

North Carolina Sheriffs' Association

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Weekly Legislative Report

May 5, 2023

There was a flurry of activity at the General Assembly this week. As you may be aware, the crossover deadline for bills was this Thursday, May 4. Crossover is a date chosen by the legislature by which a bill must make it from one chamber to the other chamber in order to be considered for the remainder of the legislative session. Therefore, the week of crossover is always busy as legislators and lobbyists alike are scurrying around to get their bill “across.”

Bills that saw debate this week brought a large amount of public attention and a media blitz. Abortion, transgender rights and gun control were the topics of legislation discussed and voted on in both the House and the Senate. Both chambers had busy calendars and voted on a great deal of legislation.

Speaker Tim Moore announced on Thursday that there would be no votes in the House next week due to the fact that they were so efficient with committee hearings and floor votes this week. Speaker Moore expects the Senate to work on the budget next week and predicted the House may see a version of the Senate budget soon.

The House and Senate adjourned and will reconvene on Monday, May 8, 2023.

BILL STATUS

[HOUSE BILL 55](#), Fire Investigation Law Revisions, which is summarized in the February 10, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 116](#), Modify Laws Affecting District Attorneys, which is summarized in the February 17, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 140](#), Civilian Traffic Crash Investigators, which is summarized in the February 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 rename the bill “Civilian Traffic Investigators/Pilot,” and to limit the bill to a three-year period from July 1, 2023 to June 30, 2026.

[HOUSE BILL 198](#), DOT Legislative Changes.-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 199](#), [DMV Proposed Legislative Changes.-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 passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to limit the new criminal offense of “money laundering” to the conduct specified in the bill that involves proceeds of criminal activity or funds that alone or in the aggregate exceed \$10,000.

[HOUSE BILL 251](#), [Amend Funeral Procession Law](#), which is summarized in the March 3, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to require a funeral establishment lead vehicle to display and keep activated while leading a funeral procession a flashing amber or purple light that is clearly visible from 500 feet in all directions. The bill, as amended, would also require the lead vehicle in a funeral procession to first comply with all traffic-control signals, and to only proceed after stopping and while exercising reasonable care.

[HOUSE BILL 363](#), [The Gabe Torres Act](#), 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 600](#), [Regulatory Reform Act of 2023](#), has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to clarify the definition of a dating relationship for purposes of obtaining a domestic violence protective order (DVPO) to include a dating relationship between members of the same sex.

[HOUSE BILL 612](#), [Expand Criminal Justice Fellows Program](#), has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to expand the list of eligible counties under the North Carolina Criminal Justice Fellows Program (Program) to include all 100 counties. The Program was created to increase the recruitment of criminal justice professionals by providing loan forgiveness to qualified individuals that earn an Applied Associate Degree in Criminal Justice.

Currently, a person must demonstrate an intent to be employed as a criminal justice professional in a county with a population of less than 200,000 to be eligible for a forgivable college loan under the Program.

[HOUSE BILL 647](#), [Expedite Child Permanency](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 661](#), [Emergency Services Peer Counseling Privilege](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 691](#), [New Resident/Temporary Concealed Carry Permit](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has been amended in the House to require a sheriff to issue a Temporary New Resident Permit (temporary permit) to a person if: (1) the person possesses a current unexpired out-of-state concealed handgun permit; (2) the out-of-state permit will expire within 120 days of the person establishing residency in this State; and (3) the person provides to the sheriff all information necessary to apply for a regular North Carolina concealed handgun permit with the exception of a handgun safety course certificate of completion.

The bill, as amended, would also make the temporary permit valid until the earlier of: (1) 120 days since the issuance of the temporary permit; or (2) the sheriff denying or granting the person's application for a regular North Carolina concealed handgun permit upon being presented with the applicant's handgun safety course certificate.

[HOUSE BILL 697](#), [Modify Various Courtroom Procedures](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has been amended in the House to require a district or superior court judge to grant a continuance when the State asserts that the case involves the analysis of evidence for testing by the North Carolina State Crime Laboratory or other entity and the results of the testing are not yet available.

