

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



March 20, 2009

For the last several weeks, the subcommittees of the House and Senate Appropriations Committees have been meeting almost daily to review the budget of all state agencies. The Justice and Public Safety Subcommittee is the one with jurisdiction over most criminal justice matters.

While legislators and state agency officials are friendly and cordial, there are similarities between their meetings and a hospital ward for terminally ill patients, because nobody is getting any good news at all. Typically, state agencies come forward at this time of year with their “expansion budget” which is their wish list for new funding they want in the new budget. So far, there have been no expansion requests and all of the state agency reports have been detailing the drastic cuts to their budget that are being proposed in order to deal with the downturn in the economy.

The cuts identified by the Department of Correction alone totaled \$90 million. The Department of Correction staff was quick to point out that these reductions are not recommended nor preferred, but given the percentage of their required budget reduction, the proposals were put forth as being the least drastic reductions that could be made without jeopardizing public safety.

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

BILLS OF INTEREST

HOUSE BILL 614, Absentee Voting Improvements, would make various improvements to the absentee voting laws. **Introduced by Representatives Martin, Glazier, McLawhorn and Rapp.**

HOUSE BILL 616, Offense for Portable Toilets/Pumper Trucks, would make it a Class 1 misdemeanor to steal, destroy or vandalize a portable toilet or a pumper truck used to service portable toilets. **Introduced by Representative Allen.**

HOUSE BILL 620, Stalking Law Conforming Changes, would make technical corrections to the stalking law. **Introduced by Representatives Ross and Wiley.**

HOUSE BILL 626, Restraining of Dogs, would make it a Class 1 misdemeanor to knowingly restrain a dog using a chain that is grossly in excess of the size or weight necessary to restrain the dog. **Introduced by Representatives Yongue, Fisher, McComas and Burr.**

HOUSE BILL 631, Wearing of Medals by Public Safety Personnel, would allow uniformed public safety officers to wear military service medals during the business week prior to Veterans Day and Memorial Day and on those days and the day immediately following. **Introduced by Representatives Martin, Warren and Killian.**

HOUSE BILL 644, Misdemeanor/Not Produce Public Records, would make it a misdemeanor to fail to allow public records to be inspected, examined or copied. **Introduced by Representatives Cleveland and Burr.**

HOUSE BILL 648, Reduce Service Break/Returning Teachers, would reduce the required break in service from six months to four months for teachers who return to work, so that they will not lose their retirement benefits. **Introduced by Representative Holloway.**

HOUSE BILL 650, Roanoke Rapids/No Loiter for Drugs, would make it a criminal offense to loiter in the city of Roanoke Rapids for the purpose of violating the controlled substance laws. **Introduced by Representatives Allen and Bryant.**

HOUSE BILL 653, No Tuition for Campus Police Officer Training, would authorize the State Board of Community Colleges to waive the tuition and fees for in-service training courses for campus police officers. **Introduced by Representative Tolson.**

HOUSE BILL 656, Mental Health Proceedings/No Restraint, would prohibit restraint of individuals who are minors and are being transported to or during hearings pursuant to involuntary commitment orders, except under circumstances. **Introduced by Representatives Earle, Bordsen, Lucas and Bryant.**

HOUSE BILL 657, Establish Domestic Violence Fatality Review Team/Mecklenburg Co, would establish a Domestic Violence Fatality Prevention and Protection Review Team in Mecklenburg County. **Introduced by Representatives Earle and Carney.**

HOUSE BILL 658, Funds for Juvenile Crime Prevention Councils (JCPCs), would appropriate funding to the Department Juvenile Justice and Delinquency Prevention for local juvenile crime prevention councils throughout the State. **Introduced by Representatives Bordsen, Alexander, Earle and Mobley.**

HOUSE BILL 659, Study Existing Children/Youth Programs, would authorize a study of existing programs relating to children and youth. **Introduced by Representatives Bordsen, Alexander, Earle and Johnson.**

HOUSE BILL 665, Assistance to Voters, would provide that all voters are entitled to assistance when entering and exiting the voting booth and preparing ballots. It would also remove limits on who can provide assistance. **Introduced by Representatives Allen and Womble.**

HOUSE BILL 674, Registration Stop for Parking Violations, would prevent the renewal of a motor vehicle registration if the applicant has outstanding parking fines that are due. **Introduced by Representatives McGee, Womble, Parmon and Brown.**

HOUSE BILL 676, Law Enforcement Jurisdiction in Iredell County, would institute traditional jurisdictional boundaries for law enforcement agencies in Iredell County. **Introduced by Representatives McCormick, Howard and Setzer.**

HOUSE BILL 679, Divide Prosecutorial District 20A, would place Anson and Richmond Counties in Prosecutorial District 20A and would move Stanly County into a newly created Prosecutorial District 20E. **Introduced by Representative Burr.**

HOUSE BILL 697, Remove Restriction/Law Enforcement Officers Disability Benefits, would remove the requirement that a law enforcement officer have at least one year of creditable service in the retirement system in order to qualify for disability retirement benefits for injuries that were incurred in the line of duty. **Introduced by Representatives Dickson, Martin, McLawhorn and Wiley.**

HOUSE BILL 706, Division of Motor Vehicle Handicap Placard Enforcement, would change the handicap placard design to better reflect the expiration date of the tag. **Introduced by Representative Floyd.**

HOUSE BILL 726, Clarify Expunctions, would clarify current law to provide that a person's criminal record may be expunged for a first misdemeanor offense committed when the person was less than 18 years of age, even though the person is 18 years of age or older at the time of the actual conviction. This bill would also provide that a Prayer for Judgment Continued (PJC) may be expunged from a person's record in the same circumstances that currently allow for an expungement of a criminal charge that is dismissed or a finding of not guilty. **Introduced by Representatives Moore, Ross and Goodwin.**

