

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 21, 2023

A great amount of work was happening behind the scenes in the House on Tuesday to meet the bill filing deadline. Bill drafters worked diligently to help Representatives file 162 bills before 3pm. The Senate bill filing deadline passed a few weeks ago, with the Senate having filed a total of 734 bills. The House has now filed a total of 829 bills.

Committees met at a fast and furious pace all week, pushing bills through the legislative process to meet the crossover deadline of May 4. With that important date being just a few weeks away, anyone interested in giving their bills a chance to become law this year is working hard to get them on a committee calendar to be heard.

Senate appropriations chairs met this week behind closed doors to discuss the budget. Speaker Tim Moore announced on Thursday that he expected a budget from the Senate in the next three weeks. You may remember that the House passed their version of the budget just before adjourning for a spring recess. The Senate now has a chance to make proposed changes to the budget before sending it back to the House.

Given the impending crossover deadline and budget expectations, the next two weeks will likely be a sprint for legislators and lobbyists alike. Bills are likely to be calendared and heard at a rapid pace, and votes by the full chambers on those bills will likely happen quickly as well.

On a lighter note, the legendary Phil Ford, former point guard for The University of North Carolina at Chapel Hill, and Torry Holt, former North Carolina State University wide receiver, were both present and received a standing ovation from House members during Thursday's session. Ford is widely regarded as one of the best point guards in college basketball history. He was a master of Dean Smith's four corners offense and ultimately became a Tarheel coaching legend himself.

Holt received many Atlantic Coast Conference accolades during his time at North Carolina State University, including Offensive Player of the Year in 1998. Holt became the first player in team history to gain more than 1,000 yards in a season. Both Holt and Ford went on to play their sport at the professional level.

The House and Senate adjourned on Thursday and will reconvene on Monday, April 24, 2023.

BILLS OF INTEREST

[HOUSE BILL 626](#), Cannabis Legalization & Regulation, is substantially similar to [Senate Bill 346](#), Marijuana Justice and Reinvestment Act, which is summarized in the March 24, 2023 Weekly Legislative Report. **Introduced by Representatives Atry, Alexander, Harrison and Hawkins, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 633](#), Shine Like Hailey Parade Safety Act, is identical to [Senate Bill 731](#), Shine Like Hailey Parade Safety Act, which is summarized in the April 14, 2023 Weekly Legislative Report. **Introduced by Representatives Sossamon and Winslow, and assigned to the House Committee on Transportation.**

[HOUSE BILL 636](#), Enact Criminal Justice Debt Reform, would prohibit an individual from being imprisoned for the nonpayment of fines and fees in a case where the individual has already been sentenced to a term of imprisonment. **Introduced by Representatives Alston, Charles Smith, Buansi and John, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 638](#), Repeal Death Penalty, is identical to [Senate Bill 109](#), Repeal Death Penalty, which is summarized in the February 17, 2023 Weekly Legislative Report. **Introduced by Representatives Alston, Hawkins, Morey and Harrison, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 639](#), Railroad Safety Omnibus Act, would make various changes to the laws governing railroads in the State. Of interest to the criminal justice community, the bill would make it a misdemeanor for an individual to call or access the Emergency Notification System (which is for the purpose of reporting unsafe conditions related to highway rail and pathway grade crossings) for purposes other than emergency communications. **Introduced by Representatives Penny and Clampitt, and assigned to the House Committee on Transportation.**

[HOUSE BILL 641](#), No Soliciting Certain Funds/Elections Boards, would make it a felony for the State Board of Elections, a county board of commissioners, elected municipal officials, or a county board of elections to solicit or accept from any person any contribution, donation, or anything of value for purposes of conducting State or local elections. **Introduced by Representatives Johnson, Davis, Pike and Crutchfield, and assigned to the House Committee on Election Law and Campaign Finance Reform.**

[HOUSE BILL 644](#), Social Media Algorithmic Control in IT Act, would regulate social media platforms and would prohibit such platforms from using their algorithmic recommendation systems to target minors. The bill would also create a 21 member North Carolina Data Privacy Task Force, with one of the members being the Director of the North Carolina State Bureau of Investigation, to report on mental health issues related to social media and to make recommendations and legislative proposals to the North Carolina General Assembly. **Introduced by Representatives McNeely, K. Hall, Humphrey and Pickett, and assigned to the House Committee on Judiciary 1.**

