
FINAL LEGISLATIVE REPORT

2018

North Carolina Sheriffs' Association



North Carolina Sheriffs' Association
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NORTH CAROLINA SHERIFFS' ASSOCIATION

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The 2018 Session of the North Carolina General Assembly convened on May 16, 2018 and adjourned June 29, 2018. Thereafter, an Extra Session was held to consider legislation related to the 2018 elections. The General Assembly is now scheduled to reconvene November 27, 2018 but has the option to return earlier if necessary.

During the 2018 Sessions of the General Assembly, 175 House Bills and 109 Senate Bills were introduced, for a total of 284 new legislative bills available for consideration, plus numerous bills eligible from 2017. Of the eligible legislative bills, 129 of them were enacted into law. Governor Roy Cooper signed 66 bills, allowed 11 to become law without his signature, and vetoed 12 bills with 10 of the Governor's vetoes being overridden by the General Assembly.

Some bills are enacted into law by the General Assembly and do not go to the Governor for signature. For example, "local" bills (which are those that affect 14 or fewer counties) and bills authorizing a vote on an amendment to the North Carolina Constitution do not go to the Governor for his signature.

This Final Legislative Report of the North Carolina Sheriffs' Association summarizes bills of interest to sheriffs, sheriffs' office personnel and other criminal justice professionals. Included in this Final Legislative Report are summaries of: (i) relevant provisions of the 2018 State Budget Bill and (ii) relevant bills enacted into law this Session.

For specific details about the legislative bills summarized below, please review the actual legislation. Copies of any of the legislation introduced or considered by this year's General Assembly are available on the General Assembly's website: www.ncleg.net. You may also receive one copy of any bill, free of charge, by calling the General Assembly's Printed Bills Office at 919-733-5648. They will need to know if it is a House Bill or Senate Bill and the bill number; for example, Senate Bill 8.

HOUSE BILLS

[HOUSE BILL 284](#), 25-Year LEO Retirement Option, amends both G.S. 135-5 and G.S. 128-27, effective July 1, 2019, to give law enforcement officers who are members of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System the option to retire after completing 25 years of creditable service.

State law enforcement officers opting to retire after 25 years of creditable service continue to use the current percentage of 1.82% of the officer's average final compensation to calculate their retirement pay. The number is arrived at by multiplying this percentage by the officer's average final compensation, which is then multiplied by the officer's years of service to get the officer's

retirement pay. Local law enforcement officers continue to use the current percentage of 1.85% of the officer's average final compensation to calculate their retirement pay.

It is important to note that the monthly retirement benefit for an officer retiring with only 25 years of creditable service is less than the monthly retirement benefit for an officer retiring after 30 years of creditable service because the officer will be working fewer years, and therefore will receive less retirement money per month.

The bill also amended G.S. 143-166.43, effective June 22, 2018, to allow, but not require, any State or local government employer to offer a lump sum payout of an officer's special separation allowance to the officer if the officer chooses to take a reduced retirement (such as the 25 year retirement option). The lump sum payout by the employer cannot exceed the total amount of money the officer would normally receive in special separation allowance payments had the officer stayed for a full 30-year retirement.

Effective: June 22, 2018 and July 1, 2019, as noted above.

HOUSE BILL 325, Amend Arson Law, amends G.S. 14-67.2 to make it a Class D felony to knowingly damage, or assist or pay someone else to cause damage to any structure, dwelling, building, or conveyance (such as an automobile or bus) using fire or an explosive during the commission of a felony, and the fire or explosion causes damages valued at \$10,000 or more.

The bill also amends G.S. 14-69.3 to extend the Class E felony of committing arson resulting in serious bodily injury to a firefighter or emergency medical technician to also include fire investigators and law enforcement officers who are injured while carrying out their duties.

Effective: December 1, 2018 and applies to offenses committed on or after that date.

HOUSE BILL 388, Modernize Mutual Assistance Statutes, amends G.S. 160A-288 and G.S. 160A-288.2 to authorize a local law enforcement agency to lend temporary assistance to another local law enforcement agency or to a State law enforcement agency without the necessity of the governing body of the city or county adopting a resolution allowing for the law enforcement assistance.

The request for temporary assistance must still be made in writing by the head of the requesting agency, or by the agency head's designee.

The governing body of a city or county can, however, adopt an ordinance that prohibits their local law enforcement agencies from providing temporary assistance without the approval of the local governing body.

Previously, a city council or board of county commissioners was required to pass a resolution authorizing the head of a law enforcement agency to enter into an agreement with the head of another law enforcement agency before the assisting agency would have been authorized to provide assistance to the requesting agency. This previous requirement for an authorizing resolution is no longer required.

Effective: June 25, 2018

[HOUSE BILL 500](#), [ABC Omnibus Legislation](#), makes a number of changes to the State's alcoholic beverage control laws. The changes of interest to the criminal justice community include:

1. G.S. 18B-1121 is amended, effective June 26, 2018, to allow agents or employees of a commercial permittee, such as a brewery or distillery, to sample alcoholic beverages on the premises of the permittee or at a special event where the permittee is participating for purposes of quality control, education or sensory analysis. Previously this sampling was only allowed on the premises of the permittee.
2. G.S. 18B-1000 is amended, effective June 26, 2018, to allow "sports and entertainment venues" to be issued on-premises malt beverage and wine permits. A sports and entertainment venue is defined as a stadium, ballpark, or similar facility with a seating capacity of 3,000 or more people and which is not located on the campus of a school, college or university.
3. G.S. 14-309.15 is amended, effective October 1, 2018, to increase the value of cash prizes or merchandise that can be raffled off by a nonprofit organization from \$125,000 to \$250,000 in any calendar year. Additionally, the maximum number of raffles a nonprofit can hold in a one year period will be increased from two to four. Also, regional or county chapters of a nonprofit organization are eligible to conduct raffles independently from their parent organization.
4. G.S. 18B-308 is amended, effective October 1, 2018, to allow for the sale or consumption of alcoholic beverages in any room where a raffle is conducted. Currently, alcoholic beverages cannot be sold or consumed in any room where either a raffle or bingo game is being conducted.
5. Finally, G.S. 18B-1002 is amended, effective October 1, 2018, to allow nonprofit organizations to offer alcoholic beverages in the manufacturer's original closed container as a prize in a raffle or to sell alcoholic beverages in the manufacturer's original closed container at a nonprofit organization auction. Currently, alcoholic beverages may not be sold at auction or raffled off by a nonprofit organization.

