

North Carolina Sheriffs' Association

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Weekly Legislative Report

June 28, 2024

At the beginning of this Session, both the House and Senate were confident they would be finished with the business of the legislature and be back home with their families by the Independence Day holiday. In fact, that is exactly what happened today, but with at least one unexpected bump along the way. Legislative leadership could never agree on changes in how to spend the State's money, so a budget bill is not part of what will go in the "finished" column at this point in the summer.

Even without an agreement on new spending, both the House and Senate held marathon, late-evening voting sessions this week that are typical of the final week of a Session. The last bill approved on Thursday was an adjournment resolution which will require legislators to come back into Session several times between now and December to consider various types of bills, including veto overrides and a budget (if they can reach an agreement).

The House and Senate adjourned on Friday and will reconvene on Wednesday, July 10, 2024.

BILLS OF INTEREST

[SENATE BILL 915](#), General Assembly Appointments, has been approved by the General Assembly and has been enacted into law. The bill contains numerous appointments to State boards and commissions as recommended by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Bills appointing persons to State boards and commissions do not require the signature of the Governor and become law when approved by the General Assembly.

Those appointments in the bill of interest to the criminal justice community are:

The following individuals were appointed upon the recommendation of the President Pro Tempore of the Senate:

1. Richard A. Epley of Burke County is appointed to the North Carolina Private Protective Services Board for a term expiring July 1, 2027.
2. Brandon Medina of Nash County and Heather L. Hallmark of Pitt County are appointed to the North Carolina 911 Board for terms expiring December 31, 2028.

3. Laddie “Brian” B. Rice of Carter County, Tennessee, is appointed to the North Carolina 911 Board for a term expiring December 31, 2026.
4. Christine F. Strader of Rockingham County, Kim S. Eagle of Gaston County, Sarah M. Kirkman of Iredell County, and Steven M. Nunn of Randolph County are appointed to the North Carolina Domestic Violence Commission for terms expiring August 31, 2026.
5. Brent Culbertson of Stanly County is appointed to the North Carolina Criminal Justice Information Network Governing Board for a term expiring June 30, 2025.

The following individuals were appointed upon the recommendation of the Speaker of the House of Representatives:

1. Brian K. Gates of Surry County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term expiring June 30, 2025.
2. Tiffany Bell of Buncombe County, Joetta Shepard of Forsyth County, Dawn L. “Kriquette” Davis of Wayne County, Kathy G. Current of Gaston County, George E. Wilson, Jr. of Stanly County, and W. Eric Whitten of Rockingham County are appointed to the North Carolina Domestic Violence Commission for terms expiring August 31, 2026.
3. Joseph B. Nelson of Wake County, Earl W. Struble of Wake County, and Gregory Coltrain of Beaufort County are appointed to the North Carolina 911 Board for terms expiring December 31, 2028.
4. The Honorable J. Alan Norman of Cleveland County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring August 31, 2027.

BILL STATUS

[HOUSE BILL 155](#), Titles for Off-Road Veh./Low Speed Veh. Insp., has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill would allow a “modified utility vehicle,” as defined in Chapter 20 of the North Carolina General Statutes, to be operated on streets or highways having four or more travel lanes and where the posted speed limit is greater than 35 miles per hour. Currently, modified utility vehicles cannot be operated on these types of streets and highways.

[HOUSE BILL 198](#), DOT Legislative Changes.-AB, has been enacted into law by the General Assembly. The bill was vetoed by Governor Roy Cooper on May 23, 2024. On June 27, 2024, the veto was overridden by the General Assembly. The bill names several bridges in Bladen County after deputies of the Bladen County Sheriff's Office who died in the line-of-duty and a detention officer of the Bladen County Sheriff's Office who died in the line-of-duty. The bill also expands the railroad lines in the State that may sell alcoholic beverages on their trains.

[HOUSE BILL 199](#), [DMV Proposed Legislative Changes.-AB](#), has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill would clarify the ignition interlock laws and authorize the North Carolina Commissioner of Motor Vehicles to issue, upon request, a “mobile drivers license” to a person with an existing valid drivers license.

