

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

July 12, 2024

There was very little activity at the General Assembly this week because most of the business of the General Assembly has concluded for the summer. The adjournment resolution passed by the House and Senate at the end of June allows the legislature to hold one-to-three day sessions each month between July and October to consider bills on a limited number of topics, such as gubernatorial vetoes, selection, appointment, or confirmation of individuals recommended by the General Assembly to fill certain vacancies, elections, etc.

The resolution also allows the legislature to: (1) return on November 19, 2024 for a four-day session where they may consider bills on a broader range of topics, including items of interest to the criminal justice community; and (2) adjourn sine die on December 13, 2024 until Wednesday, January 29, 2025, the first day of the 2025-2026 Session.

This will be our last Weekly Legislative Report until the week of November 19 unless something of interest to the criminal justice community occurs. Enjoy your summer and you can read your next Weekly Legislative Report sipping on some hot chocolate, hot tea, or a steaming cup of coffee instead of sitting in front of a fan with a glass of your favorite iced summer beverage!

BILL STATUS

[HOUSE BILL 155](#), Titles for Off-Road Veh./Low Speed Veh. Insp., has been vetoed by Governor Roy Cooper and has been returned to the General Assembly to see whether there are sufficient votes to override the Governor's veto. 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 199](#), DMV Proposed Legislative Changes.-AB, has been signed into law by Governor Roy Cooper with various effective dates as set out in the bill. The bill clarifies the ignition interlock laws and authorizes 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 250](#), Public Safety/Other Changes, has been signed into law by Governor Roy Cooper with various effective dates as set out in the bill. The bill allows the North Carolina State Bureau of Investigation (SBI) to enter into an agreement with the North Carolina Department of Transportation (DOT) for the placement of license plate reader systems in DOT rights-of-way on

its own behalf or as an administrative agent of: (1) a local law enforcement agency in this State; (2) a state law enforcement agency; or (3) a federal law enforcement agency. Previously, the SBI could only act as the administrative agent for a local law enforcement agency in this context. The bill also extends the DOT automatic license plate reader pilot program until July 1, 2026.

The bill modifies the laws regarding limited driving privileges and ignition interlock devices, as detailed in the bill. The bill also specifies the scope of the medical examiner's investigatory authority in deaths that fall under the medical examiner's jurisdiction.

Finally, the bill adds Tianeptine to Schedule II of the North Carolina Controlled Substances Act. Tianeptine is an antidepressant drug that has not been approved for use in the United States by the United States Food and Drug Administration.

[HOUSE BILL 495](#), [Revise Money Laundering/Retail Crime](#), has been signed into law by Governor Roy Cooper with an effective date of December 1, 2024. The bill creates the new offense of "Money laundering" and expands the offenses of "Concealment of merchandise in mercantile establishments" and "Larceny from a merchant," as detailed in the bill.

[HOUSE BILL 591](#), [Modernize Sex Crimes](#), has been signed into law by Governor Roy Cooper with an effective date of December 1, 2024. The bill creates the criminal offense of "Sexual extortion," expands criminal offenses related to sexual exploitation of a minor, and clarifies the criminal offense of "Disclosure of private images."

[HOUSE BILL 593](#), [Various General Local Laws](#), has been signed into law by Governor Roy Cooper with various effective dates as set out in the bill. The bill reallocates \$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 971](#), [Human Trafficking Changes](#), has been signed into law by Governor Roy Cooper with various effective dates as set out in the bill. Of interest to the criminal justice community, the bill creates a new requirement that prohibits all public agencies, including law enforcement agencies, from allowing an employee of that agency to view pornography on an agency device. Each public agency is required to establish a policy to implement this prohibition as set out in the bill. The bill creates 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 also requires lodging establishments to train certain employees on human trafficking, increases the penalty for "Solicitation of prostitution" and clarifies the scope of the offense, expands access to the Criminal Justice Law Enforcement Automated Data System (CJLEADS), and clarifies that any documentation or other information related to the financing of housing for victims of domestic violence is not public record.

[SENATE BILL 303](#), [Various Court Changes](#), has been signed into law by Governor Roy Cooper with various effective dates as set out in the bill. The bill allows 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 requires a petitioner and commitment examiner in an involuntary commitment proceeding to provide the social security number and drivers license number of the respondent, if known, for entry into the National Instant Criminal Background Check System (NICS) upon a judicial determination in the proceeding.