Effective: June 26, 2018

[HOUSE BILL 551](#), [Strengthen Victims' Rights](#), will submit to North Carolina voters in November, 2018 a proposed amendment to Article I, Section 37 of the North Carolina Constitution to expand the rights of victims of certain crimes. If passed by the voters, this Constitutional amendment will:

1. Require, upon request of the victim, "reasonable, accurate and timely notice" of court proceedings of the accused.

2. Provide the victim with the right, upon request, to be present at court proceedings of the accused.
3. Provide the victim with the right to be “reasonably heard” at any hearing regarding the release, plea, conviction, adjudication or sentencing of the accused. Currently, a victim can only be heard during sentencing.
4. Provide the victim with the right to receive payment of restitution in a “reasonably timely” manner, when ordered by the court.
5. Provide the victim with the right to be given information about the crime or act of delinquency committed against the victim.

If passed by the voters, these rights will apply to victims of certain crimes or acts of delinquency committed by juveniles.

Effective: Immediately if passed by the voters in the November 2018 election.

[HOUSE BILL 670](#), Protect Educational Property, enacts new G.S. 14-277.6, which makes it a Class H felony to communicate a threat of mass violence on educational property. This crime is committed if a person, by any means of communication to any person or groups of persons, threatens to commit an act of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school.

“Educational property” means any school building or bus, school campus, grounds, recreational areas, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school. It also includes public or private schools, community colleges and colleges or universities. “Mass violence” means physical injury that a reasonable person would conclude could lead to permanent injury, including mental or emotional injury, or death to two or more people.

This bill also enacts new G.S. 14-277.7, which makes it a Class H felony to communicate a threat of mass violence at a place of religious worship. This crime is committed if a person, by any means of communication to any person or groups of persons, threatens to commit an act of mass violence at a “church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place of religious worship.”

G.S. 15A-534.7 is amended to provide that a person arrested for either of these felonies may be held in custody for up to 48 hours from the time of arrest without having conditions of release set by a judge, similar to the process currently available for defendants arrested on domestic violence charges. If a judge has not acted to consider conditions of release within 48 hours of arrest, a magistrate can determine conditions of release, if any. A judge, when determining conditions for release, is required to direct a law enforcement officer or district attorney to provide a criminal history report of the defendant.

New G.S. 14-277.8 and G.S. 15A-145.7 also provide that if a person pleads guilty to or is found guilty of communicating a threat of mass violence on educational property or at a place of religious

worship and the person committed the crime while less than 20 years of age, the court is required, if the defendant and the District Attorney consent, to defer the court proceedings and place the defendant on probation for not less than one year. If the person satisfactorily completes the period of probation, the charge will be dismissed, and the person will then be eligible to have the charge expunged from his or her record.

Effective: December 1, 2018

[HOUSE BILL 744](#), Trespass/Eastern Band Cherokee Indians Lands, amends G.S. 14-159.12 to include in the crime of first degree trespass the unauthorized entry onto lands of the Eastern Band of Cherokee Indians after the person has been excluded by a resolution passed by the Eastern Band of Cherokee Indian Tribal Council.

Effective: December 1, 2018 and applies to offenses committed on or after that date.

[HOUSE BILL 774](#), Amend Certificates of Relief, expands the scope of who can obtain a Certificate of Relief. A Certificate of Relief is a procedure whereby certain convicted felons and misdemeanants who are ineligible for expunction of their criminal record but have complied with all requirements of their sentence are able to obtain from the court a certificate relieving them of some of the collateral consequences of the conviction. Collateral consequences include being ineligible for certain jobs, licenses required for employment or admission to schools or training programs.

G.S. 15A-173.2 is amended, effective December 1, 2018, to provide that an individual who is convicted of no more than three Class H or I felonies and any misdemeanors may petition the court for a Certificate of Relief. Currently, an individual who is convicted of no more than two Class G, H, or I felonies or misdemeanors in one session of court may petition the court where the individual was convicted for a Certificate of Relief.

In order to issue a Certificate of Relief, the court must find:

- (1) Twelve months have passed since the individual has completed his or her sentence, including active time, probation, and post-release supervision;
- (2) The individual is seeking or engaged in a lawful occupation or activity, including employment, training, education, or rehabilitative programs, or the individual otherwise has a lawful source of support;
- (3) The individual has complied with all requirements of the individual's sentence, including any terms of probation, that may include substance abuse treatment, anger management, and educational requirements;
- (4) The individual is not in violation of the terms of any criminal sentence, or that any failure to comply is justified, excused, involuntary, or insubstantial;
- (5) A criminal charge is not pending against the individual; and

- (6) Granting the petition would not pose an unreasonable risk to the safety or welfare of the public or any individual.

The Certificate of Relief does not allow the court to relieve the defendant from:

- (1) Registration as a sex offender;
- (2) Prohibitions on possession of firearms imposed by Chapter 14 of the General Statutes;
- (3) License suspension under Chapter 20;
- (4) Ineligibility for certification as a criminal justice officer or deputy sheriff pursuant to Chapters 17C or 17E; and
- (5) Ineligibility for employment as any of the following if the ineligibility is a sanction imposed by North Carolina law:
 - (i) A corrections or probation officer.
 - (ii) A prosecutor or investigator in either the Department of Justice or in the office of a district attorney.

Effective: December 1, 2018

[HOUSE BILL 945](#), Rape Evidence Collection Kit Tracking Act, enacts new G.S. 114-65 to establish the Statewide Sexual Assault Evidence Collection Kit Tracking System (System) within the North Carolina State Crime Laboratory. The Director of the State Crime Laboratory is required to create protocols for agencies to follow under this new tracking System.

In addition, the Secretary of the North Carolina Department of Public Safety is required to adopt rules and guidelines for agencies required to participate in the System, including the imposition of sanctions for agencies that are not in compliance with the rules.

The System will require all law enforcement agencies, forensic laboratories, medical providers and any other persons or entities having custody or use of any sexual assault evidence collection kits (kits) purchased or distributed on or after October 1, 2018 to participate in the System. All kits purchased or distributed after this date must be compatible with the new tracking System, but previously untested kits must also be entered into the System for tracking.