[HOUSE BILL 647](#), Expedite Child Permanency, would expand the definition of “neglected juvenile” in the State’s juvenile code to include a juvenile whose parent, guardian, custodian, or caretaker uses an illegal controlled substance or abuses alcohol or a controlled substance and is unable to care for and provide a safe and appropriate home for the juvenile. This change could expand the circumstances under which a law enforcement officer could take temporary custody of a juvenile without a court order if certain criteria are met. **Introduced by Representative Stevens, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 651](#), South Piedmont Regional Autopsy Center/Funds, would appropriate to the North Carolina Department of Health and Human Services, Division of Public Health, Office of the Chief Medical Examiner, \$2 million in recurring funds for the 2023-2024 fiscal year and \$2 million in recurring funds for the 2024-2025 fiscal year to be allocated to Union County for operational costs and equipment associated with the establishment of a county-operated regional autopsy center serving the following counties: Anson, Cabarrus, Montgomery, Richmond, Stanly, and Union. **Introduced by Representatives Willis, K. Baker, Carson Smith and Moss, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 661](#), Emergency Services Peer Counseling Privilege, would expand the definition of peer counselors, to include a civilian employee of an emergency agency, if the employee meets certain criteria set forth in the bill. The bill would also clarify that communications between a peer counselor and a law enforcement client or their immediate family member(s) do not require either of the following criteria in order to be privileged communications: (1) that the peer counselor be specifically assigned to counsel the law enforcement client or the client’s immediate family member; or (2) that the law enforcement client be employed by the agency head who designated the peer counselor. **Introduced by Representatives Winslow, Crutchfield, N. Jackson and Pike, and assigned to the House Committee on Judiciary 1.**

[HOUSE BILL 664](#), Mobile Bar Services Permit, would allow for the operation and permitting by the North Carolina Alcoholic Beverage Control (ABC) Commission of businesses in the State that provide bartending services for events on the premises of businesses that are not ABC permittees. **Introduced by Representative Pickett, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 668](#), Study on Eliminating Unauthorized Subs. Tax, would require the Revenue Laws Study Committee to study the costs and benefits reasonably anticipated from eliminating the unauthorized substances tax, including any funding necessary to compensate State or local law enforcement for any resulting revenue losses. **Introduced by Representatives Everitt, Morey, Crawford and Autry, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 671](#), Protect Public Infrastructure, would make various changes to the laws regarding public infrastructure. Of interest to the criminal justice community, the bill would create a new criminal offense, “Attack on public infrastructure,” which would make it a felony to willfully or maliciously destroy, injure, or otherwise damage public infrastructure or a public transportation system.

The bill would also create the Cyber Security Fund and the Utility Securitization Fund (the Funds). The North Carolina Department of Information Technology would administer the Cyber Security Fund and the North Carolina Department of State Treasurer would administer the Utility Securitization Fund, with input from the North Carolina Department of Public Safety, the North Carolina State Bureau of Investigation, the North Carolina Public Utilities Commission, and counties, cities, and other local political subdivisions of the State.

The purposes of the Funds would be to increase the safety and security of public utility infrastructure and to enhance cybersecurity for State and local governments. Monies from the Funds would be allocated to State and local governmental agencies for those purposes. **Introduced by Representatives Reives, Charles Smith, F. Jackson and Pierce, and assigned to the House Committee on Energy and Public Utilities.**

[HOUSE BILL 672](#), Restore State Emp/Teacher Retiree Med Benefit, is identical to [House Bill 333](#), Restore State Emp/Teacher Retiree Med Benefit, which is summarized in the March 10, 2023 Weekly Legislative Report. **Introduced by Representatives F. Jackson, von Haefen, Jeffers and Charles Smith, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 673](#), Clarify Regulations on Adult Entertainment, would make it a misdemeanor for a first offense if a person engages in the new criminal offense "Restriction on adult live entertainment" (i.e., topless dancing or drag shows) in either of the following situations: (1) on public property; or (2) in the presence of an individual under the age of 18. The bill would make subsequent violations of this new criminal offense a felony. **Introduced by Representatives Zenger, Pless, Loftis and Lambeth, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 683](#), Support DV Victims/Offender Rehabilitation, would appropriate funds to support the North Carolina Council for Women and Youth Involvement and other entities that serve populations affected by domestic violence, as specified in the bill. **Introduced by Representatives Autry, Morey, Logan and T. Brown, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 691](#), New Resident/Temporary Concealed Carry Permit, would allow, but not require, a sheriff to issue a temporary new resident concealed handgun permit for a person who possesses a current, unexpired out-of-state concealed handgun permit if: (1) the person's permit will expire within 120 days of the person establishing residency in this State; and (2) the person has applied for a North Carolina concealed handgun permit.

