

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



February 13, 2009

Last week, Senate President Pro Tempore Marc Basnight announced the appointment of Senate Committees, and this week Speaker of the House Joe Hackney announced the appointment of House Committees. With over 300 bills introduced thus far this Session, bills can now be referred to committees and the activities should increase somewhat at the General Assembly. Several committees met this week, but as usual, it will probably be several more weeks before any complex issues are tackled by the committees.

Speaker of the House Joe Hackney announced that he was deleting the 1:00 p.m. committee meeting slot on Thursdays and replacing it with an additional committee meeting time at 2:00 p.m. on Tuesdays and Wednesdays. This change will allow House members to depart Raleigh earlier on most Thursdays, and in exchange will extend their working day on Tuesdays and Wednesdays.

The House and Senate both adjourned on Thursday and are scheduled to reconvene on Monday evening.

BILLS OF INTEREST

HOUSE BILL 93, Caisson Coordinator Contract Position/State Highway Patrol, would provide funding for the State Highway Patrol to contract with someone to coordinate the activities of the North Carolina Troopers Association Caisson Unit. **Introduced by Representatives Warren and Spear.**

HOUSE BILL 96, Local Government Surplus Property Donations, would clarify the authority of counties to donate surplus, obsolete or unused personal property to other governmental units or to non-profit organizations. **Introduced by Representative Faison.**

HOUSE BILL 97, Active Duty Hunting/Fishing License Exemption, would allow residents of North Carolina who are on full-time active military duty outside of North Carolina to hunt and fish while on leave in North Carolina without obtaining a license. **Introduced by Representatives Killian, Sager, McElraft and Guice.**

HOUSE BILL 98, License Renewal/Deploying Reservists, would authorize a reserve member of the armed forces to renew their driver's license upon receipt of deployment orders and would allow a 30 day grace period for their expired license upon their release from active duty. **Introduced by Representatives Killian, Sager, Dollar and Burris-Floyd.**

HOUSE BILL 99, Military Police/Credit for B.L.E.T. Training, would require the Department of Justice to conduct a study to evaluate the impact of allowing military personnel who have completed military police training to receive credit towards completion of the Basic Law Enforcement Training (BLET) course required by the North Carolina Criminal Justice Education and Training Standards Commission. The study conducted by the Department of Justice would be required to be completed by February 1, 2010 with a report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee. **Introduced by Representatives Killian, Burr, Wiley and Warren.**

HOUSE BILL 100, Conform State Law to Lawrence v. Texas, is designed to bring North Carolina law into compliance with the decision of the Supreme Court of the United States in "Lawrence v. Texas" to amend the statute that prohibits crime against nature involving consenting adults in a private home, private residence or other private abode. **Introduced by Representatives Glazier, Harrison, Martin and Bryant.**

HOUSE BILL 105, Clarify Interstate Wildlife Violator Compact, would clarify that the interstate wildlife violator compact includes violations of regulations established by the Marine Fisheries Commission. **Introduced by Representative Wainwright.**

HOUSE BILL 106, Implement Shellfish FMP Recommendations, would implement various recommendations concerning the Fisheries Management Plan and would make fishing under certain circumstances unlawful. **Introduced by Representative Wainwright.**

HOUSE BILL 107, Management of the Striped Bass Fishery, would authorize the Marine Fisheries Commission to establish certain fishing quotas for striped bass. **Introduced by Representatives Wainwright, Harrison and Stiller.**

HOUSE BILL 108, Suspension and Revocation of Fishing Licenses, would authorize the Marine Fisheries Commission to study issues and adopt rules related to the suspension, revocation and reissuance of licenses under their jurisdiction. **Introduced by Representative Wainwright.**

HOUSE BILL 113, Regulation of Golf Carts in Swansboro, would add the Town of Swansboro to the list of towns that may regulate golf carts. **Introduced by Representative Cleveland.**

HOUSE BILL 115, Joint Domestic Violence Committee/Recommendations, would rename the commission as the North Carolina Center for Women, Families and Domestic Violence, would expand the duties of the North Carolina Council for Women and require a study to determine the impact of adopting an automated statewide domestic violence protective order notification system. **Introduced by Representatives McLawhorn, Ross, Farmer-Butterfield and Johnson.**

HOUSE BILL 117, Regulation of Golf Carts in Morganton, would add the City of Morganton to the list of cities that may regulate golf carts. **Introduced by Representative Blackwell.**

