

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



March 27, 2009

After granting a one day extension, the rules of the Senate require that all bills to be introduced during this legislative session must have been introduced by 12:00 noon on Thursday, March 26th. By the deadline, 1,093 bills have been introduced this legislative session in the Senate. For any new bills to be introduced in the Senate for the remainder of this Session, the bill sponsor must get a two-thirds vote of the membership of the Senate to approve the introduction of a new bill. In spite of this rule, there are several other ways that a new idea can be added to legislation that has already been introduced, and such activity is most likely to occur near the end of the legislative session.

In the House, 868 bills have been introduced so far this Session. However, the House rules establish a later bill introduction deadline. House bills that do not contain an appropriation or finance provision must have been submitted to the General Assembly's Bill Drafting Division by 4:00 p.m. on Thursday, March 26th. Members who submitted a bill drafting request by the deadline have until 3:00 p.m. on Wednesday, April 8th to actually submit the drafted bill for introduction. House bills containing appropriations or finance provisions must be introduced by May 6th.

This year's "crossover deadline" is Thursday, May 14th. The rules of the House and Senate provide that all bills that do not include an appropriation or finance provision must be passed out of one chamber no later than the "crossover deadline" in order to be considered any further during this year's legislative session. As in the past, the week or two immediately prior to the "crossover deadline" will see lengthy committee agendas, and frantic activity, as legislators rush to get their bill passed by either the House or the Senate before the "crossover deadline."

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

BILLS OF INTEREST

HOUSE BILL 748, [Electioneering at Early Voting Sites](#), would prohibit county boards of election from designating early voting sites to be held in nonpublic buildings unless the building will allow election-related activity on the property in the vicinity of the polling place. It appears that this legislation is designed to address the situation that arose during the last election when some early voting sites were established at a shopping mall, and the shopping mall management would not allow election-related activity and campaigning on the mall property outside of the voting site. **Introduced by Representatives Ross, Stam, Weiss and Dollar.**

HOUSE BILL 750, [Restore Contract Rights To State/Local](#), is identical to Senate Bill 427 and would allow collective bargaining in North Carolina for government employees by repealing the current law that prohibits collective bargaining by state and local government employees. **This bill is opposed by the North Carolina Sheriffs' Association.** **Introduced by Representatives Blue, Glazier, Coates and Harrell.**

HOUSE BILL 752, [Annual Registration of Farm Vehicles](#), is identical to Senate Bill 690 and allows persons who register motor vehicles at the farmer rate to choose between a staggered registration year or an annual registration year. **Introduced by Representatives Braxton, Lewis, Ray Warren and Brisson.**

HOUSE BILL 753, [School Bus/Activity Bus Operation](#), would clarify that the mandatory qualifications for school bus drivers apply when the bus is occupied by one child as well as when the bus is occupied by more than one child. **Introduced by Representative Carney.**

HOUSE BILL 754, [Division of Motor Vehicles Hearing Schedules](#), would make changes in the time period for requesting an administrative hearing at the Division of Motor Vehicles for motor vehicle inspection stations accused of a violation. **Introduced by Representative Carney.**

HOUSE BILL 766, [Amend Survivor's Alternate Benefit](#), is identical to Senate Bill 411 and would provide the survivor's alternative benefit for state and local law enforcement officers killed in the line of duty prior to the officer's completion of 15 years of service. **Introduced by Representatives Womble, Parmon, Mobley and Jones.**

HOUSE BILL 767, [Craven Road Hunting](#), would make it unlawful to hunt from or across the right-of-way of a portion of State Secondary Road 1862, known as Joyner Drive in Craven County. **Introduced by Representatives Wainwright and Underhill.**

HOUSE BILL 768, [Modernization of the ABC System](#), would prohibit more than one local Alcoholic Beverage Control (ABC) Board per county, would make numerous other changes concerning the operation of local ABC Boards and would increase the amount of certain alcoholic beverages that a person could possess without obtaining an ABC permit. **Introduced by Representative Crawford.**

HOUSE BILL 773, [Increase Access to Justice](#), is identical to Senate Bill 663 and would increase various judicial department fees and reallocate those monies to programs designed to assist needy children. **Introduced by Representatives Alexander, Glazier and Blue.**

HOUSE BILL 775, [Alt. Testimony/Children and Adults with Disabilities](#), is identical to Senate Bill 241 and would provide alternative means of testimony for children and adults with disabilities as recommended by the Joint Study Committee on Autism Spectrum Disorder and Public Safety. **Introduced by Representatives England, Alexander and Parmon.**

HOUSE BILL 776, [No Bullying Anyone at Public Schools](#), would prohibit bullying and harassing behavior on school property, at school-sponsored functions, or on a school bus. **Introduced by Representatives Stam, Neumann, Stevens and McGee.**

