

# North Carolina Sheriffs' Association

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Weekly Legislative Report

September 15, 2023

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It was a very short but tense week at the General Assembly with the long-awaited budget once again delayed. If news reports and rumors are to be believed, the sticking point on a budget agreement between House and Senate leadership revolves around whether North Carolina should have legalized gambling in the form of casinos.

Beginning Monday afternoon and at various points throughout the week, members of both the House and Senate Republican caucuses spent hours of their time behind closed doors in caucus meetings, presumably discussing budget issues. Legislators were expected to emerge from those meetings with a finalized budget bill on Tuesday. However, by late Tuesday afternoon it was clear no such budget bill was going to be delivered. Committee calendars were shortened and the Tuesday afternoon House Session and the Wednesday morning Senate Session were brief.

It appeared the normal “business as usual” atmosphere around the legislative buildings was replaced this week with serious discussions and intense meetings. As it stands, everyone including legislators, lobbyists and the public who expected a budget to be delivered in June is still left wondering when or if a budget bill will be forthcoming this year.

The House and Senate adjourned on Thursday and will reconvene on Monday, September 18, 2023.

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## BILL STATUS

[HOUSE BILL 22](#), Concealed Gun Permit/Clarify Discharge, has been amended in the House to clarify that an individual is disqualified from being issued a North Carolina Concealed Handgun Permit (CHP) if the person has been discharged from the Armed Forces of the United States under: (1) conditions other than honorable with a discharge classified as a bad conduct discharge; (2) a dishonorable discharge; (3) a dismissal; or (4) a discharge under other than honorable conditions.

The bill, as amended, also clarifies that an application for a CHP shall not be denied for an entry-level separation or a discharge characterized as an honorable or general discharge.

[SENATE BILL 492](#), Adult Correction/Law Enf. Changes, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill makes various changes to the laws regarding corrections, fingerprinting of arrestees, and carrying concealed weapons. Of particular interest to sheriffs, the bill would also 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.

This provision would give 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.

[SENATE BILL 527](#), Safety Requirements for Elevators, has been amended in the House to replace the entire contents of the bill and rename the bill ABC Omnibus 2023. The bill, as amended, would make various changes to the laws surrounding the sale and consumption of alcoholic beverages in the State. Of interest to the criminal justice community, the bill, as amended, would:

1. Allow cities and counties to authorize ABC stores within their jurisdictions to open on Sunday and to sell alcohol: (1) after 12:00 noon; or (2) after 10:00 AM if the city or county has adopted an ordinance to that effect.
2. Allow ABC stores to open on New Year's Day, Independence Day (July 4<sup>th</sup>), and Labor Day.
3. Allow a holder of: (1) an on-premises fortified wine permit that is a restaurant, hotel, private club, bar, brewery or winery; (2) an on-premises unfortified wine permit that is a restaurant, eating establishment, hotel, private club, bar, brewery, winery or wine producer; or (3) a mixed beverages permit that is a restaurant, hotel, private club, bar, brewery, winery, or also a holder of a distillery permit to sell at retail permitted alcoholic beverages for consumption off-premises (to-go), including delivery by the permittee or a delivery service permittee, provided the beverages are sealed and packaged as set forth in detail in the bill.
4. Provide that transporting alcoholic beverages in the passenger area of a motor vehicle is not unlawful so long as the alcoholic beverages are sealed and packaged as set forth in detail in the bill.
5. Include breweries, wineries, and distilleries in the list of establishments that could qualify as a "bar" under our State's alcoholic beverage control laws.

NOTE: [Senate Bill 91](#), Amend Rule 4/Acceptance of Service (Session Law 2023-97), has already enacted this change into law, effective August 1, 2023.

6. Allow the North Carolina Alcoholic Beverage Control Commission (ABC Commission) to issue a "Malt Beverage Shop Permit," which would authorize the holder to sell malt beverages, unfortified wine, and fortified wine at retail for consumption off premises: (1) in the original manufacturer's container; and (2) dispensed from tap into a refillable and sealed container. The permit would also authorize the holder to conduct malt beverages

tastings on the premises, ship malt beverages, unfortified wine, and fortified wine to customers in and out of the State, and to sell malt beverages for consumption on the premises.

7. Allow the ABC Commission to issue a “Bring Your Own Beverage Permit” to adult live entertainment businesses, authorizing the permit holder to allow patrons to bring closed containers of malt beverages and unfortified wine and to consume them on the premises.
8. Prohibit the consumption of alcoholic beverages at any adult live entertainment business except pursuant to a valid permit issued by the ABC Commission.
9. Allow the ABC Commission to issue a “Mobile Bar Services Permit,” which would authorize the holder to provide bartending services for events on the premises of businesses that are not ABC permittees.
10. Require a local Alcohol Law Enforcement (ALE) agent or local ABC officer who issues a citation to an employee of a permitted establishment who is not the named holder of the ABC permit to send notice of the violation by electronic means or certified mail to the permit holder within 5 business days of the issuance of the citation.
11. Allow a city or county to adopt an ordinance authorizing holders of certain types of ABC permits located in the city or county that adopted the ordinance to: (1) sell an alcoholic beverage at a price different from the usual price; (2) sell more than one alcoholic beverage to a patron for a single price; (3) establish a single price based upon the required purchase of more than one alcoholic beverage; (4) offer a meal and alcoholic beverage at a single total price; and (6) advertise the price and type of alcoholic beverages by various forms of mass media.

Currently, permittees with on-premises malt beverages permits, on-premises unfortified wine permits, or on-premises fortified wine permits are not allowed to sell more than two alcoholic beverages at one time to a single patron. Additionally, permittees with on-premises mixed beverages permits are not allowed to sell more than one alcoholic beverage at one time to a single patron.

12. Allow the ABC Commission to issue a “Home Maker Special Event Permit” to a “Home maker club,” as defined in detail in the bill, authorizing the club to give free tastings of homemade malt beverages and wines on the premises of retail ABC permittees, at shopping malls, at trade shows, conventions, street festivals, holiday festivals, agricultural festivals, farmers markets, and other similar events approved by the ABC Commission, subject to certain limitations as set forth in detail in the bill.
13. Clarify that only one Common Area Entertainment Permit is required at a multi-tenant establishment regardless of how many common areas have been designated as consumption areas and that if there are adjacent indoor and outdoor designated consumption areas a patron may transition from the indoor designated consumption area to the outdoor designated consumption area without disposing of their alcoholic beverage.

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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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