

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 14, 2023

The legislative buildings on Jones and Salisbury Streets have been quiet this week. Legislators have been on a Spring recess, which they announced last week, but have held skeleton sessions this week to allow bills to be filed while they are away.

Lobbyists and those with business at the legislature have been using this break in action to catch up on things which have taken a back seat during the fast-paced legislative session and to get ready for the next few weeks.

When legislators return the House will be facing its bill filing deadline, the Senate will have its turn to work on this year's budget, and both chambers will be moving bills to meet the May 4 crossover date. Expect the rapid pace of the Session to resume next week when everyone returns to Raleigh.

The House and Senate adjourned on Thursday and will reconvene on Monday, April 17, 2023.

BILLS OF INTEREST

[HOUSE BILL 575](#), Modify Provisions Affecting Adult Correction, is identical to [Senate Bill 492](#), Modify Provisions Affecting Adult Correction.-AB, which is summarized in the April 7, 2023 Weekly Legislative Report. **Introduced by Representatives Carson Smith, Davis, Greene and Miller, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 581](#), Investing in North Carolina Act, would appropriate funds to set salaries for teachers and State employees, including law enforcement officers, correctional officers and probation and parole officers, as set forth in detail in the bill. **Introduced by Representatives von Haefen, Gill, Charles Smith and Prather, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 584](#), Mobile Home Park Act, would enact new provisions of law to give owners of mobile homes that are parked in mobile home parks substantially similar rights as tenants receive in traditional apartment or home rental arrangements, including eviction only by summary ejectment filed in our State courts.

Special procedures that apply to sheriffs in current summary ejectment actions would also apply to mobile home ejectments, such as service of the writ by the sheriff, notice of removal, and

removal and storage of property by the sheriff, as set forth in detail in the bill. **Introduced by Representatives Autry, Harrison, Ager and Quick, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 589, Protect Whistleblower LEOs from Retaliation](#), is identical to [Senate Bill 534, Protect Whistleblower LEOs from Retaliation](#), which is summarized in the April 7, 2023 Weekly Legislative Report. **Introduced by Representatives Zenger, Hardister, K. Brown and Cotham, and assigned to the House Committee on Judiciary 3.**

[HOUSE BILL 590, Increase Punishment for Cargo Theft](#), is identical to [Senate Bill 409, Increase Punishment for Cargo Theft](#), which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Representatives Carson Smith, Rieves, Miller and Pyrtle, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 591, Restitution/Sexual Exploitation of Minor](#), would require a court to order any person convicted of 1st, 2nd, or 3rd Degree Sexual Exploitation of a Minor to make restitution to an identified victim for the full amount of that victim's losses, as set forth in detail in the bill. **Introduced by Representative Davis, and assigned to the House Committee on Judiciary 1.**

[HOUSE BILL 596, Hate Crimes Prevention Act](#), is substantially similar to [Senate Bill 437, Hate Crimes Prevention Act](#), which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Representatives Majeed, Buansi, Cervania and Rudow.**

[HOUSE BILL 597, 25-Year Retirement for First Responders](#), would allow all first responders, including law enforcement officers, firefighters, and emergency medical services personnel, who are members of the Teachers' and State Employees' Retirement System (TSERS) or the Local Governmental Employees' Retirement System (LGERS), the option to retire with unreduced benefits upon reaching 25 years of creditable service in any capacity. The bill would clarify that "law enforcement officer" for the purposes of TSERS includes police dispatchers, police investigators, sheriff's deputies, bailiffs, corrections officers, detention officers, and jailers.

Currently, this 25-year retirement option is only available to law enforcement officers who have 15 years of creditable service in a law enforcement capacity. The bill would also allow law enforcement officers of any age retiring on or after January 1, 2024 to receive the special separation allowance (SSA) after completing 25 or more years of creditable service. Currently officers who retire before 55 must complete 30 or more years of creditable service to receive the SSA. **Introduced by Representatives Clampitt, Riddell, Saine and Cotham.**

[HOUSE BILL 605, School Threat Assessment Teams](#), would require the governing body of a public-school unit to adopt a policy for the development of "threat assessment teams," which would work to identify, assess, and manage students who might pose a threat to the safety of the school, as set forth in detail in the bill. **Introduced by Representatives Torbett and Blackwell.**

[HOUSE BILL 609, Phoebe's Law/Speed Measuring in School Zones](#), would authorize the North Carolina Secretary of Transportation to establish and implement the use of electronic speed-

measuring systems on State-maintained highways in school zones to detect violations of the speed limit which can be set by the North Carolina Board of Transportation or local authorities for school zones, and which can be lower than the state-wide speed limits otherwise contained in law.

