

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



April 24, 2009

State Senator Vernon Malone of Wake County died unexpectedly on Saturday, April 18th. His funeral was held on Thursday, April 23rd and many legislators, other state dignitaries and friends attended his funeral. A single red rose in a vase was placed on Senator Malone's desk in the Senate Chamber this week.

On Thursday, most legislative committees did not meet and the House and Senate sessions were short to allow members to attend Senator Malone's funeral. The unusually slow Thursday at the General Assembly helped legislative staff catch-up on their substantial workload and provided the same opportunity for lobbyists.

The "crossover" deadline of May 14th is only three weeks away and at least one legislative committee has already begun having extra meetings in addition to its regularly scheduled weekly meeting in an attempt to get bills considered before the "crossover" deadline.

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

BILLS OF INTEREST

HOUSE BILL 1531, Name Change Banned for Most Prisoners, would prohibit most convicted felons from legally changing their name. **Introduced by Representatives Warren, Hurley, Randleman and Spear, and referred to the House Committee on Judiciary III.**

HOUSE BILL 1537, Video Gaming Entertainment Act, would legalize video gaming machines and would require the operators to get a license from the Department of Revenue and to pay taxes on the gross income from each video gaming machine. **This bill is opposed by the North Carolina Sheriffs' Association. Introduced by Representative Jones, and referred to the House Committee on Judiciary II.**

It is notable that no other legislator co-sponsored this legislative bill. In an unusual turn of events, both the Speaker of the House and the President Pro Tempore of the Senate issued statements in anticipation of the introduction of this legislation, and their comments were reported as follows:

From Schorr Johnson, spokesman for President Pro Tempore Marc Basnight:

Senator Basnight thinks that video poker is the most awful form of legalized gambling there is and can't think of anything beneficial from it. He's not going to get ahead of this legislation since it has not even passed the House, but he said that no one has convinced him there's any good reason why we should allow it back into North Carolina.

And from Bill Holmes, spokesman for Speaker of the House Joe Hackney:

Speaker Hackney doesn't want video poker in North Carolina and does not support this bill.

BILL STATUS

HOUSE BILL 115, Joint Domestic Violence Committee/Recommendations, has passed the House and been referred to the Senate Committee on Mental Health and Youth Services