[HOUSE BILL 237](#), [Various Criminal and Election Law Changes](#), has been enacted into law by the General Assembly. The bill was vetoed by Governor Roy Cooper on June 21, 2024. On June 27, 2024, the veto was overridden by the General Assembly. The bill allows a person to wear a medical or surgical grade mask for the purpose of preventing the spread of contagious diseases without violating the State’s masking laws. Previously, an individual was allowed to wear a mask to ensure “the physical health or safety” of the individual or others. This former provision of law was prompted by the COVID-19 pandemic.

The bill also requires an individual wearing a medical or surgical grade mask for the purpose of preventing the spread of contagious disease to remove the mask upon request by a law enforcement officer or upon request by the owner of public or private property where the individual is present to allow for the identification of the person wearing the mask. Previously, if an individual was wearing a mask for the purpose of ensuring their or others’ physical health or safety, a law enforcement officer could only require them to remove it during a traffic stop or if the law enforcement officer had reasonable suspicion or probable cause a criminal offense was being committed.

[HOUSE BILL 385](#), [Various Energy/Env. Changes](#), has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would create certain offenses, such as “Injuring a public water system,” “Injuring a wastewater treatment system,” and “Injuring a manufacturing facility,” and would increase the punishment level for “Willful injury to property of a public utility” from a misdemeanor to a Class C felony.

[HOUSE BILL 563](#), [Hemp-Derived Consumables/Con Sub Changes](#), has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would make various changes to the laws regulating hemp-derived consumables, the scheduled substances under the North Carolina Controlled Substances Act, and the sale and possession of embalming fluid. Of interest to the criminal justice community, the bill, as amended, would:

1. Require hemp-derived consumable products intended for ingestion that are liquid and not intended for inhalation to be sold in a serving that does not contain more than 10 milligrams, or in a package that does not contain more than 100 milligrams, in the aggregate, of Delta-9, Delta-7, Delta-8, or Delta-10 Tetrahydrocannabinol.
2. Require a seller of hemp-derived consumable products to demand proof of age from a prospective purchaser if the seller has reasonable grounds to believe that the prospective purchaser is under 30 years of age. The bill, as amended, would also require a seller of hemp-derived consumable products over the internet to use a method of delivery that requires the signature of a person at least 21 years of age before the hemp-derived consumable product is released.

3. Prohibit distribution of hemp-derived consumable products through displays accessible to the public (i.e. vending machines) without the assistance of a retailer's employee or agent unless the display (vending machine) is in a 21-and-older establishment.
4. Provide that the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services cannot reschedule or delete marijuana as a controlled substance in the State without an enactment from the General Assembly, even if marijuana has been rescheduled or deleted as a controlled substance under federal law.

[HOUSE BILL 591](#), [Modernize Sex Crimes](#), has been approved by the General Assembly and has been sent to Governor Roy Cooper for signature. The bill would create the criminal offense of "Sexual extortion," expand criminal offenses related to sexual exploitation of a minor, expand sex offender registration programs, and clarify the criminal offense of "Disclosure of private images."

[HOUSE BILL 593](#), [Restrict Truck Length Through Cullasaja Gorge](#), has been amended in the Senate to replace the entire contents of the bill and rename the bill [Various General Local Laws](#). The bill has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill, as amended, would reallocate \$5.5 million dollars of the grant to Duplin County for its Emergency Management Facility to be used instead for the construction of a co-located sheriff's office and detention center.

[HOUSE BILL 834](#), [Juvenile Justice Modifications](#), has been enacted into law by the General Assembly. The bill was vetoed by Governor Roy Cooper on June 14, 2024. On June 27, 2024, the veto was overridden by the General Assembly. The bill makes 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.

[HOUSE BILL 909](#), [Fuquay-Varina/Deannex, Wake/ID Bureau Update](#), has been renamed [Various Local Provisions I](#). The bill has passed the General Assembly and has been enacted into law. The bill no longer classifies certain employees of the Bureau of Identification of Wake County as deputies of the Sheriff of Wake County. This bill applies only to Wake County. 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.

