

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

October 27, 2023

With the gavel falling on Wednesday, the 2023 legislative session has come to a close. The session lasted far longer than expected and longer than most betting people would have anticipated given the fast and furious pace the legislators kept up between January and May.

The focus of both chambers this week was on redistricting legislation, all of which passed both chambers on Wednesday. A few other bills received floor votes in the waning hours of session, including a bill dealing with appointments to judgeships and boards and commissions, as well as a bill of interest to the criminal justice community which is summarized below.

In their final act, both chambers passed an adjournment resolution which puts an end to most of the regular business of the legislature until the 2024 Short Session begins at the end of April. The resolution will allow for convening of the General Assembly for one day sessions once a month between now and April (if deemed necessary by leadership) to take up very limited business related to gubernatorial vetoes and bills related to elections law, among other things.

Even though this is likely the last Weekly Legislative Report of the session, readers can expect to see our Final Legislative Report in the coming weeks once it is determined whether Senate Bill 409, discussed below, will become law.

BILL STATUS

[SENATE BILL 409](#), Crim Law & Proc Changes/Civ Youth Grps/Signs, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill has been amended and renamed Various Changes to Criminal and Civil Laws.

The bill would make various changes to the offense of breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats or other watercraft and would allow the aggregation for sentencing of financial crime offenses set forth in the bill. Of interest to the criminal justice community, the amendment would:

1. Establish a pilot program that would allow, but not require the North Carolina Department of Transportation (DOT) to enter into agreements with the North Carolina State Bureau of Investigation (SBI) for the placement and use of automatic license plate reader systems in DOT rights-of-way. The bill would allow the SBI to enter into an agreement with DOT for the placement of license plate reader systems in a DOT right-of-way on its own behalf or as an administrative agent of a local law enforcement agency in this State.

Currently, State law does not authorize the placement of automatic license plate reader system equipment on a right-of-way owned or maintained by DOT.

The authority described above would be temporary and DOT would be authorized to remove or relocate these license plate reader systems as explained in greater detail in the bill.

The amendment would also repeal (eliminate) various provisions of law that were enacted in the 2021 State Budget Bill. Specifically, the amendment would repeal those provisions of law that purported to authorize DOT or a public utility to “relocate” automatic license plate reader system equipment that is on a right-of-way owned or maintained by DOT.

The provisions of law enacted in the 2021 State Budget Bill related to the “relocation” of automatic license plate reader system equipment had no real effect because at that time DOT was not authorized to allow the placement of automatic license plate reader system equipment in DOT rights-of-way.

2. Prohibit the disclosure of data obtained by an automatic license plate reader system except to a criminal justice officer at a State or local law enforcement agency or similar official at a federal law enforcement agency for a legitimate “law enforcement purpose” pursuant to a written request from the requesting agency. The amended bill would define “law enforcement purpose” as: (1) actions relating to criminal investigations, arrests, prosecutions, post-conviction confinement or supervision; (2) apprehending an individual with an outstanding felony warrant; (3) locating a missing or endangered person; or (4) locating a lost or stolen vehicle.
3. Make it a misdemeanor for any person to obtain, access, preserve, or disclose data obtained from an automatic license plate reader system except as allowed in the bill.

[SENATE BILL 761](#), [Additional General Assembly Appointments](#), has been approved by the General Assembly and is effective immediately without the Governor’s signature. The bill makes numerous appointments to State commissions and boards. Those appointments of interest to the criminal justice community are:

The President Pro Tempore of the Senate appoints the following individuals:

1. Effective October 25, 2023, Joseph R. Budd of Forsyth County is appointed to the North Carolina Wildlife Resources Commission for a term expiring June 30, 2025.
2. Effective October 25, 2023, Christopher W. Hummel of Wake County is appointed to the North Carolina 911 Board for a term expiring on December 31, 2026.

The Speaker of the House of Representatives appoints the following individuals:

1. Effective October 25, 2023, Reid M. Smith of Sampson County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on June 30, 2025.

2. Effective October 25, 2023, retired Police Chief Laura L. Fahnestock of Wake County is appointed to the North Carolina Criminal Justice Information Network Governing Board for a term expiring on June 30, 2025.

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.

Proudly Serving the Sheriffs and Citizens of North Carolina Since 1922

www.ncsheriffs.org