Beginning on October 1, 2019 and annually thereafter, the Director of the State Crime Laboratory is required to report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information from the previous year:

1. The number of kits shipped to medical facilities and medical providers and the number of kits used by those providers to conduct examinations of sexual assault or attempted sexual assault;
2. The number of kits used by medical facilities and medical providers that resulted in reporting to a law enforcement agency, including the name of the law enforcement agency that received the report;
3. For those examinations that resulted in a report to a law enforcement agency, the number of kits that were submitted to a laboratory for forensic testing;
4. The number of kits where forensic testing has been completed;
5. The total number of kits submitted to local law enforcement or to the Department of Public Safety (DPS), Law Enforcement Support Services Office, where sexual assault was not reported; and
6. The efforts made to track and test previously untested kits.

Finally, DPS is required to convene a working group that will include law enforcement, prosecutors, defense attorneys, and other members of the law enforcement community. The working group will develop recommendations on: testing previously untested kits; establishing an order of priority for testing kits; preserving kits; testing all kits that can be tested; sanctions for contaminating or destroying kits; and on developing statewide protocols for testing kits in the future. The findings of the working group must be submitted to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2018.

Effective: June 25, 2018

[HOUSE BILL 969](#), Enhance Prison Security, makes a number of changes to the State's laws to increase safety in prisons and local confinement facilities. The changes of interest to the criminal justice community include:

1. Enacts new G.S. 14-258.7, effective June 25, 2018, that requires the North Carolina Department of Public Safety, the Conference of District Attorneys, and the Administrative Office of the Courts to each make reports to the Joint Legislative Oversight Committee on Justice and Public Safety by March 15th of each year on the number of incidents, criminal charges, and their dispositions, for offenses involving assaults on employees or contractors of detention facilities, which includes local jails.
2. G.S. 14-258.4, Malicious conduct by prisoner, is amended effective December 1, 2018, to more specifically define what conduct constitutes malicious conduct by a prisoner by providing that an inmate will be guilty of this Class F felony if an inmate throws or emits bodily fluids, excrement, or any unknown substance at an employee of the State or local government. Currently, only bodily fluids and excrement are listed in the statute.

Amended G.S. 14-258.4 also creates a new Class I felony offense if the inmate knowingly

and willfully exposes their genitalia to an employee of the State or local government while the employee is in the performance of their duties.

Currently, the crime of malicious conduct by a prisoner only covers an inmate's act of throwing or emitting "bodily fluids or excrement" at a State or local government employee.

3. G.S. 14-258, "Providing forbidden articles or tools for escape; possessing tools for escape," is amended effective December 1, 2018, to make it a Class H felony for any person to sell, trade, convey, or provide any of the following items to an inmate in the custody of either a State prison, a law enforcement officer, or a local confinement facility:
 - (i) Any article forbidden by prison or jail rules.
 - (ii) A letter, oral message, weapon, tool, good, clothing, device, or instrument, to effect an escape, or to aid in an assault or insurrection.

If any of these items are sold, traded or conveyed to a prisoner and an escape, assault, or insurrection occurs, the offense is punished as a Class F felony.

Amended G.S. 14-258 also makes it a Class H felony for any prisoner to possess a letter, weapon, tool, good, article of clothing, device, or instrument in order to effect an escape or aid in an assault or insurrection.

Currently the crime prohibits the conveying of "letters, oral messages, weapons, instruments, clothing, and stolen goods" to prisoners. The current law also prohibits the selling of an item forbidden to prisoners by prison rules.

4. G.S. 143B-929 is amended, effective June 25, 2018, to authorize the Information Sharing and Analysis Center (ISAAC) of the North Carolina State Bureau of Investigation (SBI) to analyze data related to threats of violence to the safety of any individual associated with educational property or places of worship. If the threat is deemed to be creditable and the location of the threatened property or the person suspected of making the threat are determined, ISAAC is required notify the sheriff and local law enforcement agencies with jurisdiction about the threat. The SBI is authorized, but not required, to give assistance to sheriffs and police officers upon the request of the sheriff or police officers.

Effective: June 25, 2018 and December 1, 2018, as noted above.

[HOUSE BILL 977](#), Admin. Changes Ret. System/Treasurer – 2018.-AB, makes various administrative changes to the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS). Of interest to the criminal justice community, G.S. 135-18.10 and G.S. 128-38.4 are amended to add the following felony offenses to the list of offenses that cause an elected official to lose their retirement benefits under TSERS and LGERS, respectively, if convicted:

1. Embezzlement of property received by virtue of office or employment, G.S. 14-90.

2. Embezzlement of State property by public officers or employees, G.S. 14-91.
3. Embezzlement of funds by public officers and trustees, G.S. 14-92.
4. Embezzlement of taxes by officers, G.S. 14-99.
5. Accessing government computers, 14-454.1(a).
6. Damaging computer resources, G.S. 14-455(a1).
7. Denial of government computer services to an authorized user, G.S. 14-456.1.

Under current law, an elected government official that is a member of the TSERS or LGERS retirement system loses their benefits if convicted of certain federal and State felony offenses such as bribery, obstructing justice, secret listening and buying and selling offices.

To result in a loss of retirement benefits the crime must be committed while the person is serving as an elected official and the conduct forming the basis of the crime has to be directly related to the person's service as an elected official.

Effective: June 25, 2018

[HOUSE BILL 991](#), Fox Trapping Local Omnibus, amends various local acts to create an open season for the taking of foxes with weapons and for the taking of foxes and coyotes by trapping during the trapping season set by the North Carolina Wildlife Resources Commission. There is no bag limit on coyotes and foxes taken under these methods.

The law only applies to the counties of Cabarrus, Davie, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, Stokes, and to those portions of Forsyth County outside the city limits of Winston-Salem.

Effective: October 1, 2018

[HOUSE BILL 1080](#), Guilford Co. Animal Control Records, allows the City of Greensboro to release personnel information related to the disposition of internal disciplinary charges against a Greensboro Police Department officer to the Greensboro Criminal Justice Advisory Commission or the City of Greensboro's Police Community Review Board, which are designated by the Greensboro City Council to provide citizen review of the Greensboro Police Department disciplinary process. Previously, this information could only be released to the Greensboro Human Relations Commission Complaint Subcommittee. This bill only applies to the City of Greensboro.