The temporary concealed handgun permit would be valid until the sheriff either grants or denies the person's application for a North Carolina concealed handgun permit, would not be able to be renewed, and would be revocable by the sheriff without a hearing. **Introduced by Representatives Cleveland and Adams, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 692](#), Restaurants & Bars/Buy from Distiller, would allow a holder of a distillery permit to sell and deliver spiritous liquor in closed containers at wholesale to restaurants and bars

holding a mixed beverages permit. **Introduced by Representatives Pickett and Saine, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 696](#), Violent Offense/No Contact Order, would expand the circumstances under which a court could issue a permanent no contact order, prohibiting a criminal defendant from contacting the victim, to include when the criminal defendant is convicted of any of the following crimes: (1) a Class A through G felony; (2) assault by strangulation; and (3) a Class A1 misdemeanor assault. Currently, the court can only issue a permanent no contact order when the criminal defendant is convicted of a crime requiring the defendant to be placed on the North Carolina Sex Offender and Public Protection Registry. **Introduced by Representatives D. Hall, Lowery, Greene and Ward, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 697](#), Modify Various Courtroom Procedures, would require all criminal proceedings in district court to be recorded. The bill would also require a court to make written findings and issue an order explaining the court's decision when granting a third or subsequent continuance in a criminal matter in district or superior court without the consent of both parties. **Introduced by Representative Stevens, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 698](#), Codify/Replace Comm. Law Obstruction of Justice, would codify the common law offense of felony obstruction of justice, making it a felony for any person to unlawfully obstruct justice, with deceit and an intent to defraud. **Introduced by Representative Stevens, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 700](#), Sheriff's Deputies/Dismissals, would prohibit a sheriff from discharging one of his/her employees for failing to make a campaign contribution to the sheriff or the sheriff's campaign committee. Currently, federal law (the Hatch Act – 5 U.S.C. 7321 et. seq.) prohibits covered employees (including covered sheriffs) from coercing subordinates to pay or contribute anything of value to a party, organization, agency, or person for political purposes. **Introduced by Representative A. Jones, and assigned to the House Committee on Local Government.**

[HOUSE BILL 703](#), Provide Rape Kit Status Updates to Victims, would require the North Carolina State Crime Laboratory to develop procedures for victims to be notified of certain circumstances, as specified in the bill, pertaining to the victim's sexual assault examination kit. **Introduced by Representatives von Haefen, John, Charles Smith and A. Jones, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 704](#), Right to Appeal Giglio Notification, would allow law enforcement officers certified by the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (the Commissions) to appeal *Giglio* disclosure notifications. The bill would:

1. Require the "Notifying Authority" (State or federal judge, State or federal prosecutor, or the person's agency head), to send a written preliminary notice to the person at least 30 days in advance of issuing a *Giglio* Notification. The preliminary notice would have to

include certain information, as specified in the bill, including that the person may be heard and present material in their own defense.

2. Establish a right to appeal the adequacy of the preliminary notice to superior court within 30 days of receipt of the notice. On appeal, the superior court would be required to determine whether a preponderance of the evidence establishes that the notice met certain technical requirements, as set forth in detail in the bill, and, if the court determines that the evidence fails to establish such compliance, the Notifying Agency would be required to issue another preliminary notice.
3. Require the Notifying Authority, after a *Giglio* Notification has been issued, to inform the person who is the subject of the *Giglio* Notification of their right to appeal the Notification to superior court within 30 days.
4. Establish a right to appeal the sufficiency of a *Giglio* Notification to superior court within 30 days of receipt of the *Giglio* Notification.

On appeal, the superior court would be required to determine whether a preponderance of the evidence establishes that, if the petitioner were called to testify in a criminal court case, applicable case law would require that the petitioner's bias, interest, or lack of credibility be disclosed to the defense and, if the court determines that the evidence fails to establish that fact, the bill would require that the Notification be rescinded.

5. Require any Notifying Authority that rescinds, reverses, changes, or removes a *Giglio* Notification to notify the Sheriffs' Standards Division or Criminal Justice Standards Division (the Divisions), as appropriate, in writing of such action. Currently, the party subject to a *Giglio* Notification must notify the appropriate Division when they receive written notice of the rescission of the Notification, but the Notifying Authority is not required to notify the Divisions.
6. Allow a person who is subject to a *Giglio* Notification to petition the appropriate Division, one year after the Division is notified of the person's receipt of the *Giglio* Notification, to be exempt from having the person's Notification transferred when the person changes agencies.
7. Prohibit an employer from using a *Giglio* Notification as the sole reason for subjecting an employee to any disciplinary action. The bill would allow an employer to use the underlying facts that were the basis of the *Giglio* Notification as the basis for disciplinary action up to and including dismissal.
8. Allow for retroactive review in superior court of *Giglio* Notifications issued prior to the bill's enactment.
9. Require the Commissions to report annually to the Joint Legislative Oversight Committee on Justice and Public Safety regarding the number of individuals who received *Giglio* Notifications in the previous year and other information as specified in the bill. The annual

report would not include the name or any other identifying information of a person in receipt of a *Giglio* Notification.

