

# North Carolina Sheriffs' Association

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Weekly Legislative Report

May 3, 2024

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This was a somber week for the State and the General Assembly after the horrific tragedy involving the murder of four law enforcement officers and the wounding of four additional officers in Charlotte on Monday. The House memorialized these heroes by opening Session on Wednesday with a prayer, followed by a moment of silence to honor those lives lost and to remember their wounded colleagues and fellow officers. The Senate adjourned their Wednesday Session in honor and memory of the fallen officers. Members of both chambers spoke during their respective sessions and expressed their sincere appreciation for the ultimate sacrifice made by the fallen officers and their families, as well as for the bravery shown by the other law enforcement officers who rushed into harm's way.

The Committee on Rules and Operations of the Senate was busy this week and the Senate held voting sessions on Wednesday and Thursday. The House held one voting session on Wednesday and several House committees met this first full week of Session. Committees are expected to begin meeting more regularly in the coming weeks as the business of the General Assembly truly gets underway.

The House and Senate adjourned on Thursday and will reconvene on Monday, May 6, 2024.

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## BILLS OF INTEREST

[HOUSE BILL 922](#), [Marine Life Protection Act](#), would make it an infraction, enforceable by any law enforcement officer, to intentionally release balloons into the atmosphere, unless the release is for scientific or meteorological purposes. This prohibition would also not apply to hot air balloons recovered after launch or that are contained entirely within a building, tent, or other construct that prevents the balloons from reaching the environment. The bill would also allow the North Carolina Secretary of Environmental Quality to assess an administrative penalty of up to \$500 per violation. **Introduced by Representatives Harrison, Autry, Butler and Belk, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 927](#), [Body Cameras/Cloud Storage for State Troopers](#), would appropriate to the North Carolina State Highway Patrol \$993,600 in recurring funds and \$3.1 million in nonrecurring funds for the 2024-2025 fiscal year for the purchase of body-worn cameras and associated video storage costs. The bill would also appropriate \$1.4 million in recurring funds for the 2024-2025 fiscal year for cloud storage of data obtained by State Highway Patrol vehicle cameras.

**Introduced by Representatives Logan, Autry, A. Baker and Greene, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 928](#), NC State Highway Patrol Retention Act, would set the annual pay scale for Troopers of the North Carolina State Highway Patrol at \$56,000 to \$105,000, depending upon years of experience. The bill would also set the pay schedule for North Carolina State Highway Patrol ranking personnel (sergeant, first sergeant, lieutenant colonel, etc.), at \$120,000 to \$224,000 annually.

Finally, the bill would appropriate \$41.2 million in each year of the 2023-2025 fiscal biennium to establish this pay scale. **Introduced by Representatives Logan, Autry, Pierce and Price, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 929](#), Highway Safety Omnibus/Addit'l Magistrates, would increase the fines for failing to stop for a school bus from \$500 to \$1,000, the fine for failing to stop and striking a person from \$1,250 to \$4,500, and the fine for failing to stop and causing a person's death from \$2,500 to \$7,000.

The bill would also appropriate to the North Carolina Department of Transportation (Department) \$20 million in nonrecurring funds and \$15 million in recurring funds for the 2024-2025 fiscal year to be used by the Department to record and store video from the Department's highway cameras.

The bill would provide that a highway camera recording is not public record and would set up a disclosure procedure similar to that enacted into law for law enforcement recordings, whereby the Department could disclose the recording to certain specified individuals in its discretion and whereby individuals could petition a superior court for an order authorizing its release.

The bill would require the Department to disclose or release a highway camera recording to a district attorney upon request.

In situations where a sheriff is not depicted in the recording, the bill would allow the Department, in its sole discretion, to permit a sheriff (but not any other law enforcement officers) to review the highway camera recording in the context of a criminal investigation. **Introduced by Representatives Logan, Belk, G. Brown and Hawkins, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 933](#), Fund Bulletproof Glass in State LEO Vehicles, would appropriate to the North Carolina State Highway Patrol \$1.7 million in recurring funds and \$10.6 million in nonrecurring funds for the 2024-2025 fiscal year to be used to purchase, install, and maintain bulletproof glass on all State Highway Patrol vehicles.