HOUSE BILL 784, Execution/Physician Assistance Authorized, is identical to Senate Bill 161 and would provide that assistance rendered by any health care professional during the process of a lawful execution by the State could not result in disciplinary action against the occupational license of the health care professional. **Introduced by Representatives Moore and Stam.**

HOUSE BILL 786, Office of Prosecution Services, is identical to Senate Bill 816 discussed below. **Introduced by Representative Faison.**

HOUSE BILL 787, Increase Penalty/Remove Serial # From Gun, would increase the penalty from a Class I felony to a Class H felony for altering, destroying or removing the permanent serial number of a firearm. **Introduced by Representatives Justice, Burr, Gibson and Warren.**

HOUSE BILL 816, Clarify Local Special Separation Allowance, is identical to Senate Bill 986 discussed below. **Introduced by Representatives Cotham, Dollar, McLawhorn and Weiss.**

HOUSE BILL 825, Garbage Collection Trucks Parking on Highways, would permit garbage trucks to stop on the pavement of highways outside of municipal limits while collecting garbage or recyclables. **Introduced by Representative Owens.**

HOUSE BILL 827, Unattended Children in Vehicles, would make it unlawful to leave a child in a motor vehicle on any public street or in any public vehicular area if: (1) the child is not supervised in the motor vehicle by a person who is at least fourteen years of age; (2) if the engine of the motor vehicle is running or if the keys are in the passenger compartment of the vehicle; (3) if the circumstances would cause a reasonable person to believe that the situation may be a risk to the child's health or safety; and (4) if the child is not in the immediate proximity or line of sight of the parent or legal guardian or other person responsible for the child. **Introduced by Representative Underhill.**

HOUSE BILL 831, Oppose Employee Free Choice Act, is a House Resolution that would express North Carolina's opposition to the enactment by Congress of the "Employee Free Choice Act" that is currently pending in the United States Congress and which would allow labor unions to pressure workers into signing authorization cards for unions and deprive workers of the opportunity to vote for or against a labor union by secret ballot. **This Resolution is supported by the North Carolina Sheriffs' Association. Introduced by Representatives Crawford, Brubaker and Howard.**

HOUSE BILL 834, Chapel Hill Police Discipline Board, would allow the Town of Chapel Hill to disclose certain personnel information concerning the disposition of disciplinary charges against Chapel Hill police officers. **Introduced by Representative Insko.**

HOUSE BILL 836, Removal of Electronic Monitoring Device, would make it unlawful to remove, destroy or circumvent the operation of an "electronic monitoring device" being worn by a person subject to home arrest, pre-trial release or while on probation or parole. **Introduced by Representative Tillis.**

HOUSE BILL 837, Remove Controlled Access Highway Restriction, would change the law to allow the operation of oversized self-propelled farm equipment not exceeding 25 feet in width on highways that are fully controlled access highways. **Introduced by Representative Spear.**

HOUSE BILL 838, Create Exemption/Size-Weight for Sage Haulers, would create an exemption for the size and weight allowed for trucks transporting unprocessed sage from farm to market. **Introduced by Representative Spear.**

HOUSE BILL 839, Require Safety Motorcycle Helmets/Under 21 Only, would amend the law that currently requires motorcycle operators and passengers to wear a safety helmet by providing that this requirement would not apply to persons who are 21 years of age or older. **Introduced by Representatives Current and Hill.**

HOUSE BILL 848, Magistrates Provide Appointment of Counsel, would allow magistrates to appoint legal counsel for criminal defendants. **Introduced by Representative Tillis.**

HOUSE BILL 857, Minimum Caliber of Rifles for Taking Big Game, would require the Wildlife Resources Commission to set minimum caliber requirements for rifles used in taking big game. **Introduced by Representative Lucas.**

HOUSE BILL 859, Amend Conditions of Probation, would provide that persons on probation must: (1) submit at reasonable times to warrantless searches by a probation officer of their person, vehicle or premises; (2) not use, possess or control any illegal drug or controlled substance; (3) not knowingly be present at a place where illegal drug or controlled substances are sold, kept or used; and (4) supply a breath, urine or blood specimen for analysis of any prohibited drugs or alcohol when requested to do so by their probation officer. **Introduced by Representative Guice.**

HOUSE BILL 861, Create New Titling Categories, would create new motor vehicle titling and registration categories for motor vehicles that are classified as custom-built vehicles, replica vehicles and street rods. **Introduced by Representatives Goodwin, Barnhart and Crawford.**

HOUSE BILL 862, Study Retirement and Health Benefits, would establish a special commission to study retirement and health benefits for teachers and state employees. **Introduced by Representative Crawford.**

HOUSE BILL 864, Waive Community College Tuition/Ex-Offenders. Current law provides that the State Board of Community Colleges may waive tuition and registration fees for juveniles committed to the Department of Juvenile Justice and Delinquency Prevention and for inmates committed to the Department of Correction. This bill would extend this authority to also include a three year period after the offender's release from the Department of Juvenile Justice and Delinquency Prevention or the Department of Correction. **Introduced by Representatives Womble and Parmon.**