Finally, the bill expands 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 445, Recording of Court-Filed Documents](#), has been vetoed by Governor Roy Cooper and has been returned to the General Assembly to see whether there are sufficient votes to override the Governor's veto. The bill would expand the criminal offense of injury to real property, making it a felony to willfully damage the residential property of another if the damage is valued at \$1,000 or more.

The bill would also create the 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 527, ABC Omnibus 2023-24](#), has been signed into law by Governor Roy Cooper with various effective dates as set out in the bill. The bill makes various changes to the laws surrounding the sale and consumption of alcoholic beverages in the State. Of interest to the criminal justice community, the bill:

1. Allows ABC stores to open on New Year's Day, Independence Day (July 4th), and Labor Day.
2. Allows a holder of: (1) an on-premises fortified wine permit that is a restaurant, hotel, private club, bar, brewery or winery; (2) an on-premises unfortified wine permit that is a restaurant, eating establishment, hotel, private club, bar, brewery, winery or wine producer; or (3) a mixed beverages permit that is a restaurant, hotel, private club, bar, brewery, winery, or also a holder of a distillery permit, to sell at retail permitted alcoholic beverages for consumption off-premises (to-go), including delivery by the permittee or a delivery service permittee, provided the beverages are sealed and packaged as set forth in detail in the bill.
3. Provides that transporting alcoholic beverages in the passenger area of a motor vehicle is

not unlawful so long as the alcoholic beverages are sealed and packaged as set forth in detail in the bill.

4. Allows the North Carolina Alcoholic Beverage Control Commission (ABC Commission) to issue a “Malt Beverage Shop Permit,” which will authorize the holder to sell malt beverages, unfortified wine, and fortified wine at retail for consumption off premises: (1) in the original manufacturer’s container; and (2) dispensed from tap into a refillable and sealed container. The permit also authorizes the holder to conduct malt beverages tastings on the premises, ship malt beverages, unfortified wine, and fortified wine to customers in and out of the State, and to sell malt beverages for consumption on the premises.
5. Allows the ABC Commission to issue a “Bring Your Own Beverage Permit” to adult live entertainment businesses, authorizing the permit holder to allow patrons to bring closed containers of malt beverages and unfortified wine and to consume them on the premises.
6. Prohibits the consumption of alcoholic beverages at any adult live entertainment business except pursuant to a valid permit issued by the ABC Commission.
7. Allows the ABC Commission to issue a “Mobile Bar Services Permit,” which authorizes the holder to provide bartending services for events on the premises of businesses that are not ABC permittees.
8. Requires a local Alcohol Law Enforcement (ALE) agent or local ABC officer who issues a citation to an employee of a permitted establishment who is not the named holder of the ABC permit to send notice of the violation by electronic means or certified mail to the permit holder within 5 business days of the issuance of the citation.
9. Allows the ABC Commission to issue a “Home maker special event permit” to a “Home maker club,” as defined in detail in the bill, authorizing the club to give free tastings of homemade malt beverages and wines on the premises of retail ABC permittees, at shopping malls, at trade shows, conventions, street festivals, holiday festivals, agricultural festivals, farmers markets, and other similar events approved by the ABC Commission, subject to certain limitations as set forth in detail in the bill.
10. Clarifies that only one Common Area Entertainment Permit is required at a multi-tenant establishment regardless of how many common areas have been designated as consumption areas and that, if there are adjacent indoor and outdoor designated consumption areas, a patron may transition from the indoor designated consumption area to the outdoor designated consumption area without disposing of their alcoholic beverage.

[SENATE BILL 565](#), Revise Automatic Expunction, has been signed into law by Governor Roy Cooper with an effective date of July 8, 2024. The bill modifies 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 also ends the temporary pause on the automatic expunctions under the Second Chance Act and provides 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](#), [Regulatory Reform Act of 2024](#), has become law without the Governor's signature and has various effective dates. The bill creates the offenses of "Injuring a public water system," "Injuring a wastewater treatment system," and "Injuring a manufacturing facility." The bill also increases the punishment level for "Willful injury to property of a public utility" from a misdemeanor to a Class C felony.

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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