Effective: June 26, 2018

[HOUSE BILL 1083](#), Appointments Bill 2018, makes numerous appointments to State boards and commissions. The appointments of interest to the criminal justice community include:

The Speaker of the House of Representatives appoints:

1. Effective January 1, 2019, Sheriff J.D. Hartman of Davie County to the 911 Board for a term expiring on December 31, 2021.
2. Effective September 1, 2018, Sheriff Hans J. Miller of Onslow County to the North Carolina Domestic Violence Commission for a term expiring on August 31, 2020.
3. Effective July 1, 2018, Sheriff James T. “Tim” Manning of Martin County to the North Carolina Industrial Hemp Commission for a term expiring on June 30, 2022.
4. Effective July 1, 2018, Sheriff James “Alan” Norman of Cleveland County to the North Carolina Sheriffs’ Education and Training Standards Commission for a term expiring on June 30, 2021.

Effective: June 29, 2018

SENATE BILLS

[SENATE BILL 99](#), Appropriations Act of 2018, makes budgetary changes and numerous other changes to the laws of this State. The changes of interest to the criminal justice community include:

1. G.S. 115C-105.51 is amended, effective July 1, 2019, to require the North Carolina Department of Public Instruction (DPI), in collaboration with the Department of Public Safety, Division of Emergency Management, to implement a Statewide anonymous safety tip line application that will be available to all public secondary schools, including charter schools, serving grades six or higher. All public secondary schools will be required to operate an anonymous tip line, in coordination with local law enforcement, for the reporting of threats to school safety. Currently, public secondary schools are “encouraged” to develop and operate an anonymous tip line but are not required to do so.

Up to \$5 million in nonrecurring funds are appropriated to DPI for the purpose of implementing the Statewide anonymous safety tip line.

2. Effective July 1, 2018, the Superintendent of DPI is required to establish the School Safety Grants Program which will be used to improve school safety. Public schools, including charter schools, are allowed to apply for grants to pay for school safety resource officers, school safety training, safety equipment in schools, and additional school mental health support personnel.

In order to qualify for these grants, the public secondary school is required to have an assessment performed, in conjunction with a local law enforcement agency, that will help identify current and ongoing safety needs.

The following funds are appropriated to DPI to implement the School Safety Grants Program:

- (i) Up to \$12 million in recurring funds to award grants for School Resource Officers (SROs) in elementary and middle schools. The SRO grant funds must be matched two dollars in State funds for every dollar in non-State funds.
 - (ii) Up to \$2 million in nonrecurring funds to award grants for providing crisis services, such as behavioral therapy and parent-child interaction therapy.
 - (iii) Up to \$3 million in nonrecurring funds to award grants for providing training to students and school personnel, including school mental health support personnel, on how to improve school safety and to respond to trauma and significant stress.
 - (iv) Up to \$3 million in nonrecurring funds to award grants for school safety equipment.
 - (v) Up to \$10 million in nonrecurring funds to award grants to provide all or a portion of the salary needed to employ additional school mental health support personnel. These funds will be appropriated from the Dorothea Dix Hospital Property Fund for the 2018-2019 fiscal year.
3. G.S. 143B-928 is amended, effective July 1, 2018, to provide Alcohol Law Enforcement (ALE) with the additional primary responsibility of enforcing the laws restricting youth access to tobacco products. Currently, ALE's primary responsibilities are the enforcement of alcoholic beverage control (ABC) and lottery laws, although an ALE agent can arrest for a violation of any criminal law.

Recurring funds in the amount of \$300,000 are appropriated to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, for transfer to ALE to conduct tobacco compliance checks throughout the State to enforce the State's youth tobacco access law.

4. Effective June 30, 2018, and applicable to funds not already obligated on that date, any unused funds previously appropriated to the North Carolina Department of Public Safety (DPS) for body-worn camera grants will not revert to the General Fund. Instead, these unused appropriated funds must be allocated as follows:
- (i) \$75,000 is appropriated to the Samarcaud Training Academy for upgrades to its training simulator to support school safety training.
 - (ii) \$500,000 is appropriated to the North Carolina Sheriffs' Association to provide grants "to implement a statewide sex offender database that connects all 100 counties and allows for robust data entry and retrieval at the local level."

The North Carolina Sheriffs' Association must submit a report on the grant funds distributed from this appropriation to the Joint Legislative Oversight Committee on Justice and Public Safety no later than July 1, 2019.

- (iii) Any remaining body-worn camera grant funds will be administered by the Governor's Crime Commission and must be used to provide matching grants for the purchase of body-worn or dashboard video cameras by local law enforcement agencies in counties with a population less than 75,000.

- 5. \$16.5 million is appropriated for hardware and software upgrades to the Voice Interoperability Plan for Emergency Responders (VIPER).

DPS is required to determine the value of contributions made by units of local government, the federal government and nongovernmental entities to support the VIPER system. Contributions may be in the form of cash, equipment, land, buildings, or towers used to support the VIPER system. DPS is required to report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety no later than July 1, 2019.

- 6. Between November 1, 2018 through November 1, 2019, DPS must report quarterly to the Joint Legislative Oversight Committee on Justice and Public Safety on matters affecting the operation of State prisons, including:

- (i) The modification of rules, policies or procedures resulting from disciplinary action against correctional officers or correctional staff;
- (ii) The modification of rules, policies or procedures resulting from disciplinary action against inmates;
- (iii) The frequency and content of staff training;
- (iv) The results of security audits and inspections;
- (v) The types of facility infrastructure improvements;
- (vi) The adequacy of staffing; and
- (vii) Any changes to the hiring or orientation process for correctional officers.

\$15 million is appropriated to DPS for fiscal year 2018-2019 for State prison facility infrastructure improvements related to prison safety.

- 7. Effective July 1, 2018, Article 2 of Chapter 17C is enacted to create the Criminal Justice Fellows Program (Program) to increase the recruitment of criminal justice professionals by providing loan forgiveness to qualified individuals that earn an Applied Associate Degree in Criminal Justice.

Newly enacted G.S. 17C-21 creates the North Carolina Criminal Justice Fellows

Committee (Fellows Committee), which is tasked with determining loan recipient criteria. The Fellows Committee is a Special Committee of the North Carolina Criminal Justice Education and Training Standards Commission and is made up of 10 members of the criminal justice profession, including sworn law enforcement officers, correctional officers, two members of the North Carolina Sheriffs' Education and Training Standards Commission, at-large members and a member of the North Carolina Community College System.