The bill would also appropriate to the North Carolina State Capitol Police \$89,400 in recurring funds and \$681,720 in nonrecurring funds for the 2024-2025 fiscal year to be used to purchase and install bulletproof glass on all State Capitol Police vehicles. **Introduced by Representatives Logan, Clappitt, Greene and A. Jones, and assigned to the House Committee on Appropriations.**

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[HOUSE BILL 952](#), Supporting Law Enforcement, would make various changes to the policies and standards affecting law enforcement officers. Of interest to the criminal justice community, the bill would:

1. Require the North Carolina Department of Justice (DOJ) to alert law enforcement agencies of available grant funds and assist law enforcement agencies with drafting and submitting grant proposals and applications.
2. Appropriate to DOJ \$200,000 in recurring funds for the 2024-2025 fiscal year to hire two full-time grant writers to assist law enforcement agencies in applying for grants.
3. Appropriate to DOJ \$300,000 in recurring funds for the 2024-2025 fiscal year to be used to award grants to law enforcement agencies for initiatives supporting community policing, including funding for mental health officers.
4. Appropriate to DOJ \$750,000 in recurring funds for the 2024-2025 fiscal year to provide grants to: (1) law enforcement officers exhibiting exemplary service as established by DOJ; and (2) law enforcement agencies for meeting racial or gender diversity benchmarks as established by DOJ. These individual grants would not exceed \$15,000 under the bill.
5. Provide that strangleholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck shall be considered the use of deadly force under state law. Currently, the above-referenced restraints, holds, and tactics are not defined in the General Statutes or relevant case law as deadly force.

If enacted into law, this would mean that use of these tactics would only be considered reasonable if used: (1) for the officer's self-defense or defense of another from use of deadly force; (2) to effectuate an arrest or prevent the escape from custody of someone using a deadly weapon to escape or posing an imminent threat of serious harm to another unless immediately apprehended; or (3) to prevent a convicted felon's escape from custody.

6. Mandate that a law enforcement officer use "the minimum amount of force reasonably necessary to accomplish the law enforcement action" and attempt to utilize de-escalation tactics when possible under all circumstances in which a law enforcement officer uses any force of any kind.
7. Require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission to:
  - (i) Establish a minimum age requirement of at least 21 years of age in order to be a criminal justice officer or justice officer.
  - (ii) Establish minimum mental health screening protocols, to include a psychological screening performed by a physician, psychologist or other mental health professional within one year prior to certification, in order to be a

criminal justice officer or justice officer.

- (iii) Establish minimum annual mental health screening protocols for officers, including additional mental health screening protocols for officers following a traumatic event and including a psychological screening performed by a physician, psychologist or other mental health professional.
8. Clarify that the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission are allowed access to a person's expunged misdemeanor conviction records confidentially maintained by the North Carolina Administrative Office of the Courts for the purposes of denying, suspending, or revoking a person's certification based solely on that person's conviction of four or more misdemeanors, even if those convictions were later expunged.

Currently, the Commissions may access information about expunged felony convictions and may deny, suspend, or revoke a person's certification based solely on that person's felony conviction.

9. Appropriate to DOJ \$1 million in recurring funds for the 2024-2025 fiscal year to provide grants to law enforcement agencies to pay for mental health screenings and for mental health officers.
10. Appropriate to DOJ \$2 million in recurring funds for the 2024-2025 fiscal year to provide grants to law enforcement agencies to temporarily provide partial or total funding for detective or other investigative law enforcement positions in order to aid in the investigation of person crimes that would constitute a charge of a Class D felony or higher.

**Introduced by Representatives Prather, Alson, Everitt and Staton-Williams, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 953](#), Community Safety Act, is substantially similar to [House Bill 952](#), Supporting Law Enforcement, which is summarized above in this Weekly Legislative Report. **Introduced by Representatives Staton-Williams, Alston and Everitt, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 956](#), Town of Pineville/Compensate Auxiliary Police, would allow, but not require the town council of Pineville to compensate, in an amount to be determined by the town council, members of the town's auxiliary police division any time they are called into active duty.