SENATE BILL 739, Prohibit Penning of Wildlife, is identical to House Bill 515 introduced previously and would prohibit placing live foxes or coyotes in enclosed areas for the purpose of field trials or the training of dogs. **Introduced by Senator Malone.**

SENATE BILL 756, 26th Judicial District Position Funds, would appropriate funds to the 26th Judicial District (Mecklenburg County) for an additional superior court judicial assistant, an additional district court judicial assistant, and an additional family court coordinator. **Introduced by Senator Clodfelter.**

SENATE BILL 759, Modify DWI Checking Station Requirements, would require law enforcement agencies conducting motor vehicle checking stations to designate, in writing, the pattern for stopping vehicles. This legislation would allow criminal defendants to file motions to suppress evidence or raise a defense arguing that placement of a checking station was not random or statistically indicated or was established “repeatedly in the same location or proximity.” **Introduced by Senator McKissick.**

SENATE BILL 764, Real Estate/Settlement Agent Embezzlement, would specify that a settlement agent in a real estate transaction who embezzles funds can be charged with embezzlement when the investigation proves that funds were embezzled, even though the investigation cannot conclusively show that the funds were embezzled from a particular person or entity. **Introduced by Senator Stein.**

SENATE BILL 766, Magistrate Appointment Changes, would allow the voters in North Carolina to vote upon a constitutional amendment in November, 2010 to require that the chief district judge appoint magistrates from nominations submitted by the county clerk of superior court. If enacted, this provision would allow the chief district judge to reappoint a magistrate with six or more years of experience regardless of the nominations made by the clerk of superior court. **Introduced by Senator Kinnaird.**

SENATE BILL 767, Consultation in Appointing Magistrates, would require the clerk of superior court and the senior resident superior court judge to consult with the chief district court judge before appointing magistrates. **Introduced by Senator Kinnaird.**

SENATE BILL 782, Repeal Pistol/Crossbow Transfer Permit, would repeal the current State law that requires a person to obtain a permit from the Sheriff to purchase, sell, or receive or otherwise transfer a pistol or crossbow. We have been advised that this legislation has been introduced at the request of the National Rifle Association (NRA). **Introduced by Senator Berger.**

SENATE BILL 787, Public Defender Appointment Changes, would require the senior resident superior court judge to consult with the chief district court judge concerning the appointment of a public defender. **Introduced by Senator Kinnaird.**

SENATE BILL 788, Expunge Nonviolent Felonies/Young Offenders, would require the expunction of a criminal record for an offender who was under 18 years of age at the time of conviction for any felony except: (1) a Class A – Class G felony; (2) a felony that includes assault as an essential element of the offense; (3) a felony that requires registration as a sex offender; and (4) a felony involving methamphetamines. This legislation would allow multiple felony convictions occurring during the same session of court to be treated as one felony conviction. The expungement could be obtained as early as 2 years after the date of conviction or the end of any active sentence, period of probation or post-release provision. A petition filed by a criminal defendant to have their record expunged must be served on the district attorney and the district attorney would have only 10 days to respond to the petition. **This legislation is opposed by the North Carolina Sheriffs' Association.** **Introduced by Senator Kinnaird.**

SENATE BILL 789, No Bail Bondsman License/Misdemeanor Drug Conviction, would prohibit a person from being licensed as a bail bondsman or runner if the person has been convicted of a misdemeanor drug violation under Article 5 of General Statute Chapter 90. **Introduced by Senator Swindell.**

SENATE BILL 794, Sex Offender/Incapacity to Proceed, would establish a civil commitment process for defendants who are charged with a sex offense and are found incapable of proceeding to trial and are determined to have a “mental abnormality.” **Introduced by Senator Rand.**

SENATE BILL 796, Probation Study, would require the Department of Correction (DOC) to study comprehensive reform of the State’s approach to community corrections. A report would be required to the General Assembly by April 1, 2010. The legislation specifies that DOC, in conducting this study, should consult with the Sentencing and Policy Advisory Commission, the Administrative Office of the Courts, the Conference of District Attorneys, the Office of Indigent Defense Services, the Department of Health and Human Services, the Department of Juvenile Justice and Delinquent Prevention, the School of Government of UNC-Chapel Hill, and other organizations and agencies that DOC deems appropriate. **Introduced by Senator Rand.**

SENATE BILL 797, Reasons for Judge's Disqualification, would require a judge who wishes to disqualify himself or herself from presiding over a criminal or civil case to do so in writing and to state with specificity the reason or reasons for the disqualification. **Introduced by Senator Rand.**