Introduced by Representatives Blackwell, John, Greene and Carson Smith, and assigned to the House Committee on Judiciary 3.

[HOUSE BILL 705](#), [Build Safer Communities and Schools Act](#), is a combination of the following bills: (1) [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; (2) [House Bill 281](#), [Allow ERPOs to Prevent Suicides & Save Lives](#), which is summarized in the March 10, 2023 Weekly Legislative Report; and (3) Section 7.12 of [House Bill 430](#), [Governor's Budget](#), which is summarized in the March 24, 2023 Weekly Legislative Report. **Introduced by Representatives Alston, F. Jackson, Logan and Budd, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 707](#), [Assaults on First Responders & Social Workers](#), would increase the punishment for a person who commits an assault with a firearm upon the following persons while in the performance of their duties: (1) a law enforcement officer; (2) a probation officer; (3) a parole officer; (4) a member of the North Carolina National Guard; and (5) an employee of a detention facility, which would include State prisons and local jails.

The bill would also include an emergency medical technician, emergency health care provider, a medical responder, and a firefighter in the list of individuals upon whom an assault with a firearm would be subject to increased punishment. **Introduced by Representatives Pyrtle, Miller, Carson Smith and Greene, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 708](#), [Clarify Felony/Voting Without Rights Restored](#), would clarify that a person must “knowingly” vote in order to be convicted of the Class I felony of voting in any primary or election after having been convicted of a crime that excludes the person from the right to vote and without having their voting rights restored. **Introduced by Representatives Everitt and T. Brown, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 711](#), [Revise Motor Vehicle Emission Laws](#), is identical to [Senate Bill 387](#), [Revise Motor Vehicle Emission Laws](#), which is summarized in the March 31, 2023 Weekly Legislative Report. **Introduced by Representatives Autry, Gill, Ager and Majeed, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 719](#), [SBI Emergency Pen Register/Trap and Trace](#), would allow a North Carolina State Bureau of Investigation (SBI) agent to install a pen register or trap and trace device without a court order if the agent first determines: (1) that an emergency situation exists involving immediate danger of death or serious bodily injury to a person requiring the installation of a pen register or trap and trace device before an order can be obtained and there are reasonable grounds for issuance of an order; or (2) that an emergency situation exists involving the disappearance of an individual, a runaway child, or a missing person where those persons may be in immediate danger of death or serious bodily injury.

The bill would require any SBI agent who installs a pen register or trap and trace device under the new emergency authorization to seek a court order within 48 hours of installation of the device.

The bill would also require the court to find that there is probable cause that a felony or Class A1 or 1 misdemeanor has been committed and that the person described in the affidavit for the pen register or trap and trace device committed the offense in order to issue an order authorizing the installation of such a device if the applicant for the order is requesting location data disclosed by the device.

Currently, an order authorizing the installation of a pen register or trap and trace device may be issued upon reasonable suspicion that a felony or applicable misdemeanor offense has been committed and upon reasonable grounds that the person described in the affidavit committed the offense.

Finally, the bill would allow a court to issue an order authorizing the installation and use of a pen register or trap and trace device in an emergency situation involving a disappearance, runaway child, or missing person when those individuals may be at imminent risk of death or serious physical harm and a pen register or trap and trace device would be of material aid in locating them. **Introduced by Representatives Greene, Carson Smith, Miller and Ward, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 724](#), Clarify Slow Traffic Move Right Law, would make it an infraction for a vehicle to be driven in the farthest left-hand lane of a controlled access highway when the North Carolina Department of Transportation (DOT) has posted appropriate signs, such as “Slower Traffic Keep Right,” unless an exception specified in the bill applies.

The bill would also prohibit a law enforcement officer from searching, or requesting consent to search a vehicle, driver, or occupant solely for a violation of the infraction described above. Finally, the bill would also prohibit a violator from being arrested for the infraction, except upon a warrant issued for failing to appear in court or failing to pay the imposed fine. **Introduced by Representatives Adams and Fontenot, and assigned to the House Committee on Transportation.**

[HOUSE BILL 725](#), Create Anti-Littering Special Fund, would establish the North Carolina Anti-Littering Fund (Fund) as a non-reverting special fund in the North Carolina Department of Public Safety (DPS) and would appropriate to the Fund \$50,000 in nonrecurring funds for the 2023-2024 fiscal year.