Newly enacted G.S. 17C-22 provides that the Program will be administered by a staff member of the North Carolina Criminal Justice Standards Division, who will be responsible for recruiting potential loan recipients. The Fellows Committee will be required to establish standards for the issuance of forgivable loans, taking into consideration the criminal history of the applicant, grade point average, community service, references and the potential for success of the applicant in the criminal justice field.

Newly enacted G.S. 17C-22 also provides that forgivable loans will be issued by the Fellows Committee and will be in the amount of \$3,152 per year, for up to two years. The recipient is required to earn an Applied Associate Degree in Criminal Justice during two years of academic study and is required to maintain a minimum of a 2.0 grade point average. Finally, the recipient is required to work in the criminal justice field for at least four years following graduation. Applicants that complete this academic study and four-year service will have their loans forgiven.

The budget bill does not provide funding to implement the Program. It is possible that funding could be added in the 2019-2020 budget to provide loan funds, staffing and other resources needed to implement this Program.

8. The North Carolina Sentencing and Policy Advisory Commission (Commission), in consultation with DPS and the North Carolina Sheriffs' Association, is required to study the most effective setting to house and treat Aggravated Level One and Level One driving while impaired offenders.

No later than February 1, 2019, the Commission is required to report its findings and recommendations to the House of Representatives Appropriations Committee on Justice and Public Safety and to the Senate Appropriations Committee on Justice and Public Safety.

9. Enacts new G.S. 164-51, effective July 1, 2018, to require the North Carolina Sentencing and Policy Advisory Commission (Commission), with the assistance of the North Carolina Sheriffs' Association, to develop a five-year projection of available bed space within the North Carolina Statewide Misdemeanor Confinement Program (Program), beginning with the 2018-2019 fiscal year. This Program is administered by the North Carolina Sheriffs' Association to house certain State misdemeanor offenders in local confinement facilities.

The Commission is required to report its five year bed space projections to the Senate Appropriations Committee on Justice and Public Safety and to the House Appropriations

Committee on Justice and Public Safety no later than February 15, 2019, and annually on this date thereafter.

10. G.S. 20-63 is amended, effective June 12, 2018, to require the North Carolina Division of Motor Vehicles to produce a “National/State Mottos” registration plate, which is in addition to the current “First in Flight” and “First in Freedom” registration plates. The new National/State Mottos registration plate will contain the North Carolina State motto, “To Be Rather Than To Seem,” and will also contain “In God We Trust.”
11. G.S. 143-166.13 is amended, effective June 12, 2018, to include sworn State law enforcement officers employed by the Department of Natural and Cultural Resources in the list of sworn officers that are entitled to receive salary continuation benefits when they are unable to work due to an injury suffered while performing their official duties.
12. Effective July 1, 2018, DPS employees within the Division of Adult Correction and Juvenile Justice that were eligible to receive a salary increase for the 2015-2017 and 2017-2019 fiscal years may not be denied the salary increase based upon a prior disciplinary action or infraction unless the employee was disciplined for “grossly inefficient job performance.”
13. Effective July 1, 2018, State Correctional Officers employed by the Division of Adult Correction and Juvenile Justice will receive a salary increase of 4%. The increase will be based on the employee’s salary in effect on June 30, 2018. This increase will apply to Correctional Officers, Correctional Supervisors, and Prison Facility Administrators.
14. \$7.2 million is allocated to the North Carolina State Highway Patrol to increase the annual starting salary of State Troopers to \$44,000. These funds must also be used to increase the salary of State Troopers over a six year period by 6.5% annually, so that State Troopers will receive an annual salary of \$64,202 after six years of service.
15. G.S. 135-5 is amended, effective July 1, 2018, to require on or before October 1, 2018, a one-time cost of living supplement of 1% for retirees of the Teachers’ and State Employees’ Retirement System, the Judicial Retirement System and the Legislative Retirement System. There is no one-time supplement for retirees of the Local Governmental Employees’ Retirement System (LGERS). Any cost of living supplement for retirees in the LGERS system must be made by the Board of Trustees of LGERS.
16. Effective retroactively to April 1, 2017, and applying to qualifying deaths occurring on or after that date, G.S. 143-166.3 is amended to increase the amount of the death benefit for law enforcement officers, firefighters, rescue squad workers, and civil air patrol members killed in the line of duty from \$50,000 to \$100,000.

G.S. 143-166.1 and G.S. 143-166.7 are also amended, effective retroactively to April 1, 2017, to make this death benefit available to “noncustodial employees” of the Division of Adult Correction and Juvenile Justice who are killed in the performance of their duties by an inmate on or after April 1, 2017. A noncustodial employee is an employee of the

Division of Adult Correction and Juvenile Justice who does not have direct care and control over inmates.

17. \$7.1 million is appropriated to DPS for the construction of a Youth Detention Center (YDC) in Rockingham County. This facility will help offset the increased number of juveniles entering the juvenile justice system as the result of the juvenile jurisdiction age being raised from 16 to 18 on December 1, 2019.
18. \$3.6 million is appropriated to the North Carolina Department of Justice to fund dormitory renovations at the eastern campus of the North Carolina Justice Academy (NCJA) in Salemburg and \$90,000 in recurring funds are appropriated for a second NCJA firearms instructor to be assigned to the western campus of the NCJA in Edneyville.
19. \$4 million is appropriated to the North Carolina State Crime Laboratory to renovate its facilities.
20. Effective July 1, 2018, the North Carolina Department of Information and Technology is required to partner with Montreat College to establish a Cybersecurity Regional Training Center (CRTC) in Black Mountain, North Carolina. The purpose of the CRTC is to increase cyber security for State and local government employees and the private sector, and to increase the skillset of cybersecurity professionals.

\$2 million is appropriated to Montreat College from the North Carolina Department of Information and Technology Reserve Fund to assist with the establishment of the CRTC.

[SENATE BILL 124](#), [LEO Managed CBD Oil Drop Box](#), enacts new G.S. 90-94.1(d) to require anyone who can lawfully use or possess “hemp extract” (seizure patients, for example) to dispose of any residual hemp extract or hemp oil at a secure collection box managed by a law enforcement agency.

Effective: December 1, 2018

[SENATE BILL 145](#), [DOT/DMV Legislative Requests](#), amends G.S. 20-9(g)(4)h to allow the North Carolina Division of Motor Vehicles (DMV) to release information it has collected while determining whether a drivers license should have a restriction, such as prescription glasses, to any other State or federal government agency in certain circumstances. Local agencies are not entitled to this information.