SENATE BILL 799, Increase Transparency of MH/DD/SA Facilities, would require the disclosure of certain information in death reports, in facility law enforcement unit reports and incident reports related to the death of a person in the state facility or a person who dies within 7 days of release from a state facility. **Introduced by Senator Rand.**

SENATE BILL 803, Protect Third-Party Purchasers for Value, would make it a felony to make a false written statement concerning money due for labor or material furnished to improve real property. **Introduced by Senator Rand.**

SENATE BILL 807, Public Safety Registration, would require the registration of “characteristically wild animals” that pose a threat to the health and safety of the community. **Introduced by Senator Jones.**

SENATE BILL 809, Military Admission Fee Waiver/North Carolina Drivers License Renewal, would allow active or reserve members of the armed forces to renew their driver’s license upon receipt of deployment orders, and would allow those military personnel a 30 day grace period to renew an expired driver’s license upon their release from active duty. **Introduced by Senator Jones.**

SENATE BILL 813, Larceny of Metals/Increase Penalty, would make it a felony to commit a theft of regulated metals which are affixed to or a part of any real property, without regard to the value of the property. **Introduced by Senator McKissick.**

SENATE BILL 816, Office of Prosecution Services, would abolish the North Carolina Conference of District Attorneys and replace it with the Commission on Prosecution Services. The Commission

on Prosecution Services would consist of a combination of attorneys, active district attorneys, and public members who are not attorneys appointed by the Chief Justice of the Supreme of North Carolina, the Governor and the General Assembly. In addition, members of the Commission would include the Attorney General and the Secretary of Crime Control and Public Safety. **Introduced by Senator Brunstetter.**

SENATE BILL 820, Create New Titling Categories, would create new motor vehicle titling and registration categories for motor vehicles classified as custom-vehicles, replica vehicles, and street rods. **Introduced by Senator Hartsell.**

SENATE BILL 826, Motor Vehicle Inspection Program Changes, would allow the Division of Motor Vehicles (DMV) to refuse to register a vehicle if the vehicle is not in compliance with all inspection requirements, would allow a ten-day window for inspecting new and used vehicles owned by new residents of our State, and would require proof of financial responsibility for a three-day trip permit. **Introduced by Senator Jenkins.**

SENATE BILL 839, Modernization of the ABC System, is identical to House Bill 768 discussed above. **Introduced by Senator Albertson.**

SENATE BILL 843, Nondiscrimination in State Employment, would amend the provisions of the State Personnel Act to prohibit discrimination on the basis of "sexual orientation" in any of the State's personnel policies, practices or benefits. This legislation would define "sexual orientation" to mean actual or perceived heterosexuality, homosexuality, or bisexuality, or a person's gender-related identity or expression. **Introduced by Senator Albertson.**

SENATE BILL 849, Repeal Motor Vehicle Safety Inspections, would repeal the General Statutes that require motor vehicles to have an annual motor vehicle safety inspection. It would also provide that a person charged with operating a vehicle with unsafe tires could not get the charge dismissed simply by getting new tires installed on the vehicle between the time of the violation and their appearance in court. **Introduced by Senator Albertson.**

SENATE BILL 851, Supervision of Certain Defendants, would allow district courts to supervise defendants convicted in superior court when the defendant is assigned to a drug treatment court or a problem-solving court. **Introduced by Senator Vaughan.**

SENATE BILL 852, Alcohol Screening Device Test Results, would provide that a "positive result" for an alcohol screening device would only apply if the device registers .08 or higher, and a "negative result" would mean that the device registered lower than .08. **Introduced by Senator Vaughan.**

SENATE BILL 853, Motion for Appropriate Relief/New Requirement, would require lawyers who are filing a Motion for Appropriate Relief (MAR) on behalf of a criminal defendant to certify in writing to the court that the attorney has reviewed the trial transcript and has consulted with or made a good effort to consult with both the attorney who initially prosecuted the case and the defense attorney who initially represented the defendant. **Introduced by Senator Vaughan.**

SENATE BILL 857, Eliminate Safety Inspection/Emissions Inspection Frequency, is similar to Senate Bill 849 discussed above, but this bill would also provide that emissions inspections are only required for vehicles that are four or more model years old. **Introduced by Senator Albertson.**

SENATE BILL 858, Judicial Dept/Receipt-Supported Positions, would authorize the judicial department to establish receipt supported positions without prior consultation with the Joint Legislative Commission on Governmental Operations. **Introduced by Senator Clodfelter.**

SENATE BILL 859, Tort Claims Act/Local Gov. Opt-in, would allow cities with a population of more than 500,000 to voluntarily subject themselves to the provisions of the State Tort Claims Act. **Introduced by Senator Clodfelter.**

SENATE BILL 861, Administrative Office of the Courts Omnibus Courts Act, would make numerous changes related to the authority and the operation of the Administrative Office of the Courts. This legislation would specifically authorize the Chief Justice of the Supreme Court of North Carolina, when catastrophic conditions exists, to issue any emergency directives necessary to ensure the continuing operation of essential trial or appellate court functions. **Introduced by Senator Clodfelter.**

