill would also authorize the General Assembly to remove the Director of the SBI for specific grounds established under current state law (such as failing to perform duties required of the office) upon three-fifths vote of the membership of the Senate and House of Representatives present and voting.

Currently, only the Governor may remove the Director of the SBI for specific grounds established under State law, such as the failure to perform the duties required of the office (misfeasance, malfeasance, and nonfeasance).

The bill would authorize the Director of the SBI to exempt up to 10 employees of the SBI from the State Human Resources Act, in the Director's sole discretion, upon written notification of the exemption to the Director of the Office of State Human Resources. Employees exempted from the State Human Resources Act (Act) would not be protected by various provisions within the Act and could be discharged by the Director of the SBI in a much quicker manner than exists under current law.

The bill would appropriate to the North Carolina Department of Public Safety \$500,000 in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funding for additional salary adjustments for certain law enforcement positions in the North Carolina State Bureau of Investigation.

The bill would appropriate to the North Carolina Department of Public Safety \$1 million in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide the North Carolina State Bureau of Investigation with funding for administrative positions.

The bill would appropriate to the North Carolina Department of Public Safety \$586,160 in recurring funds and \$1 million in non-recurring funds for the 2023-2024 fiscal year, and \$1.1 million in recurring funds for the 2024-2025 fiscal year to provide funding to the

North Carolina State Bureau of Investigation for sworn agents with a special focus on investigating officer-involved shootings, use of force incidents, death in custody incidents, and related matters.

The bill would appropriate to the North Carolina Department of Public Safety \$684,115 in recurring funds and \$138,746 in non-recurring funds for the 2023-2024 fiscal year and \$1.3 million in recurring funds and \$134,175 in non-recurring funds for the 2024-2025 fiscal year to provide funding to the North Carolina State Bureau of Investigation for additional positions to aid with investigations related to Cybertips, a system for tracking and investigating internet and digital crimes against children.

The bill would appropriate to the North Carolina Department of Public Safety \$510,433 in recurring funds and \$161,150 in non-recurring funds for the 2023-2024 fiscal year and \$510,433 in recurring funds for the 2024-2025 fiscal year to provide funding to the North Carolina State Bureau of Investigation for 2 sworn agents, an intelligence analyst, and a financial investigator to aid with investigations related to organized retail crime and for related training and equipment.

The bill would appropriate to the North Carolina Department of Public Safety \$3.2 million in non-recurring funds for the 2023-2024 fiscal year and \$30 million in non-recurring funds for the 2024-2025 fiscal year to provide the North Carolina State Bureau of Investigation funding for a new headquarters.

11. Establish a Joint Legislative Study Committee to study and propose possible administrative and organizational locations for the State Crime Lab within State government. The Committee would be authorized to report its findings and recommendations to the General Assembly on April 1, 2024 and would be required to make a final report by December 1, 2024.
12. Authorize the State Capitol Police to contract with State agencies to provide security services in the buildings occupied by those agencies.
13. 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.
14. Create the new Class A1 misdemeanor criminal offense of "Misdemeanor crime of domestic violence." The purpose of creating this new criminal offense would be to create a North Carolina crime that matches all of the elements of a misdemeanor crime of domestic violence established under federal law.
15. Require persons convicted of sex crimes that are required to register with the sheriff under North Carolina's Sex Offender and Public Protection Registration Program to pay an annual registration fee of \$150 while they remain a registered sex offender in this State. The fee would be collected by the sheriff at the time of registration and after each

subsequent registration anniversary date the sex offender remains on the sex offender registry.

The sheriff would retain \$100 of the annual fee for the cost of fulfilling the sheriff's duty to monitor the registered sex offender, and the remaining \$50 would be remitted to the North Carolina State Bureau of Investigation on a quarterly basis.

The bill would allow (but not require) the sheriff to waive this annual registration fee if the sheriff determines the sex offender is indigent and makes written findings of this condition in the sex offender's records maintained by the sheriff. If a sheriff makes such written findings of indigency, the sheriff would be required to reassess this determination annually and would also be required to make written findings of indigency each year the annual fee is waived.

Finally, every sex offender that is incarcerated or under the supervision of the North Carolina Department of Adult Correction, Division of Community Supervision and Reentry, at the time the annual registration fee would be collected would be classified as indigent and therefore not required to pay a registration fee. However, the sheriff would be required to reassess the finding of indigency each subsequent year.

16. Allow for the continued use of security guards at State prisons. Session Law 2020-3, which was extended previously, temporarily expanded the authority of security guards and patrol professionals that are licensed by the North Carolina Private Protective Services Board.

The bill would continue to allow security guards and patrol professionals to provide security services at State prisons, such as monitoring the movement and exit and entry of individuals into the facility, manning security towers and providing perimeter security patrols.

These temporary provisions would expire on August 1, 2024, unless extended again by the North Carolina General Assembly.

17. Set the salary schedule for State law enforcement officers for fiscal year 2023-24 at \$51,620 to \$75,324 annually and for fiscal year 2024-25 at \$53,298 to \$77,772 annually, depending upon the officer's years of experience.
18. Set the salary schedule for law enforcement officers of the North Carolina State Highway Patrol for the 2023-2025 fiscal biennium at \$55,000 to \$80,252 annually, depending upon the officer's years of experience.
19. Set the salary schedule for probation and parole officers for fiscal year 2023-24 at \$43,577 to \$63,585 annually and for fiscal year 2024-25 at \$44,993 to \$65,652 annually, depending upon the officer's years of experience.