The bill would authorize DPS to make payments from the Fund to individuals and entities to reimburse them for expenses associated with video recording equipment, when, among other requirements specified in the bill, the video recordings created by the individual/entity are used to assist law enforcement officers or district attorneys' offices in the charging or prosecution of a defendant for the offense of Littering. **Introduced by Representatives Adams, Bradford and Fontenot, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 727](#), Breakthrough Therapies Research/Advisory Act, would allow the North

Carolina Department of Health and Human Services to award grants to be used to conduct research in this State on the use of two psychedelics: MDMA and psilocybin.

The bill would require the research study involving MDMA to concentrate on the treatment of posttraumatic stress disorder, specifically targeting populations that are disproportionately impacted by trauma as specified in the bill, including law enforcement officers. **Introduced by Representatives Sasser, Autry, Chesser and Goodwin, and assigned to the House Committee on Health.**

[HOUSE BILL 731](#), Police Reform for 2023, would make various changes to the laws affecting law enforcement in this State. Of interest to the criminal justice community, the bill would require any no-knock entry to be supported by a search warrant detailing specific findings and define stranglehold, chokeholds, and other neck restraints as deadly force.

The bill would also require the use of body-worn cameras by State and local law enforcement officers during traffic stops, pursuits, arrests, searches, interviews, interrogations, and other situations and require, by statute, entry-level and in-service training for law enforcement on the duty to intervene, de-escalation, excessive force, and warnings before using deadly force, as set forth in detail in the bill. **Introduced by Representatives Brockman and K. Brown, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 738](#), Safer Roads and Communities Act of 2023, is substantially similar to [Senate Bill 676](#), Restricted DL for Undocumented Immigrants, which is summarized in the April 14, 2023 Weekly Legislative Report. **Introduced by Representatives Rudow, Cervania and Harrison, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 742](#), Req. Implementation of Text/SMS 911 for PSAPs, would require any Public Safety Answering Point (PSAP) with the capability to receive text or short messaging service (SMS) messages to utilize text or SMS messages as an option for a person to contact the PSAP for emergency assistance. **Introduced by Representatives John, Ball, Gill and Longest, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 743](#), Extend Expiration/Magistrate Ex Parte Orders, would extend ex parte orders entered by magistrates in actions for domestic violence protective orders until a hearing on the matter by a district court judge. Currently, these ex parte orders expire at the end of the next day on which the district court is in session in the county in which the action was filed. **Introduced by Representatives Carson Smith, Pyrtle and Ward, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 744](#), Eva's Act, 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 Representatives Longest, Ward, Dahle and Harrison, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 748](#), Felony Child Abuse/Expand Scope, would expand the offense of felony child abuse to include a parent or other person providing care to or supervision of a child less than 16

years of age who intentionally and routinely inflicts physical injury upon the child or deprives the child of necessary food, clothing, shelter, or proper physical care for the purpose of causing fear or emotional injury, or for the purpose of obtaining sexual gratification.

The bill would also clarify that persons other than parents providing care to and supervision of a child less than 16 years of age are guilty of felony child abuse if they permit, commit, or encourage any act of prostitution with or by the child or allow the commission of any sexual act upon the child. **Introduced by Representatives D. Hall, Potts, Riddell and Crutchfield, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 761](#), [Minimum Speed Limit on State Roads](#), would impose a minimum speed limit of 10 miles per hour (mph) below the posted speed limit on all State roads when appropriate signs are posted, except for the interstate and primary highway system, and roads with a grade exceeding 5%. Currently, on the interstate and primary highway system, there is a minimum speed limit of 40 mph in a 55 mph zone, and 45 mph in a 60 mph zone or greater, when appropriate signs are posted.

The bill would also prohibit a motor vehicle with a gross weight rating of 26,001 pounds or more from operating in the left most lane of a controlled-access highway with six or more lanes. **Introduced by Representative Pickett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 768](#), [LLEA Return to Work from Retirement](#), would allow members of the Teachers' and State Employees' Retirement System (TSERS) or the Local Governmental Employees' Retirement System (LGERS) who retired on an early or service retirement as law enforcement officers or justice officers to return to work (be reemployed) full-time and continue to receive their retirement allowance, provided the reemployment follows a break in service and provided other conditions are met as set forth in the bill. Reemployment of a retiree would not count as membership service under TSERS or LGERS and would not increase the retiree's benefits under either system.