The bill also amends G.S. 20-37.16(e)(2) to clarify that operators of firefighting or emergency equipment used for governmental functions are exempt from having a Commercial Drivers License (CDL). Governmental functions include training or other official use by the governmental entity.

Effective: July 1, 2018

[SENATE BILL 162](#), [Human Trafficking Restorative Justice](#), enacts new G.S. 14-43.16, effective December 1, 2018, and makes the name, address, and other information that could lead to the

identity of a human trafficking victim or an alleged victim, such as a telephone number, confidential and not subject to disclosure under the State's public records Law. This protection also applies to the immediate family members of the human trafficking victim, such as a sibling, parent or spouse.

This confidential information could, however, be disclosed for law enforcement purposes such as a criminal investigation, for the provision of medical care or housing, or based upon a court order.

It is a Class 3 misdemeanor to knowingly disclose the private information of a human trafficking victim.

Effective: June 25, 2018

[SENATE BILL 168](#), [AOC Omnibus Changes](#), amends G.S. 15A-304(b) to modify the criteria considered by a judicial official when deciding to issue a warrant for arrest instead of a criminal summons. The law provides that judicial officials may consider factors such as the seriousness of the offense, the accused's failure to appear when previously summoned, other facts indicating that the person will fail to appear, facts indicating there is a danger that the accused will escape, or facts indicating there may be injury to a person or property.

The bill also amends G.S. 15A-304(b)(3) to remove the requirement that a citizen initiated warrant be based solely on written affidavit. Under the new law, citizens can initiate a warrant for arrest based upon an affidavit or oral testimony under oath or affirmation.

Effective: October 1, 2018

[SENATE BILL 335](#), [Budget Technical Corrections](#), contains various changes to [SENATE BILL 99](#), [Appropriations Act of 2018](#), which is summarized above in this Final Legislative Report.

The changes of interest to the criminal justice community include:

1. Effective July 1, 2018, G.S. 114-70 is recodified as G.S. 7A-354 to transfer the North Carolina Human Trafficking Commission from the North Carolina Department of Justice to the Administrative Office of the Courts (AOC). AOC is required to staff and fund the Commission.
2. Enacts new G.S. 20-185.1, effective July 1, 2018, to authorize, but not require, the Secretary of the North Carolina Department of Public Safety to administer "reimbursement agreements" that will require a State Trooper to reimburse to the State a portion of the \$36,000 cost of training if the State Trooper fails to remain with the North Carolina State Highway Patrol (SHP) for three years following training.

G.S. 20-185.1 also requires a sheriff's office, police department, or company police agency to pay the State \$36,000 if the local law enforcement agency hires a State Trooper within six months of the State Trooper leaving the SHP. This will apply only if the State Trooper completed the SHP training program and was with the SHP for less than three years at the time of separation from the SHP.

3. Effective July 1, 2018, Case Managers and Correctional Programs personnel employed by the Division of Adult Correction and Juvenile Justice within DPS that have been certified by the North Carolina Criminal Justice Education and Training Standards Commission will receive a salary increase of 4%. The increase will be based on the employee's salary in effect on June 30, 2018.
4. [SENATE BILL 99](#), [Appropriations Act of 2018](#), provides for \$7.2 million to be allocated to the North Carolina State Highway Patrol to increase the annual starting salary of State Troopers to \$44,000. The funds will also be used to increase the salary of State Troopers over a six year period by 6.5% annually, so that State Troopers will receive an annual salary of \$64,202 after six years of service.

This bill provides that these salary increases may not be denied based upon a prior disciplinary action or infraction unless the employee has an active disciplinary action related to grossly inefficient job performance that resulted in 10 or more days of unpaid suspension.

[SENATE BILL 616](#), [Heroin & Opioid Prevention & Enforcement Act](#), makes numerous changes to our Controlled Substances Act and criminal drug laws. The changes of interest to the criminal justice community include:

1. G.S. 90-95(h)(4) is amended, effective December 1, 2018, to clarify that any "opioid" is included in our drug trafficking laws. Currently, only opium and opiates are included.
2. G.S. 90-90(2)(h1) is amended, effective December 1, 2018, to include as a Schedule II controlled substance any of the immediate precursor chemicals of the drug Fentanyl in our drug trafficking laws.
3. G.S. 90-108 is amended, effective December 1, 2018 and applies to offenses committed on or after that date, to make it a Class G felony for a home health worker or first responder, such as EMS or a law enforcement officer, to embezzle, misapply or divert a controlled substance to their own use or other unauthorized or illegal use.

If the home health worker or first responder steals the controlled substance by diluting it or substituting it for another substance, it is a Class E felony.

Currently, it is a Class I felony to acquire or obtain possession of a controlled substance by misrepresentation, fraud or deception.

4. G.S. 90-108 is amended, effective December 1, 2018 and applies to offenses committed on or after that date, to make it a Class G felony for a health care provider, such as a doctor, to embezzle, misapply or divert a controlled substance to their own use or other unauthorized or illegal use.

If the health care provider steals the controlled substance by diluting it or substituting it for another controlled substance, it is Class E felony.

Currently, it is a Class I felony to acquire or obtain possession of a controlled substance by misrepresentation, fraud or deception.

5. G.S. 90-113.74 is amended, effective July 1, 2019, by adding a new section (i) that provides certain drug investigators at local law enforcement agencies access to the Controlled Substances Reporting System (CSRS). To be eligible for access, the drug investigator is required to undergo specialized training to become a “certified diversion investigator” and will have to register with the North Carolina Department of Health and Human Services to use CSRS.

The agency that employs the certified diversion investigator is also required to send a supervisor to specialized training in CSRS to become a “certified diversion supervisor.” The certified diversion supervisor is responsible for overseeing the certified diversion investigator and the use of CSRS.

Finally, the certified diversion investigator’s access to CSRS must be authorized each time by the North Carolina State Bureau of Investigation, Diversion and Environmental Crimes Unit, and must be made pursuant to a bona fide active investigation. A bona fide active investigation is an investigation supported by a reasonable belief that a violation of our controlled substances statutes has or will be committed by one or more persons.