Finally, while [House Bill 259](#) makes hundreds of appropriations that benefit both State and local government and the citizens of this State, the following appropriations that enhance public safety

are of particular interest to the criminal justice community:

1. The bill would appropriate to the North Carolina Department of Public Instruction \$850,000 in recurring funds each year for the 2023-2024 fiscal year and 2024-2025 fiscal year to provide funding to the Center for Safer School's anonymous tip line, which administers anonymous reporting of school safety threats.
2. The bill would appropriate to the North Carolina Administrative of the Courts \$300,000 in non-recurring funds for the 2023-2024 fiscal year to provide funding to study the potential implementation of statewide judicially managed accountability and recovery court programs.
3. The bill would appropriate to the North Carolina Office of the Chief Medical Examiner \$550,000 in non-recurring funds and \$164,696 in recurring funds for the 2023-2024 fiscal year and \$164,696 in recurring funds for the 2024-2025 fiscal year to provide funding to enable comprehensive toxicology testing in all child deaths under the jurisdiction of the Medical Examiner.
4. The bill would appropriate to the North Carolina Office of the Chief Medical Examiner \$7.3 million in recurring funds for the 2024-2025 fiscal year to increase the autopsy fee to reflect the actual cost of an autopsy.
5. The bill would appropriate to the North Carolina Office of the Chief Medical Examiner \$2 million in recurring and non-recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funds for the South Piedmont Regional Autopsy Center.
6. The bill would appropriate to the North Carolina Forest Service \$239,000 in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funds for supervisor and safety officer positions to manage the 9 current full-time officers across the State.
7. The bill would appropriate to the North Carolina Administrative Office of Courts \$74,786 in recurring funds and \$3,028 in non-recurring funds for the 2023-2024 fiscal year and \$74,786 in recurring funds for 2024-2025 fiscal year to provide funding for an additional magistrate in Stanly County.
8. The bill would also appropriate to the North Carolina Department of Justice \$1 million in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funding for ongoing replacement and updating of equipment at the North Carolina State Crime Laboratory.
9. The bill would appropriate to the North Carolina Department of Justice \$427,000 in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to

provide funding for positions at the North Carolina Criminal Justice Education and Training Standards Commission to assist with implementation of the North Carolina Law Enforcement Accreditation Program.

10. The bill would appropriate to the North Carolina Department of Justice \$627,000 in non-recurring funds for the 2023-2024 fiscal year to provide funding to the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to fully implement the Rap Back program.
11. The bill would appropriate to the North Carolina Department of Justice \$311,000 in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funding for one certification specialist, one investigator, and two administrative specialists at the North Carolina Sheriffs' Education and Training Standards Commission.
12. The bill would appropriate to the North Carolina Department of Public Safety \$17.7 million in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funding to implement a new salary schedule for the North Carolina State Highway Patrol.
13. The bill would appropriate to the North Carolina Department of Public Safety \$250,000 in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide funding to the City of Wilmington for an ongoing project to address opioid addiction.
14. The bill would appropriate to the North Carolina Department of Public Safety \$980,000 in non-recurring funds for the 2023-2024 fiscal year to provide funding for the Columbus County Sheriff's Office to implement jail facility upgrades.
15. The bill would appropriate to the North Carolina Department of Public Safety \$750,000 in non-recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide the North Carolina Association of Chiefs of Police with funding to support local law enforcement agencies in employee performance and wellness management systems.
16. The bill would appropriate to the North Carolina Department of Public Safety \$1.1 million in recurring funds and \$720,000 in non-recurring funds for the 2023-2024 fiscal year and \$1.1 million in recurring funds for the 2024-2025 fiscal year to provide funding to support operations at the Dillon Juvenile Detention Center located in Butner, North Carolina.
17. The bill would appropriate to the North Carolina Department of Public Safety \$4.1 million in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide the Rockingham Youth Development Center with operating funds and positions. The facility will also be utilized partially as a Juvenile Detention Center and is scheduled to open in the fall of 2023.

18. The bill would appropriate to the North Carolina Department of Public Safety \$1.6 million in recurring funds and \$390,000 in non-recurring funds for the 2023-2024 fiscal year and \$3.3 million in recurring funds for the 2024-2025 fiscal year to provide the Richmond Juvenile Detention Center funding for personnel and operations.
19. The bill would appropriate to the North Carolina Department of Public Safety \$1.4 million in recurring funds for the 2023-2024 fiscal year and \$2.7 million in recurring funds for the 2024-2025 fiscal year to provide the North Carolina State Highway Patrol with funding to support operations.
20. The bill would appropriate to the North Carolina Department of Adult Correction \$5 million in recurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to provide correctional officers and probation and parole officers with safety enhancements, such as needed equipment.
21. The bill would appropriate to the North Carolina Department of Public Safety \$3.4 million in non-recurring funds for the 2024-2025 fiscal year to provide additional funding for the construction of an auditorium located at the North Carolina State Highway Patrol Training Academy.
22. The bill would appropriate to the North Carolina Department of Public Safety \$836,875 in non-recurring funds for the 2024-2025 fiscal year to provide funding for a new technical services unit building for the North Carolina State Highway Patrol.
23. The bill would appropriate to the North Carolina Department of Public Safety \$2 million in non-recurring funds for the 2023-2024 fiscal year and \$4.3 million in non-recurring funds for the 2024-2025 fiscal year to provide the North Carolina State Highway Patrol funding for redevelopment of the State Highway Patrol Training Center Cadet Dormitory and Training Building.
24. The bill would appropriate to the North Carolina Department of Transportation \$584,561 in non-recurring funds for the 2023-2024 fiscal year to provide funds to replace emergency operations equipment for North Carolina Division of Motor Vehicles License and Theft Bureau vehicles.
25. The bill would appropriate to the North Carolina Department of Transportation \$2.4 million in non-recurring funds for the 2023-2024 fiscal year to provide funds to replace radios for the fleet of North Carolina Division of Motor Vehicles License and Theft Bureau vehicles.

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

[HOUSE BILL 541](#), Economic Security Act, would prohibit a public employer from asking about or considering an applicant's criminal history until after a conditional offer of employment has been made to the applicant. Therefore, no initial application for employment with a public employer would be able to contain a question or inquiry regarding the applicant's criminal history. This prohibition would not apply to law enforcement officers or to any other positions for which a hiring authority is required by law to consider the criminal record of an applicant.