SENATE BILL 867, Tax Law Compliance Condition of ABC Permit, would provide that a business with an ABC permit could have the permit revoked if the business failed to timely file a tax return or pay an overdue tax debt. **Introduced by Senator Hoyle.**

SENATE BILL 875, Increase Court Fees, would increase the costs of court, would authorize a processing fee for defendants paying their court costs in installments, would establish a motor vehicle road safety fee, and would authorize a transfer of funds from the Highway Fund to the General Fund for the administrative expenses incurred by the Administrative Office of the Courts in processing citations issued by the State Highway Patrol. **Introduced by Senator Clodfelter.**

SENATE BILL 878, Judicial Appointment/Voter Retention, would allow voters to vote whether or not to amend the North Carolina Constitution to have justices of the Supreme Court of North Carolina and judges of the North Carolina Court of Appeals nominated by a Judicial Nomination Commission and appointed by the Governor, subject to later being voted on by the people who would determine whether the judge would retain their seat or not. **Introduced by Senator Clodfelter.**

SENATE BILL 888, Speed Limit Signs at Highway On-Ramps, would require the Department of Transportation to erect speed limit signs on all on-ramps to highways unless it would be unsafe to do so. **Introduced by Senator Vaughan.**

SENATE BILL 891, Regulation of Lodging Establishments, would make numerous changes in the laws governing hotels and other lodging establishments. This law would include a specific provision providing immunity from civil liability for an innkeeper who in good faith discloses information about a current or former guest to a law enforcement officer upon the request of the law enforcement officer. **Introduced by Senator Hartsell.**

SENATE BILL 900, [Enable Registers of Deeds to Protect Identity](#), would allow registers of deeds to remove personal identifying information from images or copies of records placed on the Internet. **Introduced by Senator Rouzer.**

SENATE BILL 905, [Parent Provide Illegal Drugs to Child/Study](#), would require the Child Fatality Task Force to study issues relating to child drug abuse and parents who supply drugs to their children. **Introduced by Senator Clary.**

SENATE BILL 908, [Fire and Rescue Separation Allowances](#), would enact legislation creating a Special Separation Allowance for career firefighters and career rescue squad workers, similar to the Special Separation Allowance currently available to sworn law enforcement officers. **Introduced by Senator Clodfelter.**

SENATE BILL 920, [Probation Reform](#), would allow probation officers to have access to offenders' juvenile records, would make warrantless searches and drug screening a regular condition of supervision, and would enact various other provisions to assist in supervision of persons on probation. **Introduced by Senator Rand.**

SENATE BILL 921, [ABC Board Sunday Sales/Local Option](#), would authorize local Alcoholic Beverage Control (ABC) Boards to authorize their ABC stores to be open on Sundays, which is currently prohibited. **Introduced by Senator Rand.**

SENATE BILL 928, [The Castle Doctrine](#), would clarify the circumstances in which a person would be authorized to use defensive force to: (1) protect against the unlawful and forcible entry into the person's dwelling by another; (2) prevent the removal of a person against his or her will from their own dwelling; and (3) provide that a person who is in a place where the person has a right to be has no duty to retreat. This legislation would provide immunity from prosecution and civil action for the use of force as authorized in this legislation. **Introduced by Senator Berger.**

SENATE BILL 929, [No Set Aside of Bond Forfeit/Actual Notice](#), would provide that a court may refuse to set aside a bond forfeiture only if, before executing the bond, the surety or bail agent had actual notice of the defendant's previous failure to appear on two or more occasions in the case for which the bond is executed. **Introduced by Senator Berger.**

SENATE BILL 931, [Commercial Drivers License Changes](#), would make various changes to the commercial drivers license law to include: (1) provide reciprocity to commercial drivers license holders from Mexico; (2) expand the definition of conviction for out-of-state violations; (3) expand the definition of employer concerning CDLs; (4) prohibit the operation of a commercial vehicle when the driver, vehicle or motor carrier operation is subject to an out-of-service order; (5) increase civil penalties; and (6) expand the employer reporting responsibilities and expand convictions that are more than ten years old that can be considered by DMV. **Introduced by Senator Goss.**

SENATE BILL 934, [Habitual Misdemeanor Larceny/Felony](#), would create the new offense of habitual misdemeanor larceny and would make a violation a Class H Felony. **Introduced by Senator Clary.**

SENATE BILL 937, Limited Driving Privilege Changes, would modify the guidelines for issuance of a limited driving privilege by the courts. **Introduced by Senator Davis.**

SENATE BILL 953, Protect Tenants in Foreclosed Property, would provide that a purchaser of foreclosed rental property may not evict a tenant prior to the expiration of the tenant's lease if the tenant receives certain federal funding assistance. **Introduced by Senator Nesbitt.**

