

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 10, 2024

Every year groups from across the State come to visit Raleigh and many of them make a special stop at the General Assembly to see State government in action and to speak with their legislators. That was true on Wednesday of this week as hundreds of people flooded the two legislative buildings to meet with Representatives and Senators to discuss issues of importance to their organizations. School groups were also present on the grounds taking pictures, touring the buildings, and in some cases even getting to sit in on an official voting session of the House or Senate.

Committees met this week in both chambers to advance bills for consideration. Legislators assigned to various appropriations committees began meeting as well to fine tune their recommendations on what should be contained in this year's budget bill. The 2024 budget bill will likely contain needed adjustments to the State Budget. Last year's General Assembly adopted a two-year budget and this year's General Assembly can make various adjustments and changes to the budget that they deem appropriate. Both chambers are expected to be busy again next week as bills are being assigned to committees for hearing and voting sessions are expected in both the House and the Senate.

The House and Senate adjourned on Thursday and will reconvene on Monday, May 13, 2024.

BILLS OF INTEREST

[HOUSE BILL 1042](#), Vet Care for Retired Law Enforcement Dogs, would establish the Retired Law Enforcement Canine Fund that would be maintained and administered by the North Carolina Department of Public Safety (DPS). The bill would allow the owner of a retired law enforcement canine to apply to DPS for reimbursement of up to \$1,500 in a calendar year of veterinary care provided to the retired law enforcement canine. The bill would include euthanasia and cremation among the other veterinary care that may be reimbursed. **Introduced by Representatives Gillespie, Bradford, Greene and Logan, and assigned to the House Committee on State Personnel.**

[HOUSE BILL 1043](#), Ignition Interlock Violation/Extend Period, would make changes to the laws governing ignition interlock devices. Either as a condition of restoration of a drivers license or pursuant to a limited driving privilege order, an ignition interlock device is required if an individual is convicted of driving while impaired and their blood or breath alcohol concentration was 0.15 or

greater.

The bill would subject a person ordered to use an ignition interlock device to an additional mandatory 90-day use of the device if the person commits any ignition interlock device violation (such as driving a vehicle not equipped with the ignition interlock or disabling the device) during the final 90 days of the person's court ordered compliance period. **Introduced by Representatives Chesser, Miller, Pyrtle and Lowery, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 1051](#), Invasive Species Control and Prevention, would require the North Carolina Wildlife Resources Commission (Commission) to issue rules establishing open seasons and manner of take requirements in all 100 counties of the State for all invasive species that the Commission determines to be game animals or game birds. Invasive species would be defined to include coyote, European starling, feral swine, nutria, lionfish, grass carp, certain exotic species, and any other species not native to North Carolina that has been determined to be a threat to the native ecosystems of North Carolina by the Commission.

The bill would also require the Commission to develop programs to encourage State agencies, local governments, private landowners, hunters, and trappers to control invasive species the Commission finds are not game animals or game birds. Currently, game animals are bears, foxes, rabbits, squirrels, white-tailed deer, bobcats, opossums, and raccoons. Game birds currently are migratory game birds and upland game birds. **Introduced by Representative Jeffers, and assigned to the House Committee on Wildlife Resources.**

[HOUSE BILL 1055](#), Working Families and Small Businesses Act, would appropriate funds for the 2024-2025 fiscal year to provide salary increases for State law enforcement officers, State correctional officers and State probation and parole officers, as explained in greater detail in the bill. The bill would also provide a 2% cost-of-living adjustment (COLA) for certain retirees of the Teachers' and State Employees' Retirement System. **Introduced by Representatives Staton-Williams, Prather, Ball and Everitt, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 1070](#), Property Rights and Protections, would provide, in a summary ejectment court case, that the landlord could challenge a magistrate's determination that the tenant is indigent and does not need to pay any rent in arrears while the summary ejectment case is being appealed to district court. The bill would provide that a writ of possession for real property or other execution cannot take place for 10 days after the judgment in the summary ejectment action is rendered or while the landlord is challenging the magistrate's determination of the tenant's indigency.

The bill would also increase the penalty for injury to real property to a Class I felony if the property is residential and the damage is valued at \$500 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.