The bill would also repeal the prohibition on units of local governments and the State entering into contracts with a labor union, trade union, or labor organization acting as a bargaining agent for the public employees of that unit of government. Currently, these contracts are void as against the public policy of the State.

The bill would also define a pandemic infection contracted by a "covered person" as an occupational disease covered by the North Carolina Workers' Compensation Act. The bill would define "covered person" to include a law enforcement officer, jailer, and prison guard. The bill would define "pandemic" as an outbreak of an emerging disease prevalent in the United States or the whole world.

Finally, the bill would require local government employers to credit (restore) sick or vacation leave taken by their employees, including law enforcement officers, jailers, and prison guards, to comply with a quarantine related to exposure to the coronavirus. **Introduced by Representatives Harrison, Morey, T. Brown and A. Baker, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 545](#), Willful or Wanton Gun Discharge/Expand Scope, would create a new Class E criminal felony offense of willfully or wantonly discharging a firearm or barreled weapon capable of discharging shots, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second in or on the property of another without the property owner's permission, on a public street or highway, or at any public place where other persons are present.

Currently, it is a Class E felony to willfully or wantonly discharge a weapon described above into any building, structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure while it is occupied. **Introduced by Representative Miller, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 549](#), Civilian Traffic Investigators, is substantially similar to [House Bill 140](#), Civilian Traffic Crash Investigators, which is summarized in the February 17, 2023 Weekly Legislative Report. **Introduced by Representatives A. Baker and Willingham, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 563](#), Regulate Cannabinoid Products & Kratom, would regulate the sale and distribution of products containing a hemp-derived cannabinoid and would establish a regulatory framework for the commercialization of kratom. Of interest to the criminal justice community, the bill would:

1. Define “hemp-derived cannabinoid” as the plant *Cannabis sativa* (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

Currently, under federal and State law, cannabis with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis is considered to be hemp and therefore not unlawful.

2. Make it a Class A1 misdemeanor to do any of the following:
 - (i) Knowingly sell or distribute a product containing a hemp-derived cannabinoid to a person under 21 years of age.
 - (ii) Knowingly purchase a product containing a hemp-derived cannabinoid on behalf of a person under 21 years of age.
 - (iii) Knowingly persuade, entice, send, or assist a person under 21 years of age to purchase, acquire, receive, or attempt to purchase a product containing a hemp-derived cannabinoid.
 - (iv) Knowingly distribute samples of products containing a hemp-derived cannabinoid in or on a public street, sidewalk, or park.
 - (v) Knowingly sell or distribute a product containing a hemp-derived cannabinoid without first having obtained proof of age from the purchaser or recipient.
 - (vi) Engage in the business of manufacturing, distributing, or selling a product containing a hemp-derived cannabinoid without a valid license issued in accordance with the bill.
 - (vii) Knowingly manufacture, distribute, or sell a product containing a hemp-derived cannabinoid that has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.
3. Make it a Class A1 misdemeanor for a person under the age of 21 to:
 - (i) Knowingly purchase, possess, or accept receipt of a product containing a hemp-derived cannabinoid.
 - (ii) Knowingly present purported proof of age that is false, fraudulent, or not actually that person's for the purpose of purchasing or receiving a product containing a hemp-derived cannabinoid.

4. Allow law enforcement efforts to enforce the provisions of the bill (i.e. undercover buy or sting operations) involving the use of a minor with parental consent and the use of an adult under the age of 21 if the individual has consented.
5. Provide the Alcohol Law Enforcement (ALE) Division of the North Carolina Department of Public Safety with the authority to enforce the provisions of the bill. The bill would not prohibit sheriffs, deputies, or other law enforcement officers and agencies from enforcing its provisions as well.
6. Provide for the licensing and regulation of businesses in the State that manufacture, distribute, or sell products containing a hemp-derived cannabinoid and provide for the routine testing of products containing a hemp-derived cannabinoid, as set forth in detail in the bill.
7. The bill would clarify that manufacture and sale of kratom products in this State is allowed. Kratom is an herbal extract that comes from the leaves of an evergreen tree (*Mitragyna speciosa*) grown in Southeast Asia. Kratom leaves can be chewed, and dry kratom can be swallowed or brewed. Kratom extract can be used to make a liquid product.

Kratom is believed to act on opioid receptors. At low doses, kratom acts as a stimulant, making users feel more energetic. At higher doses, it reduces pain and may bring on euphoria. At very high doses, it acts as a sedative, making users quiet and perhaps sleepy.

There are currently no FDA approved uses for kratom.

Introduced by Representatives McNeely, Sasser, Cotham and Fontenot, and assigned to the House Committee on Agriculture.

[SENATE BILL 451](#), Create North Carolina Jail Fund, would establish the North Carolina Jail Fund (Fund) to assist sheriffs in complying with the minimum health and safety standards set for county jails. The Fund would be administered by the North Carolina Department of Health and Human Services (DHHS) and be used for repairs and improvements to the jail in order for the jail to meet the State's minimum standards.

The bill would define "jail" as a county jail in this State. In order to be eligible to receive monies from the Fund, the bill would require a sheriff to submit an application which includes certain information as specified in the bill, including a commitment that any funds received from the Fund will be matched on a 1-to-1 basis by county funds, and sign a "Facility Correction Agreement" with DHHS.

If a Facility Correction Agreement (Agreement) is signed by the sheriff, DHHS would not issue further citations for, or direct the closure of, a jail that is the subject of a Facility Correction Agreement for a deficiency listed in the Agreement if the Agreement is being executed in good faith. The bill does not define who would make the determination of whether a particular sheriff is acting in good faith.

In addition, the bill does not provide detail as to the content of the Facility Correction Agreement or whether a sheriff can receive these funds for improvements to the jail if the sheriff disputes that the jail is not in compliance with State minimum standards.