SENATE BILL 955, Bicycle Lights at Night, would require bicycle operators to have visible lights on the front and rear of the bicycle when operated at night on a street or highway. **Introduced by Senator Nesbitt.**

SENATE BILL 971, Close Sweepstakes Loophole, would make changes to the statutes outlawing slot machines and would provide that a person who possesses five or less slot machines is guilty of a Class I felony and a person who possesses six or more slot machines is guilty of a Class H felony. This bill would also make it a Class H felony for each machine that is unlawfully manufactured, possessed or distributed and would amend the definition of a video gaming machine to include a video version of pull tab or scratch off game or similar game. **Introduced by Senator Rand.**

SENATE BILL 972, Study Prison Overcrowding/Nonviolent Felonies, would establish the Joint Legislative Committee on Prison Overcrowding, Incarceration of Non-Violent Felons, and Modified Sentences which would consist of six members appointed by the Speaker of the House and six members appointed by the President Pro Tempore of the Senate. **Introduced by Senator Rand.**

SENATE BILL 978, Firearms Qualification Sites/Retired LEOs, would require the North Carolina Criminal Justice Education and Training Standards Commission to coordinate with local and state law enforcement officers and with the community college system to provide multiple firearms qualification sites for officers to be certified to carry a concealed handgun as authorized by federal law. **Introduced by Senator Bingham.**

SENATE BILL 984, Access to Juvenile Records/Violent Offenders, would amend the Juvenile Code and provide access in certain circumstances to magistrates, law enforcement officers, judges and the district attorney to a juvenile's court records when the individual is later charged as an adult in a criminal proceeding involving a Class A-1 misdemeanor or a felony. **Introduced by Senator McKissick.**

SENATE BILL 986, Clarify Local Special Separation Allowance, would clarify the law that establishes the Special Separation Allowance for local law enforcement officers and would specifically allow a local government employer, in the interest of public safety, to voluntarily adopt a policy allowing employment of retired officers on a contractual basis, or in a temporary or reserve capacity not requiring those officers to participate in the Local Governmental Employees' Retirement System, and to do so without stopping payment of the officer's Special Separation Allowance. This legislation also includes a provision requiring any local government that has denied the payment of a Special Separation Allowance to a law enforcement officer for any reason other than those authorized by this statute to reinstate payment of that officer's special separation allowance and to make any necessary back payments to rectify the previous denial. **Introduced by Senator McKissick.**

SENATE BILL 987, Safe Storage of Firearms, would amend the law concerning the storage of firearms to protect minors, to encourage unloaded storage of firearms and to provide notice of safe storage requirements. **Introduced by Senator Graham.**

SENATE BILL 988, Spirituous Liquor Tasting at ABC Stores, would allow spirituous liquor tasting at local Alcoholic Beverage Control stores. **Introduced by Senator Graham.**

SENATE BILL 990, Increase Penalty/Timber Theft, would increase the criminal penalty for cutting, injuring or removing the timber of another. **Introduced by Senator Davis.**

SENATE BILL 996, Repeal Combined Motor Vehicle Registration/Tax System, would repeal the laws that use the Motor Vehicle Registration System to assist county tax collectors in collecting property tax on motor vehicles. **Introduced by Senator Jenkins.**

SENATE BILL 1000, Motor Vehicle Size and Weight Law Changes, would restrict the overall length of a single vehicle with two or more axles to 40 feet, restrict the overall length of vehicles transporting poles for emergency repair to 53 feet, and would make certain farm vehicles be self-propelled. **Introduced by Senator Jenkins.**

SENATE BILL 1008, Antlerless Deer Tag Fee, would establish a fee of \$10 for bonus antlerless deer tags. **Introduced by Senator Swindell.**

SENATE BILL 1009, Hunting License Exemption for Special Events, would authorize the Wildlife Resources Commission to provide an exemption from the hunting license requirements for special events. **Introduced by Senator Swindell.**

SENATE BILL 1010, Migratory Game Bird Season Authority, would authorize the Wildlife Resources Commission to establish seasons for migratory game birds and to allow the use of unlicensed shotguns and electronic calls. **Introduced by Senator Swindell.**

SENATE BILL 1011, Amend Trap Sizes, would make various changes in the law governing the sizes of traps for taking wild animals. **Introduced by Senator Swindell.**

SENATE BILL 1013, Citizens' Right To Know Act/Pretrial Release, would require each pretrial release program to maintain a public register in the office of the clerk of court that is accessible to the public that contains certain information concerning the pretrial release program and the defendant's released through the program. **Introduced by Senator Berger.**

SENATE BILL 1017, Enhance Protections Against Identity Theft, would provide additional protections to victims of identity theft requesting a security freeze on that consumer's credit report and would establish procedures to protect the credit of crime victims while their claim is pending before the Crime Victims Compensation Fund. **Introduced by Senator Stein.**