This bill would apply only to the Town of Pineville. Since the bill applies to fewer than 15 counties, it is considered a local bill. Local bills do not require the signature of the Governor and become law if approved by the General Assembly. **Introduced by Representatives T. Brown, Harris and Budd, and assigned to the House Committee on Local Government.**

[HOUSE BILL 958](#), Workers Rights Act, would abolish the doctrine of at-will employment in this State. The bill would prohibit any employee in this State, including an employee of the sheriff's

office, from being terminated except for just cause.

Currently, the vast majority of employment in the State of North Carolina is at-will, terminable by either party at any time and for any reason or no reason.

The bill would also allow a labor union, trade union, or labor organization to enter into an agreement or contract with a unit of State and local government as a bargaining agent for the public employees employed by that unit. Currently, these agreements or contracts are declared unlawful and void under State law. **Introduced by Representatives Logan, Autry, Harrison and Roberson, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 966](#), Expedited Removal of Unauthorized Persons, would make various changes to the laws regarding summary ejection, injury to real property, and fraudulent real estate transactions. Of interest to the criminal justice community, the bill would:

1. Amend our summary ejection (eviction) statutes to allow a property owner or other authorized agent of the property owner to request, from the sheriff of the county where a residential property is located, the immediate removal of an unauthorized person, such as a squatter, if certain legal conditions are met. The bill would authorize this immediate removal without any expedited eviction process in our courts before a magistrate or district court judge. The bill would require the owner or agent to file a form complaint with the sheriff in order to request the immediate removal of an unauthorized person from a residential property.

Upon receipt of the complaint, the sheriff would be required to remove the unauthorized person from the property within 24 hours if the sheriff determines the legal criteria set out in the bill have been met. The sheriff would not be liable to the unauthorized person for loss or damage of personal property during the removal but could be held liable for wrongful removal and assessed damages and attorney's fees.

2. Increase the penalty for injury to real property to a Class H felony, if the property is residential and the damage is valued at \$1,000 or more. Currently, injury to real property is a Class 1 misdemeanor, regardless of the nature of the real property or the value of the damage to the real property.
3. Create a new criminal offense of "Fraudulent advertisements and transactions involving residential real property." This new criminal offense would make it a Class C felony to rent or lease residential real property to another person knowing that the renter or lessor has no ownership or leasehold interest in the property.

This new criminal offense would also make it a Class H felony to list or advertise residential real property for rent, lease, or sale knowing that the purported renter, lessor, or seller has no legal title or authority to rent, lease, or sell the property.

4. Require all leases for land to be in writing. Currently, only leases of land for longer than 3 years are required to be in writing.

**Introduced by Representatives Tyson, Howard, K. Hall and Biggs.**

[HOUSE BILL 968](#), Increase Punishment for Failure to Yield, would increase the penalty for the offense of failure to yield causing serious bodily injury to a Class 2 misdemeanor. Currently, violation of this offense is an infraction, regardless of whether serious bodily injury occurs. **Introduced by Representatives Alston, Buansi, Miller and Price.**

[HOUSE BILL 971](#), Hotel Operation and Personnel Education Act, would require lodging establishments (i.e. hotels, inns, etc.) to: (1) train certain employees annually on human trafficking, with training developed or identified by the North Carolina Department of Health and Human Services; and (2) establish a procedure to report suspected human trafficking to the National Human Trafficking Hotline or local law enforcement.