The bill would give the Secretary of DHHS sole discretion for determining eligibility for monies from the Fund, provided that the awarding of funds is done in a manner that incentivizes self-reporting on behalf of the sheriffs and facilitates the rapid remedy of jail deficiencies.

Finally, the bill would appropriate \$10 million dollars in nonrecurring funds for the 2023-2024 fiscal year to be used for the Fund. **Introduced by Senators Britt, Mayfield and Burgin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 453](#), Supporting Law Enforcement, would enact various provisions of law affecting law enforcement. Of interest to the criminal justice community, the bill would:

1. Require the North Carolina Department of Justice (DOJ) to alert law enforcement agencies of available grant funds and assist law enforcement agencies with drafting and submitting grant proposals and applications.
2. Appropriate to DOJ \$200,000 in recurring funds for each year of the 2023-2025 fiscal biennium to hire two full-time grant writers to assist law enforcement agencies.
3. Appropriate to DOJ \$250,000 in recurring funds for each year of the 2023-2025 fiscal biennium to be used to award grants to law enforcement agencies for initiatives supporting community policing.
4. Appropriate to DOJ \$500,000 in recurring funds for the 2024-2025 fiscal year to provide grants to: (1) law enforcement agencies to be awarded to law enforcement officers exhibiting exemplary service as established by DOJ; and (2) law enforcement agencies for meeting racial or gender diversity benchmarks as established by DOJ. These individual grants would not exceed \$10,000 under the bill.
5. Provide that strangleholds, lateral vascular neck restraints, or any other tactics that restrict oxygen or blood flow to the head or neck shall be considered the use of deadly force under state law. Currently, the above-referenced restraints, holds, and tactics are not defined in the General Statutes or relevant case law as deadly force.

This classification would mean that use of these tactics would only be considered reasonable if used: (1) for the officer's self-defense or defense of another from use of deadly force; (2) to effectuate an arrest or prevent the escape from custody of someone using a deadly weapon to escape or posing an imminent threat of serious harm to another unless immediately apprehended; or (3) preventing a convicted felon's escape from custody.

6. Mandate that a law enforcement officer use "the minimum amount of force reasonably necessary to accomplish the law enforcement action" and attempt to utilize de-escalation

tactics when possible under all circumstances in which a law enforcement officer uses any force of any kind.

7. Require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to:
 - (i) Establish a minimum age requirement of at least 21 years of age in order to qualify for entry level employment as a criminal justice or justice officer;
 - (ii) Establish minimum mental health screening protocols, to include a psychological screening performed by a physician, psychologist or other mental health professional, in order to qualify for entry level employment as a criminal justice or justice officer; and
 - (iii) Establish minimum annual mental health screening protocols for officers, including additional mental health screening protocols for officers following a traumatic event and including a psychological screening performed by a physician, psychologist or other mental health professional.
8. Clarify that the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission are allowed access to a person's misdemeanor conviction records for the purposes of denying, suspending, or revoking a person's certification based on that person's conviction of four or more misdemeanors.

Currently, the Commissions may access felony convictions and may deny, suspend, or revoke a person's certification based on that person's felony conviction.

9. Appropriate to DOJ \$1 million in recurring funds for each year of the 2023-2025 fiscal biennium to provide grants to law enforcement agencies to temporarily provide partial or total funding for detective or other investigative law enforcement positions in order to aid in the investigation of person crimes that would constitute a charge of a Class D felony or higher.

Introduced by Senators Batch, Garrett and Smith, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 457](#), Amend Animal Fighting & Welfare Laws, would increase the penalty for dog fighting from a Class H felony to a Class G felony. The bill would expand the offenses for which a court could issue an order authorizing interception of wire, oral, or electronic communications (wire-tapping order) to include cockfighting, dogfighting, or other animal fighting or baiting.

The bill would exclude any dog owned or harbored primarily or in part for the purpose of dog fighting, or trained for dog fighting, from the definition of "dangerous dog" if the dog has not been determined by animal control to have engaged in specified dangerous behavior.

Finally, the bill would prevent a city or county from designating all dogs of a particular breed (such as the Pitbull) as dangerous. **Introduced by Senators Woodard and Moffitt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 458](#), Good Samaritan Law, would make various changes to the Good Samaritan Law. Of interest to the criminal justice community, the bill would:

1. Allow persons who seek medical assistance for an individual experiencing an overdose, or who are at the scene of an overdose, to avoid arrest, charge, prosecution, or criminal penalties for the following violations of law:
 - (i) Possession of a controlled substance; manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver a controlled substance; and create, sell or deliver, or possess with intent to sell or deliver a counterfeit controlled substance;
 - (ii) Continuing criminal enterprise;
 - (iii) Possession of drug paraphernalia;
 - (iv) Manufacture or delivery of drug paraphernalia;
 - (v) Attempt or conspiracy in connection with a covered crime;
 - (vi) Impersonating a practitioner for the purpose of obtaining a controlled substance and related offenses;
 - (vii) Death by distribution and aggravated death by distribution;
 - (viii) Sale of alcoholic beverages to or purchase of alcoholic beverages by underage persons; and
 - (ix) A nonviolent misdemeanor or nonviolent felony as defined by expunction law.
2. Provide that a person would not be in violation of any restraining or protective order, pretrial release, probation, parole, or post-release supervision if either of the following conditions is met:
 - (i) The grounds for the violation were obtained because of a request for assistance for a person experiencing an overdose.
 - (ii) The identity of the protected person is learned because of a request for assistance for an individual experiencing an overdose.
3. Provide civil immunity for a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under the bill.

4. Allow a court to consider the following as mitigating factors in a criminal prosecution of a person for which immunity is not provided under the bill:
 - (i) The grounds for prosecution were obtained because of a request for assistance for a person experiencing an overdose.
 - (ii) The identity of the protected person is learned because of a request for assistance for an individual experiencing an overdose.