The bill would also allow retired State and local officers who are reemployed in public safety positions to continue to receive their special separation allowance upon reemployment, provided they meet the other conditions for eligibility. Finally, the bill would allow retired sheriffs to be reemployed by an employer that participates in LGERS and continue to receive the Sheriffs' Supplemental Pension, provided they meet all other conditions for eligibility. **Introduced by Representatives Carson Smith, Pyrtle, Greene and Miller, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 778](#), [Prohibition on Disclosing Booking Photographs](#), would prohibit a law enforcement agency from knowingly disclosing a copy of a booking photograph of a defendant pretrial to any publish-for-pay publication or publish-for-pay website. However, the bill explicitly does not prohibit law enforcement agencies from posting a booking photograph on the agency website or mobile application. **Introduced by Representatives John, T. Brown and Reives, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 804](#), Body-Worn Camera Recordings, would require law enforcement officers, including sheriff's deputies and on-duty State correctional officers, to wear and activate a body-worn camera during any interaction between the officer and a member of the public, including an inmate of a State correctional facility, in the officer's official capacity. The bill would also require a law enforcement officer to activate the dashboard camera when engaging in interactions with the public if the law enforcement vehicle is equipped with a dashboard camera.

Currently, the law only requires that law enforcement agencies that use body-worn or dashboard cameras have a policy applicable to the use of those cameras.

The bill would also require a court to disclose (show) a recording depicting death or serious bodily injury to the licensed attorney of an immediate family member of the person whose death or injury is depicted in the recording or to the licensed attorney of the person whose injury is depicted in the recording, upon the request of that attorney.

Currently, a judge has discretion to deny a request for disclosure of a recording depicting death or serious bodily injury, upon consideration of several factors. The bill, if enacted, would remove that discretion in the above circumstance.

Finally, the bill would empower a city or town council or county board of commissioners to order the disclosure (i.e. showing) and/or release (i.e. copying and disseminating), in whole or in part, of a body-worn camera or dashboard camera recording 30 days after the creation of the recording.

Currently, a city or town council or county board of commissioners has no authority to order disclosure or release of a body-worn or dashboard camera recording; only a judge has that authority. **Introduced by Representatives Brockman, Hawkins and Gill, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 807](#), Modify Firearms Retrieval Process in DV Cases, would establish various methods by which a defendant could regain possession of firearms that were seized pursuant to an emergency or ex parte domestic violence protective order (DVPO) petition, as explained in greater detail in the bill. Currently, firearms seized pursuant to an emergency or ex parte DVPO can only be released after a motion has been filed and the court enters an order for the release of the firearms. **Introduced by Representatives Carson Smith and Ward, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 809](#), Hospital Violence Protection Act, would require each hospital that has an emergency department to develop and implement a security plan with protocols to ensure that at least one sworn law enforcement officer or special police officer is present at all times in the emergency department or on the same campus as the emergency department. The security plan would also include training for the law enforcement officers employed by the hospital, as set forth in the bill.

The bill would also require the North Carolina Administrative Office of the Courts to annually report to the North Carolina Department of Health and Human Services, Division of Health Service Regulation, and the Joint Legislative Oversight Committee on Health and Human Services on the

number of persons charged or convicted during the preceding calendar year of the criminal offense of assaulting a firefighter, emergency medical technician, medical responder, or hospital personnel. **Introduced by Representatives Reeder, Miller and Pyrtle, and assigned to the House Committee on Health.**

[HOUSE BILL 810](#), Special Separation Allowance, would create an Alternate Special Separation Allowance (Alternate SSA) for State and local government law enforcement officers, as explained in greater detail in the bill. The Alternate SSA would allow a law enforcement officer to retire later in life without sacrificing the number of years the officer would receive Special Separation Allowance payments. Currently, an officer that retires and qualifies to receive Special Separation Allowance payments will stop receiving those payments upon reaching 62 years of age.

The bill would create a formula for receiving the Alternate SSA for officers that have completed 30 years, but no more than 35 years of creditable service, that would be equivalent to 62 minus the age at which the officer first completes 30 years of creditable service. For example, an officer that reached 30 years of creditable service at the age of 52 would be entitled to receive 10 years of the Alternate SSA when the officer retires at the age of 57 ($62 - 52 = 10$). Under current law, an officer who reaches 30 years of creditable service at age 52 who retires at the age of 57 would receive only 5 years of the Special Separation Allowance because those payments end at age 62. **Introduced by Representatives Pyrtle, Cotham, Miller and Moss, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 813](#), The Pretrial Integrity Act, would allow hearings on the need for continued secure custody for a juvenile under 16 years of age to be conducted at intervals of up to 30 calendar days if the juvenile is alleged to have committed an offense that would be a Class A felony if committed by an adult and the juvenile could be transferred to superior court for trial upon a finding of probable cause. Currently, hearings on the need for continued secure custody for these juveniles must be conducted at an interval of no more than 10 calendar days.