SENATE BILL 1023, Safer Schools, would clarify the requirement for a school principal to "immediately" notify an appropriate local law enforcement agency when the principal has knowledge of certain serious offenses occurring on school property. This bill would also authorize a

local board of education to assess a civil penalty of up to \$500 for a principal's failure to report the specified offenses to a local law enforcement agency. **Introduced by Senator Stein.**

SENATE BILL 1026, Local Government Tort Claims Act, would establish the Local Government Tort Claims Act for use by citizens who have legal claims against local governments and who wish to file a lawsuit to pursue their claim of negligence. **Introduced by Senator Rand.**

SENATE BILL 1032, No State Payroll Deductions for Politics, would amend the State Personnel Act to prohibit state or local government employers from payroll deducting dues for any labor organization or association when the dues or other funds will be used for political purposes. **Introduced by Senator Brock.**

SENATE BILL 1036, Assault on Law Enforcement and Emergency Medical Worker/Felony, would increase the misdemeanor simple assault to a felony when it is committed against a law enforcement officer, firefighter or emergency medical personnel. **Introduced by Senator Brock.**

SENATE BILL 1038, Concealed Carry List/Not Public Record, would provide that the list of persons who obtain a concealed handgun permit from the Sheriff would not be a public record and would not be subject to public inspection. **Introduced by Senator Brock.**

SENATE BILL 1045, Amend Sentencing/Drug Violations, would allow the trial judge to reduce the fine or minimum prison sentence of a drug violator if the judge finds that the person: (1) has no prior convictions for crimes that threatened or resulted in serious bodily harm; (2) has no prior felony convictions for manufacture, sale, delivery or possession of controlled substances; and (3) finds that the person did not possess a firearm during the commission of the offense. This legislation would also allow a person convicted prior to the effective date of this legislation to petition the sentencing court for a change in that person's sentence under this new law if it is enacted. **Introduced by Senator Kinnaird.**

SENATE BILL 1046, Study Sentencing and Prison Overcrowding, would establish the Special Committee on Sentencing and Prison Overcrowding. This committee would include ten members appointed by the President Pro Tempore of the Senate and ten members appointed by the Speaker of the House. **Introduced by Senator Kinnaird.**

SENATE BILL 1048, Juvenile Jurisdiction to Age 18 Years, would delete the number "16" and replace it with "18" in the law and thereby raise the juvenile age from 16 years of age to 18 years of age. This legislation would not address any of the concerns that have been identified that such a change would make on the juvenile justice system, the criminal justice system, or the victims of the crimes committed by 16 and 17 year old persons. This legislation would also establish the Task Force for Juvenile Justice Administration that would be housed within the Office of the Governor and it would include 17 members including various state officials, but there is no requirement that any of the members be state or local sworn law enforcement officers. **Introduced by Senator Kinnaird.**

SENATE BILL 1056, Require Firearms Certification/Bail Bondsman, would allow a bail bondsman to carry a firearm in the performance of their duties if they have been licensed by the Commissioner of Insurance as an "armed bail bondsman" and have received firearms training as approved by the

Attorney General and the Commissioner of Insurance. An armed bail bondsman would also be required to maintain a certain amount of liability insurance. **Introduced by Senator Shaw.**

SENATE BILL 1059, Provide COLAs for Retirees, would provide a 1.82% cost-of-living increase for state and local government retirees. **Introduced by Senator Foriest.**

SENATE BILL 1060, Study Retirement and Health Benefits, would establish the Special Commission to Study Retirement and Health Benefits for teachers and state employees. **Introduced by Senator Foriest.**

SENATE BILL 1062, Strengthen Domestic Violence Protective Orders/Pets, would change domestic violence protective orders to provide for the protection of pets of either party to the domestic violence order or minor child residing in the household. **Introduced by Senator Boseman.**

SENATE BILL 1063, Study/Erasing Arrears/Incarcerated Parents, would authorize the Legislative Research Commission to study child support guidelines regarding the impact on a non-incarcerated parent when the incarcerated parent is not required to pay back child support payments. **Introduced by Senator Boseman.**

SENATE BILL 1064, Establish Family Violence and Child Custody Committee, would create the Joint Legislative Study Committee on Family Violence and Child Custody Committee consisting of five members appointed by the President Pro Tempore of the Senate and five members appointed by the Speaker of the House. **Introduced by Senator Boseman.**

SENATE BILL 1070, Bereavement Leave/State and School Employees, would provide for up to three days of paid leave for state employees or public school employees upon the death of an immediate family member. **Introduced by Senator Malone.**

SENATE BILL 1074, Wildlife Protectors/Public Safety Stops, would expand the authority of wildlife enforcement officers by authorizing them to enforce criminal laws anytime they are "on duty" if they have probable cause to believe that a person committed any criminal offense in the officer's presence, whether or not the offense is related to the wildlife laws. **This bill is opposed by the North Carolina Sheriffs' Association.** **Introduced by Senator Snow.**

