

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 17, 2024

Once again, the General Assembly saw a flurry of advocacy and interest groups gather to meet with legislators this week and school children from across the State continued to flood in from yellow buses lining Jones Street. However, some visitors to the General Assembly may have had a difficult time finding their legislators. Most appropriations committee chairs met behind closed doors for much of the afternoon each day hammering out the details of what will become this year's State budget bill.

It is likely that the decisions being made at this point in the Session about the State budget will determine whether this is truly going to be a short Session or not. It is a good sign that meetings are happening in mid-May, but it is always impossible to predict just how long any Session will be. In fact, anyone asking a Magic 8-Ball this week whether the 2024 Session will be a short one might get the answer "outlook good," but "ask again later."

The House and Senate adjourned on Thursday and will reconvene on Monday, May 20, 2024.

BILL STATUS

[HOUSE BILL 198](#), DOT Legislative Changes.-AB, has been amended in the Senate and has been sent back to the House for consideration of the Senate amendment. The bill would make various changes to transportation laws. Of interest to the criminal justice community, the bill, as amended, would:

1. Name the bridge on North Carolina Highway 87 that crosses over U.S. Highway 701 in Bladen County "Deputy Sheriff James B. Collins Bridge."
2. Name the bridge on U.S. Highway 701 that crosses over Browns Creek in Bladen County the "Deputy Sheriff J. Roger Stocks Bridge."
3. Name the bridge on North Carolina Highway 410 that crosses over Crawley Swamp in Bladen County the "Deputy Sheriff Dewayne C. Hester Bridge."
4. Name the bridge on U.S. highway 701 that crosses over Turnbill Creek in Bladen County the "Detention Officer James A. Smith Bridge."

5. 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.

[HOUSE BILL 237](#), [Unmasking Mobs and Criminals](#), has been amended in the Senate and has been sent back to the House for consideration of the Senate amendment. The bill would make various changes to the laws surrounding masks, executive orders, and demonstrations. Of interest to the criminal justice community, the bill, as amended, would:

1. Repeal the health and safety exemption from laws prohibiting the wearing of masks in public places, returning the law to the language that existed prior to COVID.
2. Prohibit religious institutions from being subject to any executive order, secretarial designation, or local government prohibition, restriction, rule, or regulation issued under the North Carolina Emergency Management Act that imposes additional limitations on religious institutions relative to secular entities which are affected by the same emergency.
3. Increase the penalty for the criminal offense of standing, sitting, or lying upon highways or streets if the offense is part of a demonstration intended to prohibit or impede the use of the highway or street. The bill would make it a Class A1 misdemeanor for a first offense and a Class H felony for a second or subsequent offense.
4. Increase the penalty for the criminal offense of standing, sitting, or lying upon highways or streets if the offense obstructs an emergency vehicle from accessing the highway or street to a Class A1 misdemeanor. Currently, the criminal offense of standing, sitting, or lying upon highways or streets is punished as a Class 2 misdemeanor.
5. Provide that any person who organizes a demonstration that prohibits or impedes the use of a highway or street is civilly liable for injury or death resulting from delays caused by the obstruction of an emergency vehicle.

[HOUSE BILL 591](#), [Modernize Sex Crimes](#), has been amended in the Senate and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would:

1. Create the new criminal offense “Sexual extortion; aggravated sexual extortion,” which would criminalize threatening the disclosure of private images, as detailed in the bill, or the refusal to delete private images in order to obtain additional private images or anything else of value from the victim or an immediate family member of the victim.
2. Create the new criminal offense “Obscene visual representation of sexual exploitation of a minor,” which would make it a felony to produce, distribute, or possess obscene material depicting a minor engaging in sexual activity, as detailed in the bill.

The bill, as amended, would also require an internet service provider, online service, electronic instant message or chat service, or other electronic communications provider to

notify the Cyber Tip Line of the National Center for Missing and Exploited Children (NCMEC) whenever it receives a report that a user of its services may be violating this new offense by posting or transmitting material. NCMEC is then required to forward the report to an appropriate law enforcement official in this State.

The bill, as amended, would also make this new criminal offense a “sexually violent offense” for purposes of the North Carolina Sex Offender and Public Protection Registry (Registry) and would prohibit individuals on the Registry for this offense from being on the premises of certain places in the State.