Introduced by Senators Hanig, Moffitt and Adcock, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 462](#), Highway Safety Omnibus/Addit'l Magistrates, is identical to [House Bill 527](#), Highway Safety Omnibus/Addit'l Magistrates, which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Senators Hunt and Marcus, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 464](#), Raise the Age of Sexual Consent, would make various changes to the laws regarding sexual offenses. Of interest to the criminal justice community, the bill would:

1. Raise the age limit for the victim of statutory rape and statutory sexual offense from 15 years and younger to 17 years and younger.
2. Make incest committed against a 16- or 17-year-old a Class B1 felony or Class C felony, depending upon the offender's age. Currently, the crime of incest is punishable as a Class B1 felony or Class C felony if committed against a child 15 years of age and younger, depending upon the offender's age, but incest committed against a 16- or 17-year-old is only punishable as a Class F felony.
3. Exempt children under the age of 18 from being prosecuted for incest if the other individual is at least four years older than the child. Currently, only children under the age of 16 are exempt under these circumstances.
4. Increase the age of potential victims of dissemination of obscene materials to minors from under the age of 16 to under the age of 18.
5. Increase the age of potential victims of indecent liberties with children from children under the age of 16 to children under the age of 18.
6. Increase the age of individuals who may be charged with taking indecent liberties with children from 16 years of age or more to 18 years of age or more.
7. Increase the age of individuals who may be charged with engaging in indecent liberties between children from individuals under the age of 16 to individuals under the age of 18.

Introduced by Senators Jarvis, Britt and Sawyer, and assigned to the Committee on Rules

and Operations of the Senate.

[SENATE BILL 470](#), NC Consumer Fireworks Safety Act, would make numerous changes to the State laws relating to the sale, possession, and use of fireworks. Of interest to criminal justice community, the bill would:

1. Raise the age at which a person could lawfully purchase consumer fireworks or certain pyrotechnics, such as sparkling devices, glow worms, snappers, or drop pops from 16 years of age to 18 years of age.
2. Increase the penalty for selling consumer fireworks or pyrotechnics to a person under the age of 18 from a Class 2 misdemeanor to a Class 1 misdemeanor.
3. Allow a city to adopt an ordinance regulating the use of consumer fireworks. The bill would also place certain time and location restrictions on the possession and use of consumer fireworks.
4. Provide that anyone who sells consumer fireworks in the State would have to be licensed through the North Carolina Department of Insurance. To be eligible the seller would have to be, in addition to other criteria, at least 21 years of age and have no felony convictions.
5. Make it a Class 2 misdemeanor to sell or distribute consumer fireworks in violation of the bill's provisions, except that unlawful sales to persons under the age of 18 and conducting unlawful fireworks retail stands would be punishable as a Class 1 misdemeanor.
6. Provide that the Commissioner of the North Carolina Department of Insurance, a State law enforcement officer, a municipal law enforcement officer, a code enforcement officer, or a fire safety official would be able to petition a district court to seize unlawfully possessed, stored, or sold fireworks. This provision does not include a sheriff or deputy sheriff.

Introduced by Senators Galey, Settle and Hanig, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 475](#), Additional City of Pinetops Police Officer, would appropriate to the North Carolina Department of Public Safety \$100,000 in nonrecurring funds each year for the 2023-2024 fiscal year and the 2024-2025 fiscal year to be allocated as a grant to the Pinetops Police Department to be used to hire one full-time police officer. **Introduced by Senator Smith, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 490](#), ABC Omnibus 2023, would make various changes to the laws affecting alcoholic beverages in this State. Of interest to the criminal justice community, the bill would:

1. Allow cities and counties to adopt ordinances to permit the local alcoholic beverage control (ABC) board to operate ABC stores on Sunday if they are petitioned by the local ABC board to pass such an ordinance. The bill would prohibit any store authorized to open on Sunday from opening or selling alcoholic beverages before 12:00 p.m.

2. Allow ABC stores to be open on New Year's Day, Independence Day (July 4th), and Labor Day.
3. Allow a holder of a mixed beverages permit that is a restaurant, hotel, private club, bar, or a distillery permit holder to sell multiple mixed beverages for consumption off-premises, including delivery by the permittee or a delivery service permittee, provided the mixed beverages are sealed and packaged as set forth in detail in the bill.
4. Provide that transporting mixed beverages in the passenger area of a motor vehicle is not unlawful so long as the mixed beverages are sealed and packaged as set forth in detail in the bill.
5. Allow a holder of a mixed beverages permit to purchase spiritous liquor from any ABC store located in the same county as the mixed beverages permittee, and in counties served by a multicounty local ABC board, allow a mixed beverages permittee to purchase spiritous liquor from any store operated by the board. Currently, a local ABC board may designate a store within its system to make sales to mixed beverages permittees.
6. Allow a mixed beverages permittee to cover mixed beverages tax stamps with a clear adhesive to prevent the tax stamps from falling off containers if the tax stamp remains legible and capable of being permanently defaced when the container is empty.
7. Allow the sale of two mixed beverages to a customer per calendar day, per distillery, in conjunction with a consumer tasting under a spiritous liquor special event permit. Currently, a holder of a spiritous liquor special event permit may not sell more than one mixed beverage to a customer per calendar day, per distillery.

Introduced by Senators Moffitt and Johnson, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 492](#), Modify Provisions Affecting Adult Correction.-AB, would make various changes to the law regarding probation and probation officers. Of interest to the criminal justice community, the bill would:

1. Allow any type of alcohol and drug screening to be performed on a probationer pursuant to a regular condition of probation. Currently, a probationer is required to give a breath, urine, or blood specimen for an alcohol or drug screening.
2. Include in the regular conditions of probation, post-release supervision, and parole that a person under supervision may not possess firearm ammunition. Currently, probationers, post-release supervisees, and parolees may not possess firearms while under supervision, but they are not prohibited from possessing firearm ammunition.
3. Allow a person serving a sentence with the North Carolina Department of Adult Correction (DAC) who is also subject to an outstanding sentence, detainer, or other lawful process to be transferred up to 5 days before the expiration of the person's sentence with DAC upon

the request of a local confinement facility, including a sheriff's jail.

