

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 2, 2023

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The North Carolina Sheriffs' Association hosted sheriffs and sheriffs' personnel from across the state for our annual Legislative Day on Wednesday of this week. Legislative Day is an opportunity for sheriffs in North Carolina to travel to the General Assembly to meet their legislators one-on-one and discuss public safety issues related to their counties and the Office of Sheriff.

After meeting to discuss legislation at the Association headquarters in downtown Raleigh, the sheriffs and sheriffs' personnel in attendance made their way to the General Assembly for scheduled meetings with legislators. There they discussed issues such as increasing punishments for crimes related to fentanyl, protecting the power grid from attack, and enhancing recruitment and retention efforts in the law enforcement profession.

Several sheriffs, including Sheriff Charles Blackwood, Association President, attended the Senate Judiciary Committee meeting on Wednesday afternoon as well. Sheriff Blackwood spoke in support of "Lyric and Devin's Law," which is included in House Bill 186, Division of Juvenile Justice Modifications. If the bill passes, Lyric and Devin's Law will allow law enforcement to release identifying information about a juvenile to the public, including the juvenile's photograph and a statement about the crime the juvenile offender has allegedly committed, to facilitate the apprehension of the juvenile. Currently, the law does not allow for the release of this information.

The General Assembly considered other heavy issues this week as well; some were put to a vote and some were only discussed. The House debated the issue of medical marijuana on Tuesday in the House Health Committee while the Senate passed a bill on sports wagering. That bill will now go back to the House for one final vote. If it passes, North Carolinians will be able to bet on college sports, Carolina Hurricane's games, even golf, all from the ease and convenience of their phone or tablet.

Budget negotiations are going on behind closed doors nearly every day and bills are starting to move through committees at a quicker pace. Could that mean that leadership really does intend to pass a budget and finish their legislative business by the Independence Day holiday? Only time will tell.

The House and Senate adjourned on Thursday and will reconvene on Monday, June 5, 2023.

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## BILL STATUS

[HOUSE BILL 87](#), Probation Modifications/Sheriff Authority, which is summarized in the May 26, 2023 Weekly Legislative Report, has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 116](#), Modify Laws Affecting District Attorneys, which is summarized in the February 17, 2023 Weekly Legislative Report, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature.

[HOUSE BILL 125](#), Safe Surrender Infants, which is summarized in the February 17, 2023 Weekly Legislative Report, has been amended in the Senate to rename the bill NC Health & Human Services Workforce Act. Of interest to the criminal justice community, the bill, as amended, would:

1. Require each hospital with an emergency department to conduct a security risk assessment and develop a security plan.
2. Require each hospital with an emergency department to ensure that at least one law enforcement officer is present at all times in the emergency department or on the same campus of the emergency department unless: (1) the hospital is not an academic teaching hospital and is located in a county with less than 300,000 residents; and (2) the hospital in good faith determines that a different level of security is necessary.

If a hospital meets these requirements, the amended bill would require the hospital to notify the county emergency management director, county sheriff, and municipal police chief (if applicable) of the hospital's determination that at least one law enforcement officer is not required to be present in the emergency department at all times and would require the hospital to allow these individuals access to the hospital's security plan.

3. Define "law enforcement officer," for purposes of this specific law, to include a sworn law enforcement officer, a special police officer, a campus police officer, or an armed security guard with a valid firearm registration permit.
4. Require those hospitals that are required under the bill to have at least one law enforcement officer present in the emergency department at all times to include in their security plan training for the law enforcement officers employed by the hospital, as set forth in detail in the bill.
5. Make it a misdemeanor to knowingly violate a valid workplace violence prevention order issued upon the request of a hospital.
6. Increase a felony by one class (ex. from a Class H felony to a Class G felony) if a person commits the felony with knowledge that the behavior underlying the felony is prohibited by a valid workplace violence prevention order issued at the request of a hospital.

7. Make it a felony to knowingly violate a valid workplace violence prevention order issued upon the request of a hospital while in possession of a deadly weapon or within close proximity of a deadly weapon.
8. Make it an aggravating factor for felony sentencing purposes if the defendant committed the felony offense on the property of a hospital.

[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 Senate. Of interest to the criminal justice community, the bill, as amended, would:

1. Require the court to also transfer the jurisdiction of a juvenile under the age of 16 to superior court for trial as an adult if the juvenile is charged with a Class A felony and a grand jury returns a true bill of indictment. Under current law, a court is required to transfer jurisdiction to superior court of a juvenile under the age of 16 if the juvenile is charged with a Class A felony and the court finds probable cause.

The bill, as amended, does not change the current law requiring juveniles 16 and 17 years of age to be transferred to superior court for trial as an adult if they are charged with committing a Class A through G felony and the court finds probable cause or a grand jury returns a true bill of indictment.

2. 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.

DJJ or the law enforcement agency releasing the information would be required 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.

Under the bill, as amended, DJJ or any law enforcement agency within the State would also be allowed 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, as amended, 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.

3. 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.
4. 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.

[HOUSE BILL 190](#), Dept. of Health and Human Services Revisions.-AB, which is summarized in the February 24, 2023 Weekly Legislative Report, has been amended in the Senate to allow local health departments, law enforcement agencies, and other organizations to distribute naloxone that is obtained over-the-counter to persons at-risk of experiencing an opiate-related overdose and to those persons family members and friends. Currently, the local health department, law enforcement agency, or other organization must be prescribed naloxone by a health care practitioner in order to be authorized to distribute it.

[HOUSE BILL 347](#), Sports Wagering/Horse Racing Wagering, which is summarized in the March 17, 2023 Weekly Legislative Report, has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 834](#), Juvenile Capacity, which is summarized in the April 21, 2023 Weekly Legislative Report, has been amended in the House to rename the bill Juv Capacity/Transfer/Interrog/Confidential. The bill, as amended, includes provisions which are substantially similar to those just added to [House Bill 186](#), which is summarized above in this Weekly Legislative Report.

[SENATE BILL 512](#), Greater Accountability for Boards/Commissions, which is summarized in the April 7, 2023 Weekly Legislative Report, has passed the House with amendment and has been sent back to the Senate for consideration of the House amendment.

[SENATE BILL 582](#), North Carolina Farm Act of 2023, which is summarized in the April 7, 2023 Weekly Legislative Report, has been amended in the House to increase the criminal penalty for using a deadly weapon to willfully resist, oppose, impede or intimidate a North Carolina

Department of Agriculture and Consumer Services inspector.

The bill, as amended, would also prohibit any person, entity, or State agency from using a drone within a horizontal or vertical distance of 3,000 feet from a forest fire within the jurisdiction of the North Carolina Forest Service. The bill would include an exception for law enforcement use of a drone.

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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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