The bill would also increase the penalty for the first offense of “Solicitation of prostitution” to a Class I felony. Currently such conduct is a Class 1 misdemeanor. **Introduced by Representatives Crutchfield, Reeder, Arp and Sasser.**

[HOUSE BILL 979](#), Modify Various Court Costs and Fees, would eliminate or substantially decrease various court costs and fees as detailed in the bill. **Introduced by Representative Crawford.**

[HOUSE BILL 984](#), Removal of Squatters from Private Property, is substantially similar to [House Bill 966](#), Expedited Removal of Unauthorized Persons, which is summarized above in this Weekly Legislative Report. **Introduced by Representatives Bradford, Gillespie, Shephard and Iler.**

[HOUSE BILL 1005](#), Eva’s Act, would expand the misdemeanor criminal offense of cruelty to animals to include failing to provide “adequate space”, as defined in the bill, to any animal. Currently, the misdemeanor offense of cruelty to animals only prohibits physical abuse or deprivation of sustenance. **Introduced by Representatives Longest, Ward, Dahle and Harrison.**

[HOUSE BILL 1012](#), Homes for Heroes, would require the North Carolina Housing Finance Agency to create a Homebuyers’ Assistance Program operating under the Homeownership Assistance Fund for first time homebuyers who work as public servants, including State and local government law enforcement officers.

The bill would appropriate to the Homeownership Assistance Fund \$200 million dollars in recurring funds for the 2024-2025 fiscal year to be used for the purposes described in the bill. **Introduced by Representatives Everitt and Alston.**

[SENATE BILL 779](#), Misd. Domestic Violence/Prohibit Firearms, would make it a Class A1 misdemeanor for a person who has been adjudicated guilty of or received a prayer for judgment or suspended sentence for a misdemeanor crime of domestic violence under G.S. 14-32.5, or a substantially similar offense committed in another state, to possess or receive a firearm, machine gun, ammunition or a concealed handgun permit.

Currently, a person convicted of a misdemeanor crime of domestic violence is prohibited from possessing a firearm under federal law but is not prohibited from possessing a firearm if they received a prayer for judgment continued for that offense.

Also, a person adjudicated guilty of a misdemeanor crime of domestic violence or who has received a prayer for judgement continued or suspended sentence for that offense is currently prohibited from being issued a North Carolina concealed handgun permit. However, it is not a violation of state criminal law for the person to possess a firearm, machine gun, or ammunition.

This bill would make the possession of these items a crime under the laws of the State even if the person has only received a prayer for judgment continued for North Carolina's misdemeanor crime of domestic violence or another state's misdemeanor crime of domestic violence. **Introduced by Senator Chaudhuri, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 781](#), Funds for Fayetteville Public Safety Needs, would appropriate to the North Carolina Office of State Budget and Management \$60,000 in nonrecurring funds for the 2024-2025 fiscal year to provide a grant to the City of Fayetteville for public safety personnel counseling and mental health support and services. **Introduced by Senator Applewhite, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 785](#), Zero-Based Budgeting, would require each State agency of the executive branch, including the North Carolina Department of Justice, North Carolina Department of Adult Correction, and Wildlife Resources Commission beginning in 2028, and the North Carolina Department of Public Safety beginning in 2030, to submit a zero-based budget plan for the next fiscal biennium to the North Carolina Office of State Budget and Management.

The bill would define "zero-based budget" as a budget that reflects the amount of funding necessary to achieve the most cost-effective performance of the State agency's goals and objectives, that has a zero-dollar amount as its basis, and that does not reflect any prior appropriations for those goals and objectives. **Introduced by Senator Burgin, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 788](#), Prohibit Prop Bets on College/Amateur Sports, would prohibit the placing of a "proposition wager" on amateur sports or college sports, defined in the bill as a wager on an individual action, statistic, occurrence, or nonoccurrence during a sporting event that does not directly affect the final outcome of the sporting event. The bill would also prohibit any "sports facility" from being open to "registered players," as those terms are defined in Article 9 of Chapter 18C of the General Statutes, for the placing of sports wagers during the 8 hours before or during any college sports event at the sports facility or adjacent to the sports facility. **Introduced by Senator Mayfield, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 792](#), Create Public App. for Reporting Threats, would require the North Carolina Department of Public Safety (DPS), in consultation with the North Carolina Department of Information Technology and the North Carolina State Bureau of Investigation, to develop an operational plan for the creation of a digital public safety application that would: (1) allow any

member of the public to quickly and anonymously report information regarding public safety threats; (2) communicate with existing applications and programs designed to protect public safety; and (3) communicate with State and local law enforcement agencies.