[HOUSE BILL 698](#), [Codify/Replace Comm. Law Obstruction of Justice](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has been amended in the House to further codify the common law offense of felony obstruction of justice. The bill, as amended, would define "obstruction of justice" as any act which prevents, obstructs, impedes, or hinders public or legal justice. The bill, as amended, would make it a Class 1 misdemeanor to obstruct justice in relation to a misdemeanor offense and a Class I felony to obstruct justice in relation to a felony offense.

[HOUSE BILL 704](#), [Right to Appeal Giglio Notification](#), which is summarized in the April 21, 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 delete and replace the entire contents of the bill and to rename the bill "Repeal Giglio Notifications."

The bill, as amended, would repeal (eliminate) the requirement that Giglio Disclosure Notifications be reported to the Sheriffs' Standards Division and the Criminal Justice Standards Division of the North Carolina Department of Justice, as enacted by [Session Law 2021-138](#), [Criminal Justice Reform](#).

The bill, as amended, would also require the above Divisions to destroy any Giglio Disclosure Notifications received within 60 days of the bill becoming law.

[HOUSE BILL 707](#), [Assaults on First Responders & Social Workers](#), which is summarized in the April 21, 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 include a telecommunicator employed by a law enforcement agency in the list of individuals upon whom an assault with a firearm would be subject to increased punishment.

[HOUSE BILL 719](#), [SBI Emergency Pen Register/Trap and Trace](#), which is summarized in the

April 21, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 768, LEO Return to Work from Retirement](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has been renamed and has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 778, Prohibition on Disclosing Booking Photographs](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 809, Hospital Violence Protection Act](#), which is summarized in the April 21, 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 hospitals with emergency departments to conduct a security risk assessment and to have at least one law enforcement officer present in the emergency department or on the hospital campus at all times.

However, the bill, as amended, would not require a hospital to have at least one law enforcement officer present in the emergency department or on the hospital campus at all times if the hospital in good faith determines that a different level of security is necessary and appropriate based on the security risk assessment.

Finally, the bill, as amended, would require the North Carolina Department of Health and Human Services, Division of Health Service Regulation, to collect certain data from hospitals as set forth in detail in the bill, including the number of assaults occurring in the hospital or on hospital grounds involving law enforcement, the number of workplace violence incidents, and the number and impact of incidents where patient behavioral health and substance use resulted in violence in the hospital.

[HOUSE BILL 810, Alternative LEO Special Separation Allowance](#), which is summarized in the April 21, 2023 Weekly Legislative Report, has been renamed and has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 813, The Pretrial Integrity Act](#), which is summarized in the April 21, 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 provide that hearings on the need for continued secure custody for a juvenile who was 13, 14, or 15 years of age on the date of an offense that would be a Class A felony if committed by an adult may be conducted at intervals of no more 30 calendar days. Currently, these hearings must be conducted at intervals of no more than 10 calendar days.

[SENATE BILL 20, Safe Surrender Infants/Safe Sleep Prog. Funds](#), which is summarized in the January 27, 2023 Weekly Legislative Report, has been amended to make various changes to the laws governing reproductive health in the State and to rename the bill "Care for Women, Children, and Families Act." The bill has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

Of interest to the criminal justice community, the bill, as amended, would create the new criminal offense of “Misdemeanor crime of domestic violence.” The purpose of creating this new criminal offense is to have a North Carolina crime that matches all of the elements of a misdemeanor crime of domestic violence established under federal law for purposes of firearms possession.

[SENATE BILL 206](#), Stop Counterfeit Pills Act, which is summarized in the March 10, 2023 Weekly Legislative Report, has passed the House with amendment and has been sent back to the Senate for consideration of the House amendment.

The bill, as amended, has been renamed Control Subst./Opioid/Vaccine/At Home Omnibus, and includes provisions that are substantially similar to [House Bill 35](#), Expand Definition of Opioid Antagonist, which is summarized in the February 3, 2023 Weekly Legislative Report.

[SENATE BILL 492](#), Modify Provisions Affecting Adult Correction.-AB, which is summarized in the April 7, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 579](#), Prevent Harm to Children, which is summarized in the April 7, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 638](#), Move Over for Disabled Vehicles, which is summarized in the April 14, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 640](#), Various Criminal Procedure Changes, which is summarized in the April 14, 2023 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 650](#), Gun Violence Prevention Act, which is summarized in the April 14, 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.

North Carolina Sheriffs' Association, Inc.

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