The bill would require a law enforcement officer who cites or arrests a motorist for any offense in a location where an electronic speed-measuring system is in use to notify the North Carolina Department of Transportation within 48 hours of the citation or arrest. **Introduced by Representatives Prather, Wheatley, Cervania and Hawkins.**

[HOUSE BILL 615](#), NC Highway Safety Act of 2023, would authorize the North Carolina Secretary of Transportation to establish and implement the use of electronic speed-measuring systems on State-maintained highways in work zones to detect violations of the speed limit.

The bill would require a law enforcement officer who cites or arrests a motorist for any offense in a location where an electronic speed-measuring system is in use to notify the North Carolina Department of Transportation within 48 hours of the citation or arrest. **Introduced by Representatives Cervania, Prather and Budd.**

[SENATE BILL 601](#), First Responders Mental Health Care Plan, is substantially similar to [House Bill 523](#), First Responders Mental Health, which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Senators Johnson, Lazzara and Perry, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 604](#), Motorcycle Road Guard Certification, would direct the North Carolina Division of Motor Vehicles (DMV) to establish a motorcycle road guard certification program and authorize motorcycle road guard certificate holders to serve as traffic-control officers. Of interest to the criminal justice community, the bill would require DMV to establish qualifications for a person to obtain a motorcycle road guard certificate, including but not limited to: (1) being at least 18 years old; (2) possessing a valid regular drivers license with a motorcycle endorsement; and (3) completing a motorcycle road guard certification course.

The bill would also authorize the chief of police of a local or county police department or the sheriff of any county to appoint a person who is at least 18 years old to be a traffic-control officer, if the person either: (1) completes 3 hours of training in directing, controlling, or regulating traffic under the supervision of a law enforcement officer; or (2) is the holder of a valid motorcycle road guard certification. **Introduced by Senators Alexander, Jarvis and Galey, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 610](#), Ret. Svc. Purchase/Company Officers, would allow members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase up to a total of five years of creditable service as a company police officer. **Introduced by Senator Alexander, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 621](#), Modify Public-Initiated Criminal Processes, would eliminate citizen-initiated arrest warrants, except when a crime of domestic violence is alleged. Citizen-initiated criminal

summons would still be allowed under the bill. **Introduced by Senators Smith and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 626](#), Modify Laws Relating to Human Trafficking, would modify various laws relating to human trafficking, as explained in greater detail in the bill. Of interest to the criminal justice community, the bill would create a “permanent domestic violence protective order,” which would be defined as a permanent injunction that prohibits any contact by a respondent with the victim of a human trafficking offense or sex offense for which the respondent is convicted when the respondent and victim have a personal relationship (i.e., current or former spouses, have a child in common, current or former household members, etc). **Introduced by Senators Alexander, Hanig and Barnes, and assigned to the Senate Committee on Judiciary.**

[SENATE BILL 633](#), Mobile Home Park Act, is identical to [House Bill 584](#), Mobile Home Park Act, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Meyer and Smith, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 638](#), Move Over for Disabled Vehicles, would require drivers, when approaching any motor vehicle parked or standing within 12 feet of a roadway and displaying hazard warning lights, road flares, or other caution signals, to move to a lane that is not the nearest lane to the stopped/disabled vehicle or to reduce speed and be prepared to stop.

Currently, drivers are required to move over or reduce speed for an authorized emergency vehicle (including a law enforcement vehicle) or a public service vehicle. **Introduced by Senators Sawyer, McInnis and Lazzara, and assigned to the Senate Committee on Transportation.**

[SENATE BILL 640](#), Various Criminal Procedure Changes, would modify various laws related to criminal procedure. Of interest to the criminal justice community, the bill would require the electronic recording, in its entirety, of any “law enforcement interview” occurring at a place of detention (such as the county jail) involving a juvenile in a criminal investigation or a person of any age being interviewed in a criminal investigation about any felony criminal offense. The bill does not define what would constitute a “law enforcement interview.”