The bill would also allow a court to determine, in the judge's discretion, if an adult defendant charged with any of the following crimes should be released before trial, and if so, upon what conditions: (1) 1st or 2nd degree murder; (2) attempted murder; (3) 1st or 2nd degree kidnapping, rape, or sexual offense; (4) 1st degree statutory rape; (5) statutory rape or sexual offense against a child by an adult; (6) statutory rape or sexual offense against a person who is 15 years or younger; (7) human trafficking; (8) assault with a deadly weapon with intent to kill inflicting serious injury; (9) discharging a firearm into occupied property or a conveyance; (10) 1st degree burglary and arson; and (11) robbery with a dangerous weapon.

Currently, a judicial official must order pretrial release with appropriate conditions for a defendant charged with a noncapital offense, in some cases release upon execution of an appearance bond or house arrest with electronic monitoring. **Introduced by Representatives Bradford, D. Hall and A. Jones, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 826](#), Protect Law Enforcement/Judges Personal Info, would require every city and county to develop a process by which the following public officials could request that their personal information, such as telephone number and address, be removed from any website

accessible by the public that is maintained by the city or county: (1) a federal, State, or local law enforcement officer; (2) a State judge, justice, or magistrate; (3) a district attorney or assistant district attorney; (4) a prosecutor employed by the North Carolina Department of Justice; (5) a United States Attorney or Assistant United States Attorney; or (6) a federal judge.

Once a written request has been made that meets the criteria established in the bill, the city or county would be required to remove the information from their public website and would be prohibited from making the information available to the public on the website unless the city or county receives a written revocation of the request from the public official who submitted the request. **Introduced by Representatives Chesser, Hardister, Saine and A. Jones, and assigned to the House Committee on Local Government.**

[HOUSE BILL 834, Juvenile Capacity](#), would establish a procedure to evaluate whether a juvenile has capacity to proceed. Of interest to the criminal justice community, the bill would:

1. Prohibit a juvenile from being transferred to superior court for trial as an adult, adjudicated delinquent or undisciplined, or subject to disposition for an offense in juvenile court, when, by reason of mental disorder, intellectual disability, neurological disorder, traumatic or acquired brain injury, or developmental immaturity, the juvenile is unable to understand the nature and object of the proceedings against them, to comprehend their own situation in reference to the proceedings, or to assist in their own defense in a rational or reasonable manner.

Currently, in cases where a juvenile is alleged to be delinquent, the same proceedings to determine capacity in superior court for an adult charged with a criminal offense are utilized.

2. Require the North Carolina Department of Public Safety, Division of Juvenile Justice, to arrange for the transportation of juveniles who are confined in secure custody to a court-ordered forensic evaluation to determine capacity.
3. Require a court to order a law enforcement officer to take a juvenile to a 24-hour facility for custody and treatment of involuntary clients, if the court finds that a juvenile is: (1) incapable to proceed and not likely to attain capacity in the foreseeable future; (2) meets the criteria for involuntary commitment; AND (3) charged with a violent crime, including a crime involving assault with a deadly weapon.

Introduced by Representatives Davis and N. Jackson.

BILL STATUS

[HOUSE BILL 55, Fire Investigation Law Revisions](#), which is summarized in the February 10, 2023 Weekly Legislative Report, has been amended in the House to give the Director of the North Carolina State Bureau of Investigation (SBI) the exclusive right to supervise and direct fire investigations in cases involving first- or second-degree arson, buildings owned or occupied by

State or local government, and buildings owned or leased by educational institutions, churches, or religious buildings, upon the request of the official who conducts the preliminary investigation.

The bill, as amended, would also provide that the official who conducts the preliminary investigation (i.e. a chief of a fire department, chief of police, county fire marshal, or sheriff) has the authority to determine whether the SBI or North Carolina Commissioner of Insurance supervises or directs the investigation in cases where that right is not exclusive to the SBI.

[HOUSE BILL 186](#), Div. of Juvenile Justice Mods.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

The bill has been amended in the House to permit the North Carolina Department of Public Safety, Division of Juvenile Justice (Division), or any law enforcement agency within the State to release a juvenile's first and last name, and photograph, in addition to other information specified in the bill, without a court order when exigent circumstances exist. The amended bill would require the releasing party to seek a court order as soon as reasonably practicable but no later than the first available session of a court in the county after the release of the information.

Finally, the bill, as amended, would require any released information to be removed from any publicly available law enforcement agency or Division website or social media account once the juvenile is taken into custody.