Finally, the bill would create a new criminal offense of “Fraudulent renting, leasing, or advertising for sale of residential real property.” This new criminal offense would make it a Class H 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 I felony to list or advertise residential real property for sale knowing that the purported seller has no legal title or authority to sell the property. **Introduced by Representatives Bradford, K. Hall, Biggs and Cunningham, and assigned to House Committee on Judiciary 2.**

[SENATE BILL 815](#), NC Paid Family Insurance Act, would create a right to paid family and medical leave for employees who qualify for leave under the Family and Medical Leave Act (FMLA). Currently, employers covered under the FMLA must provide leave to eligible employees, but the leave does not have to be paid leave. **Introduced by Senators Grafstein, Batch and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 834](#), Invasive Species Control and Prevention, is identical to [House Bill 1051](#), Invasive Species Control and Prevention, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Smith and Batch, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 843](#), The Freedom from Fentanyl Act, would make various changes to the laws surrounding fentanyl and other controlled substances. Of interest to the criminal justice community, the bill would create a new criminal offense making it a Class 2 misdemeanor to sell or purchase any vapor products within 1000 feet of certain places, such as schools and places of religious worship, as explained in greater detail in the bill.

The bill would also create the Fentanyl Misuse Task Force which would study and make recommendations to the Governor and General Assembly on ways to combat fentanyl misuse. The Task Force would be comprised of representatives from various entities listed in the bill, including the North Carolina State Bureau of Investigation, the Division of Prisons of the North Carolina Department of Adult Correction, the Division of Juvenile Justice of the North Carolina Department of Public Safety, and the North Carolina Attorney General’s Office. **Introduced by Senators Batch, Smith and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 845](#), Community Safety Act, is substantially similar to [House Bill 952](#), Supporting Law Enforcement, which is summarized in the May 3, 2024 Weekly Legislative Report. **Introduced by Senators Batch, Grafstein and Smith, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 846](#), Protect Our Schools, would make various changes to the laws regarding pedestrian crosswalks near schools. Of interest to the criminal justice community, the bill would make it a Class 3 misdemeanor for a person to drive a motor vehicle in a school zone or school walk zone (as defined in the bill) without due care and which results in injury to a minor.

Currently, speeding in a school zone is an infraction, regardless of whether injury occurs to a minor. **Introduced by Senators Batch, Smith and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 847](#), Supporting Law Enforcement, is identical to [House Bill 952](#), Supporting Law Enforcement, which is summarized in the May 3, 2024 Weekly Legislative Report. **Introduced by Senators Batch, Smith and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 848](#), Protect Reproductive Health, would make various changes to the laws surrounding reproductive health. Of interest to the criminal justice community, the bill would create a new criminal offense of “Interference with individuals seeking abortion,” which would make it a Class H felony to engage in certain activities, such as harassment, making threats, and interfering with the entrance or exit to a healthcare facility that performs abortions. **Introduced by Senators Batch, Smith and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 849](#), Increase Safe Use of Firearms, would re-establish pistol purchase permits in this State, requiring any person who is selling, purchasing, or receiving a handgun from a person other than a federally licensed firearm dealer to obtain a pistol purchase permit from the North Carolina State Bureau of Investigation.

The bill would also authorize the issuance of an Extreme Risk Protection Order (ERPO), which would allow a law enforcement officer or agency, or a family or householder member of an individual who poses a risk of physical harm to self or others by having firearms in his possession, to petition a court for an order requiring the individual to surrender those firearms. The bill would also include persons who file a petition for ERPOs in the State’s Address Confidentiality Program.

Finally, the bill would exempt firearm safety equipment from the State’s retail sales and use tax. **Introduced by Senators Batch, Garrett and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 851](#), Keep Tranq Off Our Streets, would add xylazine to the list of Schedule III controlled substances in Chapter 90 of the General Statutes. Xylazine is a non-opioid sedative or tranquilizer commonly used by veterinarians in animals undergoing surgical procedures.

Currently, xylazine is not a controlled substance in the United States and the drug has not been approved for use in humans. **Introduced by Senators Grafstein, Batch and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 852](#), NC Universal Background Check Act, would require, under State law, federally licensed firearm dealers (FFL) and private individuals to conduct a background check through the National Instant Criminal Background Check System (NICS) prior to selling or transferring a firearm to another person and would make it a felony for either an FFL or private individual to fail to do so.

Currently, an FFL can lose their license, be fined up to \$1,000, and be imprisoned for up to a year for failing to conduct a NICS check under federal law, unless a NICS alternative exists (such as presenting a valid concealed handgun permit); however, it is not a crime under State law to fail to conduct a NICS check. **Introduced by Senators Batch, Garrett and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 853](#), [OPS Moratorium/OPS & PESA Accountability](#), would require nonpublic (private) schools that accept students receiving scholarship grants from the North Carolina State Education Assistance Authority to:

1. Adopt, in coordination with local law enforcement agencies, a School Risk Management Plan relating to incidents of school violence.
2. Provide schematic diagrams and keys to the main entrance to the school to local law enforcement agencies.
3. Provide schematic diagrams of the school to the Division of Emergency Management of the North Carolina Department of Public Safety.
4. Conduct at least once a year a school-wide lockdown exercise with local law enforcement and emergency management agencies.