6. G.S. 90-113.74 is amended, effective July 1, 2019, by adding a new section (j) that requires each request to access CSRS to contain the following information:
 - (i) The case number associated with the request;
 - (ii) A description of the nature and purpose of the request;
 - (iii) The name and date of birth of each individual whose prescription data the investigator seeks; and
 - (iv) An acknowledgement that the investigator is aware of the penalties associated with misuse of the CSRS system.
7. G.S. 90-113.74 is amended, effective December 1, 2018 and applies to offenses committed on or after that date, by adding a new section (k) that makes it a Class I felony to knowingly and intentionally access CSRS for an unauthorized purpose, or to knowingly and intentionally disseminate private CSRS information. It is also a Class H felony to maliciously obtain, disclose or disseminate CSRS information for the purpose of harming someone or for commercial advantage. Any person convicted of any of these offenses will be permanently barred from accessing CSRS.
8. Enacts new G.S. 90-107.1, effective July 1, 2019, to require a pharmacy to provide a certified diversion investigator with copies of prescriptions and other records related to prescriptions, such as purchase receipts, if the request is made pursuant to a bona fide

active investigation into a violation of our controlled substances statutes. The certified diversion investigator must make the request in writing and provide the following information:

- (i) The investigator's name and certified diversion investigator number;
- (ii) The name of the law enforcement agency where the certified diversion investigator works;
- (iii) The case number associated with the request;
- (iv) A description of the nature and purpose of the request; and
- (v) The name and date of birth of each individual whose prescription data the investigator seeks.

A pharmacy is required to produce the records "as soon as practicable," but no later than two business days after receipt of the request from the certified diversion investigator.

9. G.S. 90-113.75 is amended, effective July 1, 2018, to provide immunity from criminal and civil liability for any law enforcement officer or agency authorized to access CSRS, so long as the person or entity is acting in good faith when accessing CSRS or sharing CSRS information.
10. G.S. 17E-4(a) and G.S. 17C-6(a) are amended, effective July 1, 2018, to require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission, in consultation with the State Bureau of Investigation, the North Carolina Justice Academy and the North Carolina Department of Justice to develop the training and qualification standards for drug diversion investigators and supervisors that will be permitted access to CSRS.
11. Appropriates \$10 million in recurring funds for the 2019-2020 fiscal year to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to increase the availability of community-based treatment and recovery services for substance use disorders.
12. Appropriates \$1 million in recurring funds for the 2019-2020 fiscal year to the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to purchase opioid antagonists which will be distributed to North Carolina law enforcement agencies free of charge.
13. Appropriates \$160,000 in recurring funds for the 2019-2020 fiscal year to the North Carolina State Bureau of Investigation for "Operation Medicine Drop," which is a program that allows citizens to anonymously discard controlled substances in a safe

and secure location.

14. Appropriates \$122,000 in recurring funds and \$58,000 in nonrecurring funds for the 2019-2020 fiscal year to the North Carolina State Bureau of Investigation to create one full time special agent position that will serve to “enhance drug investigations throughout the State.”

[SENATE BILL 630](#), Revise IVC Laws to Improve Behavioral Health, amends Chapter 122C to make numerous changes to the involuntary commitment process. The changes of interest to the criminal justice community include:

1. Enacts new G.S. 122C-202.2, which requires local management entities/managed care organizations (LMEs/MCOs) to adopt a Community Crisis Services Plan (“Plan”). The Plan must be made up of separate “local area crisis services plans” (“Local Plan”) which are developed by the LMEs/MCOs, local law enforcement agencies, hospitals, magistrates, and area facilities. No Local Plan will be effective unless all participants agree to the Local Plan in writing, including local law enforcement.
2. Among other responsibilities, the Local Plan under G.S. 122C-202.2 designates the facilities where respondents under an involuntary commitment (IVC) order are to be taken for a first examination. This first examination also includes a health screening. The first examination and health screening must occur at the same facility and will not require additional transportation of the respondent by law enforcement.
3. The Local Plan under G.S. 122C-202.2 will also identify transportation and custody training courses for law enforcement officers and other designated persons. Law enforcement officers are not required to participate in the training but may request to attend. Persons other than law enforcement officers who are designated in the Local Plan to provide custody and transportation of respondents are required to participate in the training. The training will address use of de-escalation strategies and techniques, the use of restraints, the rights of respondents and the proper completion of custody orders.
4. The Local Plan under G.S. 122C-202.2 must contain an involuntary commitment transportation agreement adopted by the city or county governing body, which will allow the city or county to designate individuals other than law enforcement officers to provide all or part of the custody and transportation requirements for an IVC.
5. After this bill became law, the General Assembly enacted [SENATE BILL 750](#), Health-Local Confinement/Vet. Controlled Sub., summarized below. A provision in this bill requires a transporting officer of an involuntary commitment respondent to immediately seek medical assistance if the respondent has a medical emergency.
6. G.S. 122C-251(e) is amended to require a transporting law enforcement officer to use every effort to avoid restraining a child under 10 years of age. The officer is authorized to use restraints when the child’s behavior or other circumstances make restraint necessary. Law enforcement officers are still authorized to use reasonable force to

- restrain all other respondents if necessary to protect the officer, the respondent or others.
7. G.S. 122C-251(e) is amended to require transporting law enforcement officers to answer questions from a facility concerning the use of restraints during an IVC transport, unless that information is confidential or will compromise an investigation, such as an internal investigation or criminal investigation.
 8. G.S. 122C-55 is amended, effective June 22, 2018, to allow, but not require, the sharing of confidential information between a sheriff and a facility regarding an inmate confined in the county jail who needs treatment for mental illness, developmental disabilities or substance abuse.
 9. G.S. 122C-263(d)(2) is amended to require law enforcement officers or other designated persons to commence transport within six hours of receiving a request for transportation, to the extent that it is feasible, when a respondent is required to be transported to a 24-hour facility.

Effective: October 1, 2019

[SENATE BILL 655](#), [Change Date When Primary Elections Held](#), amends G.S. 163-1 to change the date on which primary elections are held, including primary elections for sheriff and all other county offices, from the current month of May to March. An individual who files a notice of candidacy with the State Board of Elections or a county board of elections is required to do so no later than 12:00 noon on the third Friday in December preceding the primary. Currently, the notice of candidacy must be filed by the last business day in February.

Effective: January 1, 2019, and applies to even-year elections held on or after that date. Therefore, this legislation has no effect on the schedule for the 2018 elections for the Office of Sheriff.

[SENATE BILL 711](#), [NC Farm Act of 2018](#), makes numerous changes to the agriculture laws of the State. The changes of interest to the criminal justice community include:

1. G.S. 106-568.51 is amended, effective June 27, 2018, to clarify the type of seeds an industrial hemp farmer can use. The bill requires hemp farmers to use “verified propagules” to cultivate industrial hemp. Verified propagules are a seed or clone from an industrial hemp plant that has been tested and confirmed to have tetrahydrocannabinol (THC) levels less than that prohibited by federal law. Under current law, industrial hemp growers must utilize a “certified seed,” which is a certified industrial hemp seed that has a low THC concentration. Current law does not have a testing requirement for the industrial hemp seeds.
2. G.S. 153A-212.5 is amended to allow a North Carolina law enforcement agency, such as a sheriff’s office or police department, to enter into an “intergovernmental law enforcement mutual aid agreement” with out-of-state law enforcement agencies or officers for assistance in maintaining security and safety at international equestrian events. For events other than

international equestrian events, a North Carolina law enforcement agency does not have the authority to enter into a mutual aid agreement with an out-of-state law enforcement agency or officer for any reason.

The intergovernmental mutual aid agreement allows out-of-state agencies or officers to provide a North Carolina law enforcement agency with temporary assistance at international equestrian events by furnishing supplies, equipment, facilities, personnel or other services as might be needed by the requesting North Carolina law enforcement agency.

The intergovernmental mutual aid agreement must specify standards of conduct for the out-of-state officers, including use of force standards, training requirements, standards for reimbursement of costs for supplies, personnel and equipment, and protocols for processing any claims that may be made against the out-of-state officer as a result of rendering assistance.

An out-of-state law enforcement officer is defined as a full-time officer of a governmental agency in another state, in good standing, with powers of arrest and whose primary function is the prevention and detection of crime or the enforcement of criminal laws. Out-of-state officers are deemed to have satisfied the certification standards of the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission while rendering temporary assistance under the intergovernmental mutual aid agreement.

The out-of-state law enforcement officer providing assistance has the same authority, jurisdiction, powers, privileges and immunities as the officers of the requesting North Carolina law enforcement agency and are under the operational command of the requesting agency while rendering assistance.

The intergovernmental mutual aid agreement must be approved by the local governing body of the agency making the request, such as the county board of commissioners in the case of a sheriff entering into such an agreement.

These provisions allowing for intergovernmental mutual aid agreements are effective June 27, 2018 and expire October 1, 2018. These provisions are designed to apply to the 2018 FEI World Equestrian Games to be held in Polk County in September, 2018.

Effective: June 27, 2018

[SENATE BILL 750](#), Health-Local Confinement/Vet. Controlled Sub., amends G.S. 153A-225 to clarify the reporting requirements of a sheriff or regional jail administrator in the event a prisoner dies while in the custody of a local confinement facility. The death must be immediately reported to the medical examiner and county coroner regardless of the physical location of the prisoner at the time of death. Therefore, the bill requires the immediate reporting of a prisoner death at a local hospital, for example, even though the death did not occur within the local confinement facility.

The bill also requires the North Carolina Department of Health and Human Services (DHHS) and the Government Data Analytics Center within the North Carolina Department of Information and Technology (DIT) to collaborate with local governments and law enforcement on the potential participation of local confinement facilities in the North Carolina Health Information Exchange Network (HIE). The HIE is a computer-based network that allows the secure transmission of patient health information that could be used to facilitate the exchange of inmate health information between local confinement facilities and health care providers.

DHHS and DIT are also required to work with the North Carolina Department of Public Safety to ensure that State prison facilities fully participate in the HIE. No later than October 1, 2019, DHHS and DIT must provide a final report to the Joint Legislative Oversight Committee on Health and Human Services relating to the steps needed to implement the HIE in State prisons and potentially in local confinement facilities.

Effective: June 25, 2018

[SENATE BILL 768](#), [People First Language 2018](#), amends the definition of “mentally incapacitated” in G.S. 14-27.20, the definitions section applicable to rape and other sexual offenses, to include a victim who is provided a poisonous or controlled substance against their knowledge or consent.

Effective: December 1, 2018 and applies to offenses committed on or after that date.

[SENATE BILL 808](#), [Domestic Violence Fatality Review in Buncombe](#), amends Section 5 of Session Law 2009-52 and Section 5 of Session Law 2013-70 to add Buncombe County to the list of counties that must establish a Domestic Violence Review Team (Review Team). Currently, these review teams are required in Alamance, Pitt, Wake, and Mecklenburg Counties.

The law enforcement and criminal justice members of the Review Team will be: (1) the Sheriff of Buncombe County, or his/her designee; (2) a law enforcement officer appointed by the Chief of Police of the largest municipality in Buncombe County (i.e. Asheville); (3) a law enforcement officer from the other police departments in the county; (4) the district attorney or a designated assistant district attorney; (5) a magistrate; (6) a probation and parole officer; and (7) a district court judge.

The Review Team will report on domestic violence issues every 3 years to the Buncombe County Board of County Commissioners, the North Carolina Domestic Violence Commission, and the Governor’s Crime Commission.

Effective: June 28, 2018

[SENATE BILL 814](#), [Judicial Vacancy Sunshine Amendment](#), submits a proposed amendment to the North Carolina Constitution to the North Carolina voters in November 2018 to decide if the North Carolina Constitution should be amended to implement a nonpartisan merit-based system for the filling of vacancies in the offices of the Supreme Court, the Court of Appeals, Superior Court Judge, District Court Judge, and District Attorney. If approved by a majority of votes, this

amendment will apply to vacancies occurring in the above referenced offices on or after the date of the next general election.

If approved, this constitutional amendment will also establish the Nonpartisan Judicial Merit Commission (Commission) that will consist of a maximum of nine members who will be appointed by the Chief Justice of the Supreme Court, the Governor and the General Assembly. Vacancies in the above referenced offices will be filled by receiving nominations from citizens to the Commission. The Commission will evaluate the nominees without regard to the nominee's political affiliation and the Commission will in turn submit their evaluations of the nominees to the General Assembly. The General Assembly, in turn, will recommend to the Governor at least two of the nominees to fill each vacancy. The Governor will then appoint the nominee the Governor deems best qualified.

Currently, vacancies in these offices are filled by the Governor without a formal citizen nomination and review process.

The **Final 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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