

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

December 13, 2024

Wednesday's House session was the last of this short session and also the last session for several members who either lost bids for reelection, chose not to run for another term of office, or who, like Speaker of the House of Representatives Tim Moore, were elected to another office. Speaker Moore was elected to the United States House of Representatives.

Legislative short sessions take place in even numbered years and are so named because they typically last only a few months, usually starting in April or May and concluding in June or July. However, the past several "short" sessions have not been so short. The 2024 Session began in April of this year and, with the gavel falling on Friday, the Session has just come to a close. The General Assembly met frequently between April and June and then returned for brief one-to-three-day sessions after that.

The last session of the year was not without controversy and protest, as the main focus of the House of Representatives this week was on determining if there were enough votes to override Governor Roy Cooper's veto of [Senate Bill 382](#). The bill provides relief funds to Western North Carolina but also makes changes to the power of the Governor and the Attorney General. It turns out there were enough votes, and that bill was enacted into law this week as discussed in more detail below.

A resolution honoring former Representative Kelly Alexander, who passed away earlier this year, was also adopted by his fellow House members.

The House and Senate adjourned *sine die* on Friday and will reconvene to start the 2025-2026 Legislative Session on Wednesday, January 29, 2025.

This Weekly Legislative Report is our last for this year. We wish all our readers a blessed holiday season, a Merry Christmas, and a Happy New Year, full of family, friends, and merriment. We will return in 2025 and will resume publication of the NCSA Weekly Legislative Report every Friday once the legislature convenes the 2025 Long Session. Happy Holidays!

BILL STATUS

[SENATE BILL 382](#), [Disaster Relief-3/Budget/Various Law Changes](#), has been enacted into law by the General Assembly with various effective dates as set forth in the bill. The bill was vetoed by Governor Roy Cooper on November 26, 2024. On December 11, 2024, the veto was overridden by the General Assembly. Of interest to the criminal justice community, the bill:

1. Effective December 11, 2024, allows the Division of Health Service Regulation (DHSR) of the North Carolina Department of Health and Human Services to temporarily waive rules pertaining to local confinement facilities and jails during the declaration of certain national or State emergencies described in the bill, such as a declaration of a state of emergency by the Governor of North Carolina.

For example, during a state of emergency declared by our Governor, DHSR could temporarily waive the rules requiring jails to adhere to certain meal service requirements and food and nutrient requirements if the nature of the state of emergency (such as a hurricane) made adherence to these rules difficult.

2. Extends the concealed handgun permits of permittees who reside in the areas affected by Hurricane Helene. This includes the following counties: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Forsyth, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Nash, Polk, Rowan, Rutherford, Stanly, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey.

Concealed handgun permits set to expire in any of the above counties from and including September 25, 2024 through December 31, 2024 are extended and remain valid until March 1, 2025. This means that these permittees have until March 1, 2025 within which to submit an application to renew their concealed handgun permit that was set to expire between the dates noted above.

3. Effective December 11, 2024, allows the governing board of any teaching hospital affiliated with but not part of any constituent institution of The University of North Carolina to establish a campus law enforcement agency and employ campus police officers. This change to the law allows Vidant Medical Center in Greenville to establish a campus police agency. Previously, a hospital had to be part of The University of North Carolina Health Care System in order to establish a campus police agency.
4. Provides that a person cannot be found responsible or guilty of a local ordinance violation if, when tried for the violation, the person produces either: (1) proof that they have no new alleged violations of the local ordinance within 12 months from the date of the violation for which they are being tried; or (2) documented proof of a good-faith effort to seek assistance for any underlying factors that may relate to the person's ability to comply with the ordinance (e.g. unemployment, homelessness, mental health, substance abuse). These provisions are effective January 1, 2025 and apply to offenses committed on or after that date.