Introduced by Senators Robinson, Blue and Garrett, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 855](#), [Fund Drug Treatment/Mental Health Courts](#), would appropriate to the North Carolina Administrative Office of the Courts (AOC) \$4.2 million in recurring funds for the 2024-2025 fiscal year to fund judicially managed accountability and recovery courts (recovery courts) focusing on individuals suffering from substance use disorder.

The bill would also appropriate to AOC \$4.2 million in recurring funds for the 2024-2025 fiscal year to support recovery courts that focus on individuals affected by one or more mental health diagnoses. These recovery courts are required to recommend mental health treatment plans for individuals served by the court and required to monitor the progress of the individuals receiving treatment. **Introduced by Senator Mohammed, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 868](#), [Governor's Budget](#), has been introduced and would make various appropriations and changes to the laws governing the State. The provisions of the bill will be considered by the General Assembly and subjected to negotiation and numerous amendments. **Introduced by Senators Jackson, Hise and Lee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 872](#), [Failure to Stop for School Bus/Evidence](#), would provide that, for the purposes of prosecuting a person for failing to stop for a school bus, recorded images from a school bus safety camera showing that a school bus was stopped and displaying its mechanical stop signal or

flashing red lights is prima facie evidence (accepted as true unless proven otherwise) that the school bus was stopped for receiving or discharging passengers and properly equipped and marked. **Introduced by Senator Hise, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 878](#), Working Families Act, 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 as State and local government law enforcement officers. The bill would appropriate to the Homeownership Assistance Fund \$150 million dollars in recurring funds for the 2024-2025 fiscal year to be used for the purposes described in the bill.

The bill would also create a right to paid family and medical leave in the State in a manner similar to [Senate Bill 815](#), NC Paid Family Insurance Act, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Grafstein, Batch and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 883](#), Increased Security – Nonpublics & Day Cares, would require nonpublic schools, including private church schools, to develop a School Risk Management Plan (SRMP), to hold annual school safety exercises, and to provide floorplans and keys to local law enforcement for safety purposes. Currently, only public schools are required to have an SRMP, conduct annual safety training, and provide floor plans and keys to local law enforcement for safety purposes.

The bill would also require licensed childcare facilities to develop emergency preparedness plans and to conduct annual lockdown exercises with law enforcement at least once a year. Finally, the bill would require adult day care programs to develop and implement lockdown procedures and to conduct periodic lockdown drills, as explained in greater detail in the bill. **Introduced by Senators Batch, Grafstein and Chaudhuri, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 886](#), Expedited Removal of Unauthorized Persons, is identical to [House Bill 966](#), Expedited Removal of Unauthorized Persons, which is summarized in the May 3, 2024 Weekly Legislative Report. **Introduced by Senators Moffitt, Sawyer and Hanig, and assigned to the Committee on Rules and Operations of the Senate**

[SENATE BILL 889](#), Protecting First Responders Act, would make various changes to the laws surrounding first responders. Of interest to the criminal justice community, the bill would create a new criminal offense making it a felony to expose an emergency responder, including a law enforcement officer, to fentanyl or any other harmful drug or chemical agent, as explained in greater detail in the bill.

The bill would also appropriate \$10.3 million in nonrecurring funds for the 2025-2026 fiscal year to the North Carolina Department of Public Safety to purchase bulletproof protective gear for paramedics and emergency medical technicians. **Introduced by Senators Alexander, Britt and Burgin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 890](#), Hate Crimes Prevention Act, would make various changes to the laws governing hate crimes, as explained in greater detail in the bill. **Introduced by Senators Batch, Garrett and Grafstein, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 893](#), Guarding Freedoms & Public Safety Act, would exempt firearm safety and storage items from State and local sales tax. Firearm safety equipment would be defined as “an enclosure or a device, other than one that is part of the design of a firearm, that is intended to prevent access to, or unintentional or unauthorized use of, the firearm” (ex. a handgun trigger lock).

The bill would also increase the criminal penalty from a misdemeanor to a felony for possessing, carrying or having access to a firearm on educational property, certain State property (such as courthouses), at assemblies where a fee has been charged, and at any parade, funeral procession, picket line or demonstration, as explained in greater detail in the bill.

