

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

September 8, 2023

House members made their way to town this week for a brief legislative session on Tuesday. A few committees met and advanced bills, some of which headed to the floor for a vote of the full House and some of which were moved on to the powerful Committee on Rules, Calendar, and Operations of the House for consideration as early as next week.

Speaker of the House Tim Moore announced at the end of Tuesday's voting session that members should expect votes on the State budget bill next week. Though the Senate was not in session on Tuesday, some members of leadership were seen around the legislative complex and confirmed that the Senate also expected to consider the State budget bill next week.

The rollout of the State budget bill generally puts lobbyists and the public on notice that the legislative session is winding to a close. This year will likely be no different, especially because lawmakers are looking for an end of summer break before returning to deal with the ever-challenging topic of redistricting.

The House and Senate adjourned on Thursday and will reconvene on Monday, September 11, 2023.

BILL STATUS

[HOUSE BILL 186](#), Juv Just Mods/DOI Expenses/Tech Changes, has been signed into law by Governor Roy Cooper with an effective date of December 1, 2023, for most provisions. Of interest to the criminal justice community, the bill makes various changes to the laws concerning the disclosure of information about juveniles for public safety reasons, interrogation procedures for juveniles, and secure custody orders.

Part 2 of the bill in particular, entitled "Lyric and Devin's Law," allows a court to authorize a law enforcement agency within the State to release certain juvenile information to the public to aid in the location and apprehension of a juvenile when a juvenile petition has been filed alleging that the juvenile has committed certain serious offenses, the juvenile presents a danger to self or others, and the court finds there is good cause for the disclosure.

The bill also provides that when exigent circumstances exist any law enforcement agency or the Division of Juvenile Justice of the Department of Public Safety may release that same juvenile information without a court order. However, the releasing agency must seek a court order as soon as reasonably practicable, but no later than the first available session of court in the county after

the release of information. If a court does not issue an order at the next available session of court, all released information must be removed from any publicly available law enforcement agency or Division website or social media account controlled by the law enforcement agency or Division.

[SENATE BILL 492](#), Modify Provisions Affecting Adult Correction.-AB, has passed the House with amendment and has been sent back to the Senate for consideration of the House amendment. The bill has been amended to rename the bill Adult Correction/Law Enf. Changes and to make various changes to the laws regarding corrections, fingerprinting of arrestees, and carrying concealed weapons. Of interest to the criminal justice community, the bill:

1. Would allow the North Carolina Department of Adult Correction (DAC) to transfer custody of a person who is serving a sentence with DAC up to 5 days prior to the expiration of the person's current sentence to a local confinement facility or a federal agency upon the request of the local confinement facility or federal agency.

If enacted into law, this provision of the bill would allow DAC and sheriffs more flexibility in scheduling the transfer of an inmate who has a sentence to be served in a local confinement facility at the expiration of their prison sentence and would help ensure that a sheriff or other local law enforcement will not have to locate and apprehend an inmate released outright from DAC custody at the end of their prison sentence who has time yet to serve in the custody of the sheriff.

2. Would add "Qualified State probation or parole certified officer" and "Qualified correctional officer" to the list of individuals who are not required to take the approved firearms safety and training course to be qualified to be issued a concealed handgun permit.

Qualified probation or parole officers and qualified correctional officers would be defined as those officers who are authorized by DAC to carry a handgun in the course of their duties, who meet any requirements of DAC regarding handguns, and who are not subject to any disciplinary actions by DAC.

Currently, qualified retired probation or parole officers and qualified retired correctional officers who have been retired for less than two years from the date of the permit application are exempt from the firearms safety and training course requirement, but not current probation or parole officers or correctional officers authorized to carry a handgun in the course of their duties.

3. Would authorize the Division of Community Supervision and Reentry (DCSR) of DAC to require an offender placed on supervised probation for a conviction of impaired driving, impaired driving in a commercial vehicle, and operation of various motor vehicles after consuming alcohol to meet certain conditions, as set forth in detail in the bill, including confinement in a local confinement facility for up to 6 days per month, in 2 or 3-day increments.

The bill, as amended, would only allow DCSR to impose confinement in a local

confinement facility after it has determined the offender has failed to comply with one or more of the conditions of probation or the offender is high risk and only after the offender has been afforded a hearing.

4. Would require a law enforcement officer, upon the arrest of a person charged with committing the new offense of "Misdemeanor crime of domestic violence," to fingerprint the arrestee and to forward the fingerprints to the North Carolina State Bureau of Investigation.

[SENATE BILL 512](#), [Greater Accountability for Board/Commissions](#), has been vetoed by Governor Roy Cooper and has been returned to the General Assembly to see if there are sufficient votes to override the Governor's veto.

If the General Assembly overrides the veto and the bill becomes law, the bill would, among other things, increase the number of appointees to the North Carolina Wildlife Resources Commission.

[SENATE BILL 747](#), [Elections Law Changes](#), has been vetoed by Governor Roy Cooper and has been returned to the General Assembly to see if there are sufficient votes to override the Governor's veto.

If the General Assembly overrides the veto and the bill becomes law, the bill would provide that retirement allowance payments would also not be suspended if a retired law enforcement officer is employed by a local government in service to a county board of elections during the hours of early voting.

Currently, retirement allowance payments are not stopped or suspended when a retired law enforcement officer works in service to a county board of elections on election day.

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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