The bill would also appropriate to DPS \$100,000 in nonrecurring funds for the 2024-2025 fiscal year to be used to develop the operational plan. **Introduced by Senator Marcus, and assigned to the Committee on Appropriations/Base Budget of the Senate.**

[SENATE BILL 827](#), [Homes for Heroes](#), is substantially similar to [House Bill 1012](#), [Homes for Heroes](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Everitt and Alston.**

[SENATE BILL 828](#), [Child Protection & Deepfake Prohibition Act](#), would make various changes to the laws surrounding visual representations designed to create the appearance that a minor is engaged in sexual activity. Of interest to the criminal justice community, the bill would expand the criminal offenses of first, second and third degree exploitation of a minor to make it a felony to record, photograph, film, develop, or duplicate a visual representation created, adapted, or modified to give the appearance that a minor is engaged in sexual activity. **Introduced by Senators Smith and Batch.**

[SENATE BILL 835](#), [Protect Whistleblower LEOs from Retaliation](#), would make it a Class 2 misdemeanor for a law enforcement officer to knowingly make a false report that another law enforcement officer engaged in an excessive use of force against another person. The bill would prohibit a criminal justice officer or justice officer from being terminated, disciplined, or otherwise retaliated against for reporting another officer's excessive use of force.

The bill would also create a duty to intervene and report when a criminal justice officer or justice officer, while in the line of duty, observes a violation of federal, State, city or county law or regulation, fraud, misappropriation of public resources, conduct that endangers public health or safety, or gross mismanagement.

The bill would require the officer to make the report to their immediate supervisor, department head, or other appropriate authority and would prohibit a criminal justice officer or justice officer from being terminated, disciplined, or otherwise retaliated against for reporting the previously described conduct.

Finally, the bill would make it a Class 2 misdemeanor for a criminal justice officer or justice officer to knowingly make a false report concerning a violation of law, fraud, misappropriation of public resources, conduct that endangers public health or safety, or gross mismanagement. **Introduced by Senators Batch, Grafstein and Smith.**

[SENATE BILL 836](#), [NC State Highway Patrol Retention Act](#), is substantially similar to [House Bill 928](#), [NC State Highway Patrol Retention Act](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Batch, Smith, and Grafstein.**

**BILL STATUS**

[HOUSE BILL 10](#), [Require Sheriffs to Cooperate with ICE](#), was introduced last session and would require administrators of county jails, local confinement facilities, district confinement facilities, satellite jails, or work release units (including the sheriff) to take an inmate or detainee before a judicial official in this State if the administrator is in receipt of a detainer and administrative warrant issued for the inmate or detainee by Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security. The bill would also require the judicial official to issue an order directing that the person be held in compliance with the detainer and administrative warrant if the official finds that the person presented is the same person subject to the detainer or administrative warrant.

The bill has been amended in the Senate and returned to the House for consideration of the Senate amendment. The bill, as amended, would:

1. Require a person held pursuant to an order issued under the bill's provisions to be released after 48 hours have elapsed from receipt of the detainer and administrative warrant, excluding weekends and holidays.
2. Require the administrator or other person in charge of any county jail, local confinement facility, district confinement facility, satellite jail, or work release unit to adopt a policy conforming to the bill's requirements.
3. Allow any person, including a federal agency, to file a complaint with the North Carolina Attorney General (Attorney General) alleging that an administrator (including a sheriff) has failed to comply with the bill's requirements and allow the Attorney General to compel the production of documents from any administrator subject to a complaint.

If the Attorney General determines that the administrator has not complied with the provisions of the bill, the Attorney General would be authorized to file an action in the Superior Court of Wake County, or the superior court of the county where the facility is located, for appropriate relief, including an injunction, compelling the administrator to comply with the bill's requirements.

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