Finally, the bill would increase the criminal penalty from a misdemeanor to a felony for a concealed handgun permittee to unlawfully carry a concealed handgun into certain prohibited carry areas, such as educational property, buildings housing State or federal offices, a law enforcement or correctional facility, or on any private premises where notice prohibiting firearms has been conspicuously posted. **Introduced by Senators Batch and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 894](#), Revise Law on Sale & Resale of Tickets, would make various changes to the laws governing the sale, resale, and offer for sale or resale of admission tickets. Of interest to the criminal justice community, the bill would create a new criminal offense making it a Class 2 misdemeanor to sell, resell, or offer to sell or resell a ticket without following certain requirements, as detailed in the bill. **Introduced by Senators Garrett, Batch and Chaudhuri, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 896](#), Investing in North Carolina Act, is substantially similar to [House Bill 1055](#), Working Families and Small Business Act, which is summarized above in this Weekly Legislative Report. **Introduced by Senators Grafstein, Batch and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 898](#), Funds/Forsyth Sheriff's Office RTIC, would appropriate to the North Carolina Office of State Budget and Management \$500,000 in nonrecurring funds for the 2024-2025 fiscal year to provide a direct grant to the Forsyth County Sheriff's Office to be used for the office's Real Time Intelligence Center. **Introduced by Senator Lowe, and assigned to the Senate Committee on Appropriations/Base Budget.**

BILL STATUS

[HOUSE BILL 198](#), DOT Legislative Changes.-AB, has been amended in the Senate to expand the railroad trains in the State on which alcoholic beverages may be sold to include trains on rail lines

that are at least 100 miles long and that connect to the national rail network. Currently, a rail line must carry at least 60,000 passengers annually in order to be eligible to sell alcoholic beverages.

[SENATE BILL 508](#), [2023 Budget Tech/Other Corrections](#), has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill would make various changes to [Session Law 2023-134](#), [2023 Appropriations Act](#). Of interest to the criminal justice community, the bill, as amended, would:

1. Allow law enforcement officers employed by the University of North Carolina Health Care System (UNCHCS) on or after January 1, 2024 and who are members of the Teachers' and State Employees' Retirement System or the Optional Retirement Program for the University of North Carolina to retain their membership in those systems unless they make a one-time, irrevocable election to cease membership in those systems in favor of membership in UNCHCS.
2. Require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (Commissions) to establish initial and in-service educational and training standards for school resource officers stationed in non-public (private) schools.

The Commissions already require by regulation school resource officers in public schools to attend special training. The bill would apply the training requirements for school resource officers stationed in public schools to those stationed in private schools.

3. Provide that the sheriff, in addition to the two deputy sheriffs guaranteed to the sheriff by law, shall also be guaranteed by law the number of school resource officers necessary to satisfy any agreements with public or non-public schools to provide those officers.

The bill would also provide that any funds received by the governing board of a county or city pursuant to any agreement entered into by the sheriff or police chief to provide school resource officers must be appropriated for the purpose of providing school resource officers.

4. Clarify that police chiefs may also enter into agreements with public or non-public schools to provide school resource officers.
5. Provide that the requirement that the North Carolina Office of the Chief Medical Examiner conduct a comprehensive toxicology screening in all child death cases that fall under the jurisdiction of the medical examiner would only apply to child death cases initiated on or after January 1, 2024.
6. Provide that the South Piedmont Regional Autopsy Center (Center) will be providing service to the counties to be served by the center (Anson, Cabarrus, Gaston, Montgomery, Moore, Richmond, Rowan, Stanly, and Union) on different dates as explained in greater detail in the bill, beginning on the date the Center becomes operational and ending on June 30, 2026.

7. Provide that the \$325,000 in nonrecurring funds for the 2023-2024 fiscal year appropriated to the Gaston County Sheriff's Office for the purchase or upgrading of safety equipment shall instead be appropriated as follows: \$175,000 to the Gaston County Sheriff's Office and \$150,000 to the Gaston County Police Department for a mobile command unit.
8. Provide that the Public Officer and Employees Liability Insurance Commission (Commission) will be located in the Office of the State Fire Marshal of the North Carolina Department of Insurance (Department) going forward. Currently, the Commission is located in the Department but not within the Office of the State Fire Marshal, which exercises its powers and duties independently of the Department. The Commission has the power to acquire professional liability insurance covering law enforcement officers and public officers and employees of State or local government.

Currently, the North Carolina Sheriffs' Association (Sheriffs' Association) provides a list of nominees for the Commission to the Commissioner of Insurance. The North Carolina Association of Chiefs of Police (Chiefs of Police) and the North Carolina Police Executives Association (Police Executives) also provide a joint list of nominees for the Commission to the Commissioner of Insurance. The Commissioner of Insurance then appoints members to the Commission from the lists provided, choosing one member from the list provided by the Sheriffs' Association and one member from the joint list provided by the Chiefs of Police and Police Executives.

The bill, as amended, would require the Sheriffs' Association to submit its list of nominees and the Chiefs of Police and Police Executives to submit their joint list of nominees to the State Fire Marshal, who would be empowered under the bill to make the appointments.

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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