[HOUSE BILL 971](#), [Hotel Operation and Personnel Education Act](#), has been amended in the Senate and renamed [Human Trafficking Changes](#). The bill has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. Of interest to the criminal justice community, the bill, as amended, would create a new requirement that would prohibit all public agencies, including law enforcement agencies, from allowing an employee of that agency to view pornography on an agency device. Each public agency would be required to establish a policy to implement this prohibition as set out in the bill.

The bill, as amended, would create an exception to the prohibition for any employee who is engaging in this activity for investigative or other law enforcement purposes in the course of their official duties.

The bill, as amended, would also expand access to the Criminal Justice Law Enforcement Automated Data System (CJLEADS) to include campus police agencies.

Finally, the bill, as amended, would clarify that any documentation or other information related to the financing of housing for victims of domestic violence is not public record.

[HOUSE BILL 984](#), Removal of Squatters from Private Property, has passed the House with amendment and has been sent to the Senate for consideration. The amended bill would provide immunity for law enforcement agencies and law enforcement officers for facilitating the expedited eviction process as detailed in the amended bill.

[HOUSE BILL 1072](#), Require Disclaimer/Use of AI in Political Ads, has passed the House and has been sent to the Senate for consideration. The bill would require any political advertisement created in whole or in part using artificial intelligence (AI) to include a disclaimer that it was created using AI and would make it a Class 1 misdemeanor to fail to include the required disclaimer.

[SENATE BILL 303](#), Court/Out-of-State Atty Changes, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill, as amended, would allow a clerk of court to 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 425](#), HHS Omnibus, has been approved by the General Assembly and has been sent to Governor Roy Cooper for signature. The bill would specify that if an individual is surrendering an infant not more than 30 days of age to a first responder, including a law enforcement officer, they must surrender the infant to a first responder who is on duty.

[SENATE BILL 445](#), Recording of Court-Filed Documents, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill, as amended, would expand the criminal offense of injury to real property, making it a felony to willfully damage residential property of another, if the damage is valued at \$1,000 or more.

The bill, as amended, would also create a new criminal offense of “Fraudulently renting, leasing, or advertising for sale of residential real property.” This new criminal offense would make it a 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 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.

[SENATE BILL 565](#), Amend Expunction, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill has been amended to modify the Second Chance Act to require the automatic expunction, between 180 days and 210 days after the date of final disposition of the case, of criminal charges that are dismissed without leave, dismissed by the court, or that result in a finding of not guilty or not responsible.

The bill, as amended, would also end the temporary pause on the automatic expunctions under the Second Chance Act and provide the North Carolina Administrative Office of the Courts 365 days from the expiration of the temporary pause to expunge all charges eligible for expunction under the Second Chance Act that occurred while the temporary pause was in effect.

[SENATE BILL 607](#), Temporary Solutions Program Changes, has been amended to replace the entire contents of the bill and rename the bill Regulatory Reform Act of 2024. The bill has been approved by the General Assembly and has been sent to Governor Roy Cooper for signature. The bill, as amended, would create certain offenses, such as “Injuring a public water system,” “Injuring a wastewater treatment system,” and “Injuring a manufacturing facility” in a manner identical to [House Bill 385](#), Various Energy/Env. Changes, which is reported above and in the June 7, 2024 Weekly Legislative Report. The bill, as amended, would also increase the punishment level for “Willful injury to property of a public utility” from a misdemeanor to a Class C felony.

[SENATE BILL 625](#), Child Welfare, Safety and Permanency Reforms, has been amended in the House and has been renamed Child Welfare, Soc. Serv., and DHHS Reforms. The bill, as amended, would expand the definition of “Neglected juvenile” in Chapter 7B of the North Carolina General Statutes to include any juvenile whose parent, guardian, custodian, or caretaker: (1) uses an illegal substance, abuses alcohol, or uses a controlled substance in violation of the law and is unable to care for and provide a safe home for the juvenile; or (2) uses an illegal substance, abuses alcohol, or uses a controlled substance in violation of the law while a child is in utero.

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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