Currently, a person is prohibited from being found guilty of a local ordinance violation if they prove they have no new violations within 30 days of the violation for which they are being tried. Also, currently the law does not explicitly require documentation of the person's good-faith effort to seek assistance for the underlying factors which may be causing their violation of the ordinance.

5. Requires the North Carolina Office of State Budget and Management to provide a directed grant to the Gaston County Sheriff's Office in the amount of \$100,000 in nonrecurring funds for the 2023-2024 fiscal year.
6. Effective December 11, 2024, transfers the Center for Safer Schools to the North Carolina State Bureau of Investigation (SBI). Currently, the Center for Safer Schools is administratively located within the North Carolina Department of Public Instruction. The bill requires the Director of the SBI to appoint the Executive Director and other necessary personnel of the Center for Safer Schools, who would serve at the pleasure of the Director of the SBI.

The Center for Safer Schools administers grant programs, such as the School Resource Officer Grants Program and the School Safety Grants Program. In addition, the Center for Safer Schools is tasked with engaging in various school safety activities in consultation and coordination with law enforcement agencies, such as active shooter response drills and other safety-related training.

Finally, the bill makes the following changes related to the North Carolina State Highway Patrol to make it an independent State department:

1. The bill removes, effective July 1, 2025, the North Carolina State Highway Patrol from the North Carolina Department of Public Safety (DPS). The bill establishes the State Highway Patrol as a single, independent cabinet-level department and all powers, duties, and obligations that were vested in the State Highway Patrol under DPS are to be transferred to, vested in and consolidated within the new department of the State Highway Patrol.

The head of the new department of the State Highway Patrol is the State Highway Patrol's Commander, who is appointed by the Governor from within the ranks of the uniformed members of the Patrol for a term of 5 years, subject to the confirmation of the Governor's appointment by the General Assembly. However, the bill appoints current State Highway Patrol Commander, Freddy L Johnson, Jr., to serve a 5-year term commencing on July 1, 2025. Commander Johnson will commence this term without additional nomination by the Governor and without confirmation by the General Assembly.

The law enforcement authority of sworn personnel of the State Highway Patrol is not expanded with the enactment of this bill into law. The law enforcement authority of sworn personnel of the State Highway Patrol remains identical in the law as it existed prior to enactment of the bill.

2. The bill transfers, effective July 1, 2025, the State Capitol Police from DPS to the new department of the State Highway Patrol and makes the State Capitol Police a new division within the department of the State Highway Patrol, to serve as a police agency of the Patrol. [Note: It is unclear what is meant by "serve as a police agency of the Patrol."]

The law enforcement authority of sworn personnel of the State Capitol Police is not

expanded with the enactment of this bill into law. The law enforcement authority of sworn personnel of the State Capitol Police remains identical in the law as it existed prior to enactment of this bill into law.

3. The bill transfers, effective July 1, 2025, all sworn personnel of the Division of Motor Vehicles (DMV) License and Theft Bureau of the North Carolina Department of Transportation to the new department of the State Highway Patrol. The bill also requires the North Carolina Department of Transportation to transfer to the State Highway Patrol on a recurring basis all funds necessary to support the salary, benefits, and other costs of the sworn personnel positions transferred.

All powers, duties and functions that are currently assigned to the sworn personnel of DMV's License and Theft Bureau are also transferred to the new department of the State Highway Patrol.

In addition, the bill authorizes, but does not require, the new department of the State Highway Patrol to conduct "transitional training" for all sworn personnel of DMV's License and Theft Bureau that are transferred to the State Highway Patrol to become State Troopers.

Note: It is unclear what the long-term plan is for the law enforcement authority currently possessed by sworn personnel of DMV's License and Theft Bureau.

4. Finally, the bill appropriates to the State Highway Patrol \$2.8 million in recurring funds for the 2025-2026 fiscal year to be used to hire: 7 personnel positions, 8 budget positions, 1 Safety Director position, 2 information technology communications positions, 1 staff attorney position, and 1 legislative liaison position.

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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