Any person transferred would serve the remainder of their DAC sentence in the custody of the local confinement facility and the receiving local confinement facility would bear the expense of the transfer.

4. Allow a person employed by DAC who is not consuming alcohol or a controlled substance and who has no such substance in their body to carry concealed weapons if they: (1) have been designated in writing by the Secretary of DAC to carry weapons; (2) have a valid North Carolina or out-of-state concealed handgun permit; and (3) have in their possession the written designation by the Secretary of DAC.

Currently, persons who are employed by the North Carolina Department of Public Safety (DPS) who possess a written designation and State correctional officers may carry concealed weapons, but non-officer employees of DAC may not.

5. Allow the Division of Prisons of DAC to pay inmates working in the Division's BRIDGE program up to \$5 per day. The BRIDGE (Building, Rehabilitating, Instructing, Developing, Growing, Employing) program is a cooperative effort between DAC and the North Carolina Forest Service to train and utilize young non-violent offenders. Currently, inmates may not be paid more than \$1 per day unless the Secretary of DAC determines that the work assignment requires special skills or training.
6. Allow the Division of Community Supervision and Reentry of DAC to require a person placed on supervised probation pursuant to a conditional discharge, deferred prosecution, or impaired driving conviction to abide by certain community punishment probation conditions (such as community service, house arrest, substance abuse assessment, monitoring, and treatment, and curfew).

The bill would also allow the offender's probation officer to be delegated the authority to implement these conditions after administrative review and approval by a Chief Probation Officer, unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate.

Introduced by Senators Britt and Daniel, and assigned to the Committee on Judiciary of the Senate.

[SENATE BILL 496, Increase Safe Use of Firearms](#), would make various changes to firearms laws in the State. Of interest to the criminal justice community, the bill would:

1. Reinstate the pistol purchase permit requirement to purchase a pistol in a private sale (from a person other than a federally licensed firearm dealer) and make the North Carolina State Bureau of Investigation responsible for issuing permits, as specified in the bill.
2. Require universal background checks for all sales and transfers of firearms in the State, including sales by federally licensed firearm dealers and private persons. Failure to

conduct a background check would be a Class F felony under the bill. Currently, federally licensed firearm dealers are required to perform a background check before they sell or transfer a firearm.

3. Make it a Class D felony for any person who resides in the same premises as a minor or a person who is not authorized to purchase a firearm under State or federal law to fail to securely store the firearm, resulting in the minor or unauthorized person accessing the firearm and committing certain unlawful acts with the firearm as specified in the bill.
4. Authorize the issuance of extreme risk protection orders (ERPOs) in a manner substantially similar to [House Bill 281](#), Allow ERPOs to Prevent Suicides & Save Lives, which is summarized in the March 10, 2023 Weekly Legislative Report.

Introduced by Senators Batch, Garrett and Bode, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 500](#), Community Safety Act, is substantially similar to [Senate Bill 453](#), Supporting Law Enforcement, which is summarized above. **Introduced by Senators Batch, Garrett and Mohammed, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 509](#), Victims' Right To Know/Rape Kit Status, would provide for the notification of a victim of a sexual assault regarding the status of a sexual assault examination kit collected from that victim. Of interest to the criminal justice community, the bill would:

1. Define "notice-requesting victim" as a person who has consented to the collection of a sexual assault examination kit, has consented to participate in the criminal justice process by reporting the crime to law enforcement, and has elected to receive notice of the status of the sexual assault examination kit and provided contact information for that purpose.
2. Require a law enforcement agency which has taken custody of a sexual assault examination kit, prior to submitting the kit to the North Carolina State Crime Laboratory (Crime Lab), to ask the victim if he/she wants to receive further notices on the status of the sexual assault examination kit.
3. Require the law enforcement agency to inform the victim that the kit has been submitted to the Crime Lab within 24 hours of the submission and to provide the Crime Lab with the victim's contact information, if the victim elects to receive further notice on the status of the kit.
4. Require the Crime Lab to promptly notify a victim when any of the following occurs:
 - (i) The results of a DNA profile are obtained and entered into the State DNA Database.
 - (ii) The profile is entered into the Combined DNA Index System (CODIS).

- (iii) A CODIS hit is made and confirmed.
- (iv) The sexual assault examination kit is within 60 days of being destroyed.

Introduced by Senators Smith and Murdock, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 512](#), [Greater Accountability for Board/Commissions](#), would increase the number of appointees to the North Carolina Wildlife Resources Commission (Commission) that the General Assembly could appoint from 8 to 10. The bill would allow 5 appointments upon the recommendation of the Speaker of the House and 5 appointments upon the recommendation of the President Pro Tempore of the Senate.

The bill would also reduce the number of at-large appointments the Governor could make to the Commission to one and would allow the North Carolina Commissioner of Agriculture to appoint one at-large member to the Commission. **Introduced by Senators Daniel, Rabon and Berger, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 521](#), [Regulate Cannabinoid Products](#), would more narrowly define “Hemp” in the North Carolina Controlled Substances Act to mean the plant *Cannabis sativa* (L.) and any part of that plant with a concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis of any of the following: tetrahydrocannabinol (THC), tetrahydrocannabinolic acid, or any intoxicating cannabinoid except cannabidiol.