[HOUSE BILL 193](#), Various Court Changes 2023.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 237](#), Criminal Law Revisions, which is summarized in the March 3, 2023 Weekly Legislative Report, has been amended in the House to expand the list of conduct included in the new criminal offense of "money laundering" to include: (1) using, conspiring to use, or attempting to use the proceeds of criminal activity to conduct or attempt to conduct a transaction or make other disposition with the intent to conceal or disguise the nature, location, source, ownership, or control of the proceeds of criminal activity; and (2) using the proceeds of criminal activity with the intent to promote, in whole or in part, the commission of criminal activity.

[HOUSE BILL 298](#), Criminal Falsification of Medical Records, which is summarized in the March 10, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

The bill has been amended in the House to expand the new criminal offense of "Willful destruction, alteration, or falsification of medical records" to prohibit directing any person to knowingly destroy, alter, or falsify a medical record for any of the purposes specified in the bill.

[HOUSE BILL 378](#), Firefighters Criminal History Record Checks, which is summarized in the March 17, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

The bill has been amended in the House to require fire marshals and fire chiefs to obtain a criminal history check on an applicant for a paid or volunteer position prior to offering that applicant the position. Currently, fire marshals and fire chiefs must obtain criminal history checks for any applicant to a paid or volunteer position, regardless of if the position is ultimately offered to the applicant. The bill, as amended, would also allow a statewide criminal history check of a State resident's name to be conducted by the clerk of court, instead of the North Carolina Department of Public Safety or a third-party vendor.

[HOUSE BILL 387](#), Medal of Valor Award for First Responders, which is summarized in the March 17, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 454](#), Concord/Distribution of ABC Net Profits, which is summarized in the March 24, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 157](#), Limited Provisional License Modification, which is summarized in the February 24, 2023 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 171](#), Department of Public Safety Agency Bill.-AB, which is summarized in the March 3, 2023 Weekly Legislative Report, has been amended in the Senate to expand the jurisdiction of the State Capitol Police to include the same authority as a deputy sheriff in a building or portion of a building owned or leased by the State, located anywhere in the State, when the State agency responsible for that building executes a written agreement for service with the State Capitol Police related to that specific building.

Currently, the territorial jurisdiction of the State Capitol Police only includes the City of Raleigh and property owned, leased, or maintained by the State that is located in Wake County.

The bill, as amended, would also require that a law enforcement agency or medical examiner provide records of criminal investigations to the National Guard Staff Judge Advocate upon request, for use in a court-martial action or administrative investigation involving a member of the National Guard, unless release is prohibited by a court order.

Finally, the bill, as amended, would codify that the Samarcond Training Academy (Samarcond) is established within the North Carolina Department of Public Safety (DPS) and would require Samarcond to develop a predetermined fee structure, designed to cover the actual costs of material services, for the use of its facilities. Samarcond is currently housed within DPS and provides basic, in-service, and advanced training primarily for DPS law enforcement agencies, correctional officers, probation and parole officers, and juvenile justice employees.

[SENATE BILL 326](#), Firefighter Cancer Ins/Alt Crim Rec Check, has been amended in the Senate to include a provision that is substantially similar to [House Bill 378](#), Firefighters Criminal History Record Checks, which is summarized in the March 17, 2023 Weekly Legislative Report.

[SENATE BILL 565](#), Removing Barriers to Jobs and Housing, which is summarized in the April 7, 2023 Weekly Legislative Report, has been amended in the Senate to include breaking or entering with an intent to commit any felony or larceny within the category of non-violent felonies for which an expunction may be granted. The bill, as amended, would only allow an expunction for this offense 15 years after the date of conviction or after any active sentence, period of probation, or post-release supervision has been served for the offense, whichever occurs later.

The bill, as amended, would also require a court, in order to grant a petition for expunction of a non-violent offense, to find that the petitioner is not under indictment or free on bond or personal recognizance pending trial, appeal, or sentencing in State or federal court for a crime that would prohibit the petitioner from having his or her petition for expunction granted and that no finding of probable cause exists against the defendant for a felony in either State or federal court.

[SENATE BILL 582](#), North Carolina Farm Act of 2023, which is summarized in the April 7, Weekly Legislative Report, has been amended in the Senate to expand the criminal definition of littering to include animal waste, animal parts, and animal by-products.

The bill, as amended, would also make it a misdemeanor for the driver of any vehicle who knows or reasonably should know that animal waste, dead animals or animal parts, or animal by-products have been blown, scattered, spilled, thrown, or placed from the vehicle to fail to immediately stop and remain at the scene of the incident until a law enforcement officer completes the investigation of the incident and authorizes the driver to leave, unless remaining at the scene presents a significant risk of injury.

The bill, as amended, would also make it a misdemeanor for the driver to facilitate, allow, or agree to the removal of the vehicle from the scene of the incident for any reason except to call law enforcement, to call for assistance to remove the materials spilled, or to avoid a significant risk of injury.

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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