Currently, electronic recordings are required for all custodial interrogations taking place at a place of detention that involve either a detained juvenile in a criminal investigation or a person being detained and interviewed in a criminal investigation regarding the following criminal offenses: any Class A, B1, or B2 felony, and any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury.

Finally, the bill would require that recordings of non-defendant interviews or custodial interrogations be provided to the juvenile or criminal defendant pursuant to juvenile or criminal discovery. **Introduced by Senators Britt, B. Newton and Daniel, and assigned to the Senate Committee on Judiciary.**

[SENATE BILL 648](#), Protect Critical Infrastructure II, would expand the criminal offense of contaminating a public water system, as set forth in detail in the bill. **Introduced by Senators McInnis, Britt and P. Newton, and assigned to the Senate Committee on Judiciary.**

[SENATE BILL 650](#), [Gun Violence Prevention Act](#), would create a new criminal offense, “Possession of certain weapons by felon during the commission or attempted commission of a felony,” which would prohibit any person who has been convicted of a felony from possessing a firearm or weapon of mass death and destruction during the commission or attempted commission of a felony.

The bill would also specify that the criminal offense of possession of a firearm by a felon would not be a lesser included offense of the new criminal offense. **Introduced by Senators Britt, B. Newton and Daniel, and assigned to the Senate Committee on Judiciary.**

[SENATE BILL 652](#), [Investing in North Carolina Act](#), is identical to [House Bill 581](#), [Investing in North Carolina Act](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Applewhite, Garrett and Salvador, and assigned to the Senate Committee on Appropriations/Base Budget.**

[SENATE BILL 654](#), [Revise Animal Fighting Laws](#), would make various changes to animal fighting laws relating to cockfighting and dog fighting and baiting, as set forth in detail in the bill. **Introduced by Senators Lowe and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 676](#), [Restricted DL for Undocumented Immigrants](#), would allow an immigrant or illegal alien that does not possess a valid Social Security number to apply for and receive a restricted drivers license from the North Carolina Division of Motor Vehicles (DMV), provided certain criteria are met, as set forth in detail in the bill. **Introduced by Senators Lowe and Marcus, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 705](#), [Equity in Justice Act of 2023](#), would enact various provisions of law that expand the Criminal Justice Fellows Program, define strangleholds and lateral vascular neck restraints as deadly force under State law, require law enforcement officer to use “the minimum amount of force reasonably necessary,” and require all law enforcement officers to carry a first-aid kit and use body-worn and dashboard cameras, as set forth in detail in the bill.

The bill would also enact various provisions of law that require specific language in any search warrant authorizing breaking or entering without giving notice, make misdemeanor possession of marijuana or hashish an infraction, raise the minimum age to be considered a delinquent or undisciplined juvenile to 12, abolish life without parole for juveniles, and require first appearances to be conducted no later than 48 hours after an individual is taken into custody, as set forth in detail in the bill. **Introduced by Senators Mohammed, Garrett and Murdock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 713](#), [Build Safer Communities and Schools Act](#), would make various changes to the laws governing law enforcement officers, including provisions substantially similar to [Senate Bill 453](#), [Supporting Law Enforcement](#), [Senate Bill 496](#), [Increase Safe Use of Firearms](#), and [Senate Bill 538](#), [Law Enforcement Investment Act](#), which are summarized in the April 7, 2023 Weekly Legislative Report. **Introduced by Senators Murdock, Bode and Adcock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 715](#), Fund Drug Treatment/Mental Health Courts, would appropriate to the North Carolina Administrative Office of the Courts (AOC) \$4.2 million dollars in recurring funds for each fiscal year of the 2023-2025 fiscal biennium to be used to support the work of the North Carolina Drug Treatment Court Program in creating and sustaining local drug treatment court programs.