The bill would also provide that North Carolina Alcohol Law Enforcement (ALE) officers have subject matter jurisdiction to investigate and enforce the law at any location engaged in or marketing itself to be engaged in the sale and distribution of hemp, hemp products, or cannabidiol (CDB) compounds. The bill would not prohibit sheriffs, deputies, or other law enforcement officers and agencies from also investigating and enforcing the law at these locations. **Introduced by Senators Johnson and Lazzara, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 532](#), [Restore State Emp/Teacher Retiree Med Benefit](#), would allow teachers, state employees and members of the General Assembly starting service on or after January 1, 2021 to continue to remain participants in the State Health Plan after retirement and continue to receive health benefits under the Plan. **Introduced by Senators Lowe, Hunt and Waddell, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 534](#), [Protect Whistleblower LEOs from Retaliation](#), would make it a Class 2 misdemeanor for a law enforcement officer to knowingly make a false report that another law enforcement officer engaged in an excessive use of force against another person. The bill would prohibit a criminal justice officer or justice officer from being terminated, disciplined, or otherwise retaliated against for reporting another officer’s excessive use of force.

The bill would also create a duty to intervene and report when a criminal justice officer or justice officer, while in the line of duty, observes a violation of federal, State, city or county law or

regulation, fraud, misappropriation of public resources, conduct that endangers public health or safety, or gross mismanagement.

The bill would require the officer to make the report to their immediate supervisor, department head, or other appropriate authority and would prohibit a criminal justice officer or justice officer from being terminated, disciplined, or otherwise retaliated against for reporting the previously described conduct.

Finally, the bill would make it a Class 2 misdemeanor for a criminal justice officer or justice officer to knowingly make a false report concerning a violation of law, fraud, misappropriation of public resources, conduct that endangers public health or safety, or gross mismanagement. **Introduced by Senators Hanig and Corbin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 537](#), The Patrick Mays Hazard Light Safety Act, would require a vehicle to activate its hazard warning signal lamps whenever it is stopped on a highway with a posted speed limit of 45 miles per hour or greater.

Currently, a vehicle must have one or more lamps projecting light from the front and back of the vehicle whenever the vehicle is stopped or parked upon a highway from sunset to sunrise or during inclement weather. **Introduced by Senators Marcus, Sawyer and Hunt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 538](#), Law Enforcement Investment Act, would make various changes to policies and standards surrounding law enforcement officers. Of interest to the criminal justice community, the bill would:

1. Appropriate to the North Carolina Justice Academy (Academy) \$250,000 in recurring funds for the 2024-2025 fiscal year to expand its ability to serve law enforcement agencies of the State by providing more opportunities for those agencies to attend courses and training.
2. Appropriate to the Academy \$250,000 in nonrecurring funds for the 2024-2025 fiscal year to expand its ability to offer online courses for law enforcement agencies to allow for greater statewide participation in courses and training.
3. Create a partnership between the Academy and the North Carolina Community College System to provide Academy training at local community colleges.
4. Appropriate to the North Carolina Department of Justice (DOJ) \$250,000 in recurring funds for the 2024-2025 fiscal year to be used to further develop, maintain, and staff the North Carolina Law Enforcement Accreditation Program.
5. Expand the Criminal Justice Fellows Program (Program) by making any county in North Carolina eligible for participation. Currently, only counties with a population of less than 200,000 are eligible to participate in the Program. The Criminal Justice Fellows Program

was created to increase the recruitment of criminal justice professionals by providing loan forgiveness to qualified individuals.

The bill would also expand the Program by providing forgivable loans to individuals to obtain a bachelor's degree and a North Carolina Basic Law Enforcement Training (BLET) program certificate of completion, subject to certain conditions that are described in the bill. The bill would require these individuals to accept employment in a North Carolina county as a criminal justice professional for at least four out of five years following graduation.

Currently, the Program only provides forgivable loans for individuals to obtain an applied associate degree in criminal justice or other approved related fields of study.

6. Require all law enforcement agencies in the State to designate specially trained law enforcement officers to be a part of an agency Crisis Intervention Team. Each member of the Crisis Intervention Team would be required to be trained in how to determine whether a person is experiencing a mental or behavioral health crisis and the methods available to de-escalate or otherwise safely engage in interactions with a person experiencing a mental or behavioral health crisis.

In addition, the bill would require all law enforcement agencies in the State to establish a Crisis Intervention Team no later than December 1, 2026 in order to remain eligible for Governor's Crime Commission grants.

The bill would appropriate to DOJ \$250 million to provide grant funds to law enforcement agencies for the Crisis Intervention Team training that the bill would require. Currently, there is no State mandate that law enforcement agencies form Crisis Intervention Teams, although many agencies already have officers trained in crisis intervention.

Introduced by Senators Batch, Garrett and Applewhite, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 543, Remove Barriers to Labor Organizing](#), is identical to [House Bill 504, Remove Barriers to Labor Organizing](#), which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Senators Grafstein, Murdock and Meyer, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 555, Working Families Act](#), contains a provision that is substantially similar to [Senate Bill 422, Homes for Heroes](#), which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Senators Marcus, Meyer and Mohammed, and assigned to Committee on Rules and Operations of the Senate.**

[SENATE BILL 561, Repeal Collective Bargaining Ban](#), is identical to [House Bill 243, Repeal Collective Bargaining Ban](#), which is summarized in the March 3, 2023 Weekly Legislative Report. **Introduced by Senator Waddell, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 565](#), Removing Barriers to Jobs and Housing, would require that automatic expunctions for dismissals, verdicts of not guilty, and verdicts of not responsible be completed within 180 days of the final disposition of the case. Currently, automatic expunctions occur within 24 hours of the dismissal, verdict of not guilty, or verdict of not responsible.

The bill would also extend the temporary pause on automatic expunctions enacted by [Session Law 2022-47](#) until December 1, 2023. Currently, the temporary pause is set to expire on August 1, 2023. **Introduced by Senators Britt, Lazzara and Sawrey, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 569](#), Create Public App. For Reporting Threats, would appropriate to the North Carolina Department of Public Safety (DPS) \$100,000 in nonrecurring funds for the 2023-2024 fiscal year to be used to develop, in consultation with the North Carolina Department of Information Technology and the North Carolina State Bureau of Investigation, a digital public safety application that does, at a minimum, the following: (1) allows any member of the public to quickly and anonymously report information regarding threats to public safety; (2) communicates with existing applications and initiatives designed to protect public safety; and (3) communicates with State and local law enforcement agencies regarding credible reported threats.

