

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

September 11, 2024

This week both the House and the Senate made a quick trip to Raleigh, likely their last such trip before the November election. On Monday, the Senate took up a bill addressing immigration detainers and overrode several of Governor Roy Cooper's vetoes. The House did the same on Wednesday.

The adjournment resolution filed in June allows both chambers a few opportunities before now and the end of the year to address a limited number of topics. A brief one-day session is set in October (Wednesday, October 9), another four-day session is scheduled for mid-November after the election (Tuesday, November 19 through Friday, November 22), and one last three-day session is set for December (Wednesday, December 11 through Friday, December 13) to handle any remaining matters before the end of the year.

If Governor Cooper vetoes House Bill 10, discussed below, the General Assembly could come back in any of these sessions for an override vote.

BILLS OF INTEREST

[SENATE BILL 917](#), [Additional General Assembly Appointments](#), has been enacted into law by the General Assembly. The bill makes numerous appointments to State commissions and boards. Of interest to the criminal justice community, the Speaker of the House of Representatives appoints Andy W. Renfrow of Wake County to the North Carolina Private Protective Services Board for a term expiring July 1, 2027. 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. **Introduced by Senator Rabon.**

BILL STATUS

[HOUSE BILL 10](#), [Require Sheriffs to Cooperate with ICE](#), which was introduced in 2023, has been amended to rename the bill [Require ICE Cooperation & Budget Adjustments](#). 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 still require administrators of county jails, local confinement facilities, district confinement facilities, satellite jails, or work release units (including the sheriff) to take a

prisoner before a judicial official in this State, usually a magistrate, without unnecessary delay if the administrator is in receipt of a detainer and administrative warrant that reasonably appears to be for the prisoner issued by Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security.

The bill, as amended, would also still require the judicial official to issue an order directing that the prisoner be held in compliance with the detainer and administrative warrant if the judicial official finds that the prisoner presented is the same person subject to the detainer or administrative warrant.

Unless continued detention is authorized by other legal process, a prisoner held pursuant to an order issued under the bill's provisions would be required to be released after 48 hours have elapsed from receipt of the detainer and administrative warrant if ICE does not take custody of the prisoner.

The bill, as amended, removes three provisions that were contained in the previous versions of the bill:

1. Requiring 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 with the bill's requirements;
2. Requiring the administrator or other person in charge of any county jail, local confinement facility, district confinement facility, satellite jail, or work release unit to report annually to the Joint Legislative Oversight Committee on Justice and Public Safety on certain statistics; and
3. Allowing any person, including a federal agency, to file a complaint with the North Carolina Attorney General alleging that an administrator (including a sheriff) has failed to comply with the bill's requirements and allowing the Attorney General to compel the production of documents from any administrator subject to a complaint.

The bill, as amended, would appropriate to the Construction Section of the Division of Health Services Regulation of the North Carolina Department of Health and Human Services \$278,994 in recurring funds for the 2024-2025 fiscal year to be used to hire 2 full-time jail inspectors.

Finally, the bill, as amended, would authorize the North Carolina Wildlife Resources Commission to spend \$3.85 million in receipts and other funds available to the Commission for the construction of a Caswell Shooting Range Expansion.

[HOUSE BILL 155](#), Titles for Off-Road Veh./Low Speed Veh. Insp., has been enacted into law by the General Assembly. The bill was vetoed by Governor Roy Cooper on July 3, 2024. On September 9, 2024, the veto was overridden by the General Assembly. The bill allows 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. Modified utility vehicles may still not be operated on streets or highways having a posted speed limit greater than 55 miles per hour.

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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