3. Expand the criminal offense of first degree sexual exploitation of a minor to include the creation for sale of material created, adapted, or modified to appear as if an identifiable minor is engaged in sexual activity or a child sex doll of an identifiable minor, as detailed in the bill.
4. Expand the criminal offense of second degree sexual exploitation of a minor to include dealing in material that has been created, adapted, or modified to appear as if an identifiable minor is engaged in sexual activity and dealing in child sex dolls, as defined in the bill.
5. Expand the criminal offense of third degree sexual exploitation of a minor to include knowingly possessing a child sex doll or material that has been created, adapted, or modified to appear as if an identifiable minor is engaging in sexual activity.
6. Expands the criminal offense of “Solicitation of a child by computer or other electronic devices” to make it a crime for a individual to solicit, via computer or other electronic device, the parent, guardian, or caretaker of a child less than 16 years of age and at least 5 years younger than the individual to meet with the individual or another person for the purpose of committing an unlawful sex act.
7. Clarify that the criminal offense of “Disclosure of private images” includes images created, adapted or modified by technological means, including artificial intelligence (AI).

[HOUSE BILL 834](#), Juvenile Justice Modifications, has been amended in the Senate and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would make various changes to the procedures for the transfer of delinquent juveniles between juvenile court and superior court, the secure custody process, and the punishment for solicitation to commit a crime. Of interest to the criminal justice community, the bill, as amended, would:

1. Exclude from the definition of delinquent juvenile any juvenile between the ages of 16 and 18 who commits an offense which would be a Class A through E felony if committed by an adult.
2. Provide that, as long as a juvenile remains in nonsecure or secure custody, further hearings to determine the continued need for secure custody may be held every 30 days, unless any party requests or the court orders an earlier hearing.

3. Provide that, generally, a minor who solicits an adult or another minor to commit a felony or misdemeanor is guilty of a felony or misdemeanor of a lower class than the felony or misdemeanor actually committed, with some variation as detailed in the bill.
4. Provide that an adult who solicits a minor to commit a felony or misdemeanor is guilty of the same class felony or misdemeanor as the felony or misdemeanor committed.

[SENATE BILL 156](#), Clarify DV Misdemeanor, has been amended in the House to clarify that simple assaults, batteries, and affrays are not lesser-included offenses of the new “Misdemeanor crime of domestic violence” contained in G.S. 14-32.5.

The bill, as amended, would also define a current or recent former dating relationship for purposes of the offense as a relationship between individuals who currently have or had within the preceding 12 months a continuing serious relationship of a romantic or intimate nature and would specify certain factors to consider in determining whether there is a dating relationship, as set forth in detail in the bill. The bill would define a dating relationship for purposes of a domestic violence protective order in an identical manner.

The bill, as amended, would also allow a law enforcement officer to make a warrantless arrest of any person the officer has probable cause to believe has committed a “Misdemeanor crime of domestic violence,” even if the offense was committed outside of the officer’s presence.

Finally, the bill, as amended, would require the conditions of pretrial release for a person charged with a “Misdemeanor crime of domestic violence” to be set by a judge, unless existing exceptions apply.

[SENATE BILL 303](#), Court/Out-of-State Atty Changes, has been amended in the House to provide that a clerk of court may also set the conditions of pretrial release if a person is arrested for a Chapter 20 offense, excluding impaired driving offenses and death or serious injury by vehicle, while they are already on pretrial release for another offense.

The bill, as amended, would also require a petitioner and commitment examiner in an involuntary commitment proceeding to collect the social security number and drivers license number of the respondent for entry into the National Instant Criminal Background Check System (NICS) upon a judicial determination in the proceeding.

Finally, the bill, as amended, would expand the list of individuals who are eligible for nomination as a magistrate to include a law enforcement officer without an advanced degree (i.e. associate degree, bachelor’s degree, or higher). Previously, a law enforcement officer was required to have at least a two-year associate degree and four years of work experience to be eligible for nomination.

[SENATE BILL 508](#), 2023 Budget Tech/Other Corrections, which is summarized in the May 10, 2024 Weekly Legislative Report, has been signed into law by Governor Roy Cooper with various effective dates as set forth in the bill.

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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