The bill would also require DPS to report to the Joint Legislative Oversight Committee on Justice and Public Safety on the plan to develop the digital public safety application no later than April 1, 2024. **Introduced by Senator Marcus, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 577](#), DMV Proposed Legislative Changes.-AB, would allow the North Carolina Division of Motor Vehicles to issue a “mobile drivers license” in a manner identical to [Senate Bill 370](#), Mobile Drivers License, which is summarized in the March 31, 2023 Weekly Legislative Report, and would enact various other provisions affecting motor vehicles in a manner substantially similar to [House Bill 199](#), DMV Proposed Legislative Changes.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report. **Introduced by Senators McInnis, Sawyer and Lazzara, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 579](#), Prevent Harm to Children, would increase the penalty for disseminating obscenity to a Class H felony if the violation was committed knowingly in the presence of an individual under 18 years of age. Currently, disseminating obscenity is a Class I felony regardless of the age of the person in whose presence the obscene material is disseminated. **Introduced by Senators B. Newton, Britt and Daniel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 580](#), DOT Legislative Changes.-AB, is substantially similar to [House Bill 198](#), DOT Legislative Changes.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report. **Introduced by Senators McInnis, Sawyer and Lazzara, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 582](#), North Carolina Farm Act of 2023, would make various changes to the agricultural and wastewater laws of the State. Of interest to the criminal justice community, the bill would:

1. Create the new criminal offense of “Use of an unmanned aircraft system near a forest fire prohibited.” This new offense would prohibit any person, entity, or State agency from using an unmanned aircraft system (i.e., drone) within either a horizontal distance of 3,000 feet or a vertical distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

The bill would exempt from its provisions law enforcement officers using an unmanned aircraft system in accordance with the already established law enforcement exceptions for use of a drone.

2. Provide that use of an unmanned aircraft system near a forest fire would be punishable as either a Class D, E, F, G, H, or I felony, depending upon the injury or death of which it is a proximate cause, and punishable as a Class A1 misdemeanor in all other circumstances.
3. Provide that any unmanned aircraft system used in violation of the new criminal offense would be subject to seizure by a law enforcement agency and forfeiture.
4. Expand the criminal offense of larceny of timber to include:
 - (i) Knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another without consent or without a lawful easement running with the land.
 - (ii) Knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without consent, or without a lawful easement running with the land.

Introduced by Senators Jackson, Sanderson and B. Newton, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 587](#), End Limits on Labor Organizing, is substantially similar to [Senate Bill 543](#), Remove Barriers to Labor Organizing, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Applewhite and Smith, and assigned to the Committee on Rules and Operations of the Senate.**

BILL STATUS

[HOUSE BILL 11](#), Schools for the Deaf and Blind, which is summarized in the January 27, 2023 Weekly Legislative Report, has become law without the Governor’s signature. The law requires 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. This provision of the law becomes effective July 1, 2024.

[SENATE BILL 20](#), Safe Surrender Infants, which is summarized in the January 27, 2023 Weekly Legislative Report, has passed the General Assembly and has been sent to Governor Roy Cooper for his signature.

[SENATE BILL 303](#), Strengthen Juvenile Laws, which is summarized in the March 17, 2023 Weekly Legislative Report, has been amended in the Senate to delete and replace entire sections of the bill. The bill, as amended, would:

1. Allow a 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 a juvenile's first name, last name, photograph, any offense in a juvenile petition that the juvenile is alleged to have committed, whether a secure custody order has been issued for the juvenile, and a statement as to the juvenile's threat to self or others.

In order to authorize such release, the court would be required to make the following findings in a written order: (1) a petition has been filed alleging the juvenile has committed at least one offense that would subject a juvenile to transfer to superior court for trial as an adult; (2) the court determines based on the juvenile's record or the nature of the alleged offense(s) that the juvenile presents a danger to self or others; and (3) the court determines there is good cause for disclosure. The bill would not allow disclosure of the information described above if the juvenile in question is taken into custody prior to the disclosure.

2. Require DJJ or the law enforcement agency to make a reasonable effort to notify the juvenile's parent, legal guardian, or custodian prior to disclosing the information about the juvenile to the public.
3. Also allow DJJ or any law enforcement agency within the State to release, without a court order, the information about the juvenile listed above when there are exigent circumstances. If information is released under exigent circumstances, the bill would require the releasing agency to seek a court order concerning the release of the information as soon as practicable, but no later than the first available session of court in the county, after the release of the information.

The bill would also require any released information to be removed from any publicly available law enforcement agency or DJJ website or social media account as soon as the juvenile is taken into custody or upon the court refusing to issue an order authorizing the release.

Currently, disclosure of information regarding juveniles is prohibited except for the publication of pictures of runaways with the permission of the parents, release of information regarding juvenile escapees, and by order of court.

The bill, as amended, would also require that a juvenile 16 years of age or older be advised prior to custodial interrogation that they also have a right to have a caretaker present during questioning.

The bill would define “caretaker” as any person other than a parent, guardian, or custodian of the child who has responsibility for the health and welfare of a juvenile in a residential setting, such as a stepparent, a foster parent, or an adult member of the juvenile’s household. Currently, a juvenile 16 years of age or older only has a right to have their parent, guardian, custodian, or attorney present during custodial interrogation.

[SENATE BILL 341, Safety and Emission Inspection Modifications](#), which is summarized in the March 24, 2023 Weekly Legislative Report, has been amended in the Senate, to require motor vehicle emissions inspections only in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, Randolph, Rowan, Union, and Wake.

Currently, motor vehicle emissions inspections are required in the counties listed above, as well as Franklin and New Hanover counties.

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