The bill would also appropriate to AOC \$4.2 million dollars in recurring funds for each fiscal year of the 2023-2025 fiscal biennium to facilitate the creation and funding of new and existing mental health court programs to serve individuals that have a mental health diagnosis or treatment history and are defendants in the criminal justice system. **Introduced by Senators Mohammed and Robinson, and assigned to the Senate Committee on Appropriations/Base Budget.**

[SENATE BILL 719](#), Revise Animal Cruelty Laws, is substantially similar to [House Bill 540](#), Fiona Mae Wagglebottom's Act, which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Senator Woodard, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 724](#), Hotel Safety Issues Related Matters, would clarify that individuals who have contracted for a "transient occupancy" (rental of an accommodation for less than 90 days) with an inn, hotel, motel, recreational vehicle park, campground, or similar lodging must vacate the property after 90 days and, that if they do not, the innkeeper or other similarly situated person may have law enforcement remove the individual from the property for trespassing. **Introduced by Senator Moffitt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 726](#), Up SHP Pay & Death Benefits/Death Penalty, would require the Industrial Commission to pay an additional death benefit under the Public Safety Employees' Death Benefits Act of \$900,000 if the covered person killed in the line of duty is a member of the North Carolina State Highway Patrol. Other law enforcement officers, including sheriffs, deputies, and police officers, would not be eligible for this additional death benefit.

The bill would also prohibit the State from agreeing to accept a sentence of life imprisonment for a defendant's entry of a guilty plea in a first degree murder case if the case involved the murder of a law enforcement officer, jailer or other first responders and officials listed in the bill. **Introduced by Senator Burgin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 731](#), Shine Like Hailey Parade Safety Act, would require a person conducting, managing, or sponsoring a parade in a municipality with a population of 35,000 or more to obtain a permit from the municipality that requires: (1) a police department or fire department to inspect the motor vehicles in the parade for safety, registration and insurance; and (2) an operator of a motor vehicle in the parade to be at least 25 years of age with a valid drivers license. **Introduced by Senator Bode, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 733](#), Identity Theft Protection Act/Changes, would expand the definition of "identifying information" for the purposes of the crime of identity theft, to include the following: (1) health insurance policy number, subscriber identification number, or any other unique identifier used by a health insurer or payer to identify a person; and (2) any information regarding the

individual's medical history or condition, medical treatment or diagnosis, or genetic information, by a health care professional. **Introduced by Senators Chaudhuri, Mohammed and Marcus, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 739](#), Defining Anti-Semitism in North Carolina, would provide that when determining whether a person charged with a crime was motivated to commit the crime by the victim's race, ethnic origin, or religious affiliation, a law enforcement officer, court, or other relevant authority must consider: (1) the working definition of anti-Semitism adopted by the International Holocaust Remembrance Alliance (IRHA) on May 26, 2016, and incorporated into federal Executive Order 13899, 84 Federal Register 68779; and (2) the "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory anti-Semitic intent. **Introduced by Senator Hanig, and assigned to the Committee on Rules and Operations of the Senate.**

BILL STATUS

[HOUSE BILL 132](#), Govt. Agencies/Delivery of Permits, which is summarized in the February 17, 2023 Weekly Legislative Report, has been amended in the House to provide that concealed handgun permits could still be issued in person or via United States mail, in the discretion of the sheriff.

[HOUSE BILL 186](#), Div. of Juvenile Justice Mods.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report, has been amended in the House to authorize the court to order the Division of Juvenile Justice (DJJ) of the North Carolina Department of Public Safety or any law enforcement agency within the State to release to the public: (1) a juvenile's first name, last name, and photograph; (2) any offense in a juvenile petition that the juvenile is alleged to have committed; (3) whether a secure custody order has been issued for the juvenile; (4) and a statement as to the juvenile's threat to self or others if the court finds, among other required findings, that a petition has been filed alleging the juvenile has committed an offense that subjects that juvenile to transfer to superior court for trial as an adult.

[SENATE BILL 303](#), Strengthen Juvenile Laws, which is summarized in the March 17, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration. The bill was amended in the Senate to provide that if a 16- or 17-year-old juvenile requests that a parent, guardian, or custodian be present during questioning, law enforcement shall make a reasonable effort to contact the parent, guardian, or custodian. The bill, as amended, would allow a caretaker to be present during questioning if the parent, guardian, or custodian is unavailable.

[SENATE BILL 340](#), Expand Prob. Officer/Sheriff Authority, which is summarized in the March 24, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

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

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