SENATE BILL 1077, Expand Parole Officers' Delegated Authority, would expand the authority delegated to probation officers to make intermediate sanctions available for an offender's sentence to community punishment if the risk assessment justifies the sanctions. **Introduced by Senator Snow.**

SENATE BILL 1078, Delay Bond/Probationer Arrested For Felony, would provide that a person on probation who is arrested and charged with a felony shall be temporarily detained without bond until a court has sufficient information to determine whether or not the probationer's release poses a danger to the public. **Introduced by Senator Snow.**

SENATE BILL 1082, Juvenile Records/Probation Risk Assessment, would allow probation officers to access the juvenile records of persons on probation under their supervision to determine the risk assessment. **Introduced by Senator Snow.**

SENATE BILL 1086, Correctional/Probation Training Commission, would establish the North Carolina Correctional and Probation Officer Education and Training Standards Commission to certify personnel of the Division of Prisons and the Division of Community Corrections of the Department of Correction and would remove the Department of Correction appointees from the North Carolina Criminal Justice Education and Training Standards Commission. **Introduced by Senator Snow.**

SENATE BILL 1087, Continuous Alcohol Monitoring Systems, would allow the use of Continuous Alcohol Monitoring (CAM) Systems as a condition of probation, to meet the requirements necessary to restore a revoked driver's license, to mitigate punishments for impaired driving offenses and to ensure compliance with child custody and visitation orders. To be authorized, the Continuous Alcohol Monitoring System must be approved by the Department of Correction. **Introduced by Senator Snow.**

SENATE BILL 1088, Funeral Expenses State Highway Patrol, would make permanent the temporary law enacted last year to allow the Department of Crime Control and Public Safety to expend up to \$10,000 to cover funeral expenses for members of the State Highway Patrol killed in the line of duty. **Introduced by Senator Snow.**

SENATE BILL 1089, Low-Risk Probationers May Be Unsupervised, would authorize probation officers to transfer low-risk misdemeanor offenders with no special conditions to unsupervised probation. **Introduced by Senator Snow.**

SENATE BILL 1090, Amend Civil Procedure Rule 4, would amend Rule 4 of the North Carolina Rules of Civil Procedure to allow "private investigators" to serve a complaint and summons in a civil case in addition to any person 21 years of age or older who not a party to the lawsuit and to include service of civil process by a "sheriff's deputy." **This bill is opposed by the North Carolina Sheriffs' Association.** **Introduced by Senator Snow.**

SENATE BILL 1091, Clarify Weight Measurement/Methamphetamine Trafficking, would clarify the law concerning trafficking methamphetamine and amphetamine to clarify that the charge is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of the controlled substance in the powder or liquid mixture. **Introduced by Senator Snow.**

BILL STATUS

HOUSE BILL 186, Local Government Objections to ABC Stores, has passed the House and been referred to the Senate State and Local Government Committee for further consideration.

HOUSE BILL 201, Add Division of LESS to CCPS, has been approved by the House and sent to the Senate and assigned to the State and Local Government Committee. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 473, Magistrate Can Carry Gun in Courthouse, has been approved by the House Judiciary III Committee and the House State Government/State Personnel Committee and received preliminary approval from the full House on Friday, March 27th. It is scheduled for final consideration by the full House on Monday, March 30th. If approved by the House, it will then be sent to the Senate for consideration.

SENATE BILL 5, Continuing Crossbow Permit/Dealers and Manufactured, has been approved by the General Assembly and signed into law by Governor Beverly Perdue, effective March 19, 2009. This legislation will allow a manufacturer of cross bows, a wholesale dealer of cross bows or a retail dealer of cross bows to obtain a permit with no expiration date that authorizes the corporation to purchase or receive cross bows without obtaining additional permits. The permits shall be issued by the Sheriff of the County in which the manufacturer, wholesale dealer or retail dealer of cross bows is located. The permit shall contain an identification number and shall have no expiration date.

SENATE BILL 37, Motorsports Vehicle Combination Lengths, has been approved by the General Assembly and signed into law by Governor Beverly Perdue, effective March 19, 2009. This legislation authorizes the operation of certain vehicle combinations not to exceed ninety feet in length that are used in connection with motorsports competition events.

SENATE BILL 380, Collection of Data/DMV Reports, was originally introduced to require DMV motor vehicle crash reports to collect data on the use of mobile telephones or any other technology. The bill was amended by the full Senate to delete the requirement to specifically collect data on mobile telephone use and was amended to require DMV motor vehicle crash reports to include information indicating "whether the driver was distracted at the time of the crash and if so, an indication of what caused the distraction." The bill was also amended to become effective October 1, 2010. As amended, the bill was approved by the full Senate and sent to the House for consideration.

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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