HOUSE BILL 733, Regulate Commercial Breeding/Dogs, would establish certain procedures for persons who wish to commercially breed dogs. **Introduced by Representatives McElraft, Dickson, Sager and Allen.**

SENATE BILL 617, Stalking Law Conforming Changes, is identical to House Bill 620 discussed above. **Introduced by Senator Hartsell.**

SENATE BILL 624, 25-Year Law Enforcement Retirement, would allow state and local law enforcement officers to retire with unreduced retirement benefits after 25 years of service. This bill would also allow officers who retire with 25 years of service to qualify for the Special Separation Allowance Benefit and would provide that the Special Separation Allowance Benefit does not terminate until the officer becomes eligible for unreduced social security benefits. This bill would also establish a Special Separation Allowance Fund in the Department of State Treasurer to receive funds from the agencies that employ law enforcement officers that would be used to pay a retired officer's Special Separation Allowance Benefit. **This bill is supported by the North Carolina Sheriffs' Association.** **Introduced by Senator Boseman.**

SENATE BILL 628, Release Controlled Substance Reporting Data To Chief Medical Examiner, would authorize the Department of Health and Human Services to release confidential data in the Controlled Substances Reporting System (CSRS) to the chief medical examiner and to county medical examiners for the purpose of investigating deaths. **Introduced by Senator Purcell.**

SENATE BILL 642, *Require Off-Road Vehicles to Be Registered*, would require all-terrain vehicles and motorcycles that are used as off-road vehicles to be registered with the Division of Motor Vehicles. **Introduced by Senator Berger.**

SENATE BILL 643, *Amend Drug Exam Regulation*, would provide that a person who is required to submit to a controlled substance examination whose first screening test produces a positive result may waive a second examination that is intended to confirm the results. **Introduced by Senator Swindell.**

SENATE BILL 649, *Modify Speed Zone Restrictions*, would prevent speed limits in areas that are newly annexed by a municipality from automatically becoming a 35 mile per hour speed zone. **Introduced by Senator Goss.**

SENATE BILL 650, *Allow Municipalities to Regulate Golf Carts*, would set up a uniform statewide procedure for municipalities to regulate the operation of golf carts by adopting ordinances. **Introduced by Senator Goss.**

SENATE BILL 652, *Prohibit Sale of Novelty Lighters*, would prohibit the retail sale and distribution of novelty lighters, as recommended by the Child Fatality Task Force. **Introduced by Senator Allran.**

SENATE BILL 655, *Increase Drivers License Restoration Fee*, would increase the drivers license restoration fee from \$100 to \$125 dollars. **Introduced by Senator Jones.**

SENATE BILL 656, *Remove Controlled Access Highway Restriction*, would allow the operation of oversized self propelled farm equipment as long as it does not exceed 25 feet in width. **Introduced by Senator Jones.**

SENATE BILL 659, *Disqualification of Judges/Procedure*, would provide a procedure for determining when a judge should be disqualified from presiding over a case. **Introduced by Senator Rucho.**

SENATE BILL 663, *Increase Access to Justice*, would increase various judicial department fees and reallocate those monies to programs designed to assist needy children. **Introduced by Senator Clodfelter.**

SENATE BILL 664, *Safe Storage of Firearms*, would provide stricter requirements for the storage of firearms to protect minors. **Introduced by Senator Graham.**

SENATE BILL 665, *Mecklenburg Juvenile Detention Funds*, would provide \$18 million to the Department of Juvenile Justice and Delinquency Prevention for construction of a new juvenile detention center in Mecklenburg County. **Introduced by Senator Graham.**

SENATE BILL 666, *Mental Health Proceedings/No Restraint*, is identical to House Bill 656 discussed above. **Introduced by Senator Graham.**

SENATE BILL 670, Funds/Statewide Poison Control Center, would fund \$1 million for the upcoming year for the Carolina Poison Control Center. **Introduced by Senator Purcell.**

SENATE BILL 674, Amend Rabies Laws, would allow stray or feral animals to be immediately euthanized and tested for rabies after biting a human. **Introduced by Senator Purcell.**

SENATE BILL 680, Increase Penalties for Drug Trafficking, would increase the criminal penalty to be imposed for drug trafficking offenses. **Introduced by Senator Brown.**

SENATE BILL 695, Restraining of Dogs, would prohibit restraining dogs under certain specified circumstances. **Introduced by Senator Garrou.**

SENATE BILL 710, False Pretenses/Increase Some Penalties, would increase the criminal penalty for the offense of obtaining property by false pretenses when the money or property obtained is valued between \$5,000 and \$100,000. **Introduced by Senator Allran.**

SENATE BILL 713, Removal of Electronic Monitoring Device, would make it a criminal offense to remove, destroy or circumvent the operation of an electronic monitoring device. **Introduced by Senator Rucho.**

SENATE BILL 714, Offense for Portable Toilets/Pumper Trucks, is identical to House Bill 616 discussed above. **Introduced by Senator Berger.**

SENATE BILL 723, No Credit for Obscene Films, would provide that a production company making an obscene film could not receive the full tax credit. **Introduced by Senator Phil Berger.**

SENATE BILL 726, Amend House Arrest Laws/Adult/Juvenile, would provide that house arrest may be imposed as a condition of pretrial release. **Introduced by Senator Berger.**

SENATE BILL 727, Require Chemical Test/Crashes Involving Death, would require the administration of a chemical analysis for all drivers involved in motor vehicle crashes that result in death. **Introduced by Senator Berger.**

SENATE BILL 729, Prevent the Theft of Scrap Metals, would strengthen the requirements regarding recycling of regulated metals. **Introduced by Senator Rucho.**

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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