HOUSE BILL 118, Special Plate for Blue Knights, would authorize the Division of Motor Vehicles to issue a specialized license plate for members of the Blue Knights International Law Enforcement Officers Motorcycle Club, Inc. **Introduced by Representative McComas.**

HOUSE BILL 121, Regulation of Golf Carts in River Bend, would add the Town of River Bend to the list of towns that may regulate golf carts. **Introduced by Representatives Underhill and Wainwright.**

HOUSE BILL 123, Death Penalty/Proportionality Review, would require the Supreme Court of North Carolina to evaluate capital cases in which the death penalty was imposed as well as similar cases in which the sentence of life imprisonment was imposed in conducting the proportionality review required by law. **Introduced by Representatives Glazier, Blue, Ross and Parmon.**

HOUSE BILL 124, Judicial Discretion/Indigent Counsel Fees, would allow the trial judge to approve attorney's fees for indigent defense based on extraordinary circumstances even though the fee amount exceeds the standard rates. **Introduced by Representative Moore.**

HOUSE BILL 127, Regulation of Golf Carts in Pikeville, would add the Town of Pikeville to the list of towns that may regulate golf carts. **Introduced by Representative Sager.**

HOUSE BILL 129, Habitual Misdemeanor Larceny/Felony, would create the offense of habitual misdemeanor larceny for a person convicted of misdemeanor larceny five or more times. **Introduced by Representative Moore.**

HOUSE BILL 130, Add FOP Member to Criminal Justice Training and Standards Commission, would add one member to the North Carolina Criminal Justice Education and Training Standards Commission to be selected by the State Lodge of the Fraternal Order of Police. **Introduced by Representatives Owens and Ross.**

HOUSE BILL 134, Assault State or Local Officer or Employee, would raise the criminal offense of simple assault on an officer or employee of the State or a city or county from a Class A1 misdemeanor to a Class I felony. **Introduced by Representative Tucker.**

HOUSE BILL 137, Capital Procedure/Severe Mental Disability, would make various amendments to the capital trial, sentencing and post-conviction procedures for a person with a severe mental disability. **Introduced by Representatives Insko, Harrison, Womble and Luebke.**

HOUSE BILL 151, Domestic Violence Funds, would appropriate funds to the Domestic Violence Center Fund and for related matters. **Introduced by Representatives McLawhorn, Ross, Underhill and Farmer-Butterfield.**

HOUSE BILL 152, Regulation of Golf Carts in Winterville, would add the Town of Winterville to the list of towns that may regulate golf carts. **Introduced by Representative McLawhorn.**

HOUSE BILL 162, Electronic Record Interrogation/B1, B2, C Felony, would provide that a custodial interrogation in a Class B1, Class B2, or Class C felony case must be electronically recorded in its entirety. This legislation would extend the provisions of General Statute §15A-211, that currently only applies in homicide investigations, to also apply to Class B1, Class B2 and Class C felonies. **Introduced by Representatives Glazier, Blue and Ross.**

SENATE BILL 94, [Felony to Assault Probation/Parole Officer](#), would make it a Class I felony to assault a probation or parole officer. **Introduced by Senator Foriest.**

SENATE BILL 96, [No "Texting" While Driving](#), is identical to House Bill 9 which was summarized in the January 30, 2009 edition of the North Carolina Sheriffs' Association Weekly Legislative Report. **Introduced by Senator Bingham.**

SENATE BILL 99, [Internet Ticket Resale Amendments](#), would expand the law designed to protect customers purchasing tickets via the internet. **Introduced by Senator Hartsell.**

SENATE BILL 102, [District 19A District Court Judge Funds](#), would appropriate funds to fund an additional district court judge for District Court District 19A (Cabarrus County). **Introduced by Senator Hartsell.**

SENATE BILL 103, [Regulation of Golf Carts in Stallings](#), would add the Town of Stallings to the list of towns that may regulate golf carts. **Introduced by Senator Goodall.**

SENATE BILL 105, [Suspension and Revocation of Fishing Licenses](#), is identical to House Bill 108 discussed above. **Introduced by Senator Albertson.**

SENATE BILL 106, [Clarify Interstate Wildlife Violator Compact](#), is identical to House Bill 105 discussed above. **Introduced by Senator Albertson.**

SENATE BILL 107, [Implement Shellfish FMP Recommendations](#), is identical to House Bill 106 discussed above. **Introduced by Senator Albertson.**

SENATE BILL 108, [Management of the Striped Bass Fishery](#), is identical to House Bill 107 discussed above. **Introduced by Senator Albertson.**

SENATE BILL 119, [Four-Year Terms](#), would authorize a vote by the people to consider amending the Constitution of North Carolina to provide four-year terms for members of the General Assembly. **Introduced by Senator Weinstein.**

SENATE BILL 123, [Warrantless Searches/Probationers & Parolees](#), would expand the powers of law enforcement officers, probation officers and parole officers by making it a regular condition of probation that the probationer submit at reasonable times to warrantless searches of their person or vehicle by any law enforcement officer. **Introduced by Senator Berger.**

SENATE BILL 130, [Display Identifying Numbers Inside Elevators](#), would require the Commissioner of Labor to adopt rules to require, in any building having multiple elevators, that a distinct number be posted in plain view in each elevator to assist in identification and passenger rescue in case of a malfunction of the elevator. **Introduced by Senator Vaughan.**

SENATE BILL 131, [Penalty for DWI Conviction/BAC .20 or Higher](#), would require that a person convicted of driving while impaired with an alcohol concentration of .20 or higher be imprisoned for a minimum period of 24 hours. **Introduced by Senator Vaughan.**

SENATE BILL 135, Operation of Mopeds, would require mopeds to be registered with the Division of Motor Vehicles and have appropriate insurance. **Introduced by Senator Rand.**

SENATE BILL 138, Salvia Divinorum Schedule I, would classify Salvia Divinorum as a Schedule I controlled substance. **Introduced by Senator Purcell.**

SENATE BILL 139, Add Division of LESS to CCPS, would clarify that the Division of Law Enforcement Support Services (LESS) is within the Department of Crime Control and Public Safety and would specify that the functions of the Law Enforcement Support Services Division include: (1) manage programs that enable transfer of technology goods and services through excess property acquisition and equipment loan programs; (2) provide central storage and management of evidence pursuant to the DNA Database and Databank Act of 1993; (3) provide central storage and management of rape kits pursuant to the Violence Against Women Act; (4) provide an equipment loan program for law enforcement agency use in undercover investigations and for other purposes; (5) develop and test innovative and technological solutions for first responders; and (6) provide other assistance as directed by the Governor or the Secretary of Crime Control and Public Safety. **Introduced by Senator Snow.**

SENATE BILL 140, Amend Domestic Criminal Trespass, would make it a felony for a person who is the subject of a valid protective order to trespass on property where the protected party resides if that property is operated as a safe house for domestic violence victims. This offense would apply even when the person covered by the protective order is no longer present on the premises of the safe house. This legislation would also make it an aggravating circumstance for first degree murder if the defendant who is the subject of a valid protective order commits a murder of the premises of a shelter for victims of domestic violence where the protected party is residing. **Introduced by Senator Snow.**

SENATE BILL 142, Caisson Coordinator Contract Position/State Highway Patrol, is identical to House Bill 93 discussed above. **Introduced by Senator Snow.**

SENATE BILL 145, Regulation of Golf Carts in Bethel, would add the Town of Bethel to the list of towns that may regulate golf carts. **Introduced by Senator Jenkins.**

SENATE BILL 153, DMV to Notify Employer of CDL Convictions, would require the Division of Motor Vehicles to notify an employer of any conviction affecting the status of a commercial driver's license by an employee. **Introduced by Senator Berger.**

SENATE BILL 155, Community Colleges Can't Admit Illegal Aliens, would prohibit illegal aliens from attending North Carolina Community Colleges. **Introduced by Senator Berger.**

SENATE BILL 156, Session Limits, would allow the citizens of North Carolina to vote whether or not to amend the North Carolina Constitution to establish certain limits to the length of General Assembly Sessions. **Introduced by Senator Berger.**

SENATE BILL 158, Modify Felony Death By Vehicle Penalty, would increase the penalty for felony death by vehicle and felony serious injury by vehicle. **Introduced by Senator Berger.**

SENATE BILL 161, Execution/Physician Assistance Authorized, would provide that any assistance rendered by any health care professional in the process of a lawful execution by the State could not result in disciplinary action by any state licensing board. **Introduced by Senator Berger.**

SENATE BILL 164, Unauthorized Practice of Medicine/Felony, would change the penalty for the unauthorized practice of medicine from a misdemeanor to a felony. **Introduced by Senator Forrester.**

SENATE BILL 167, No Smoking/Cell Phones on Prison Grounds, would prohibit smoking on the premises of any Department of Correction facility and make it a felony to provide tobacco products or cell phones to inmates in the custody of the Department of Correction. **Introduced by Senator Albertson.**

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's World Wide Web site: www.ncleg.net.

You may also receive one copy of as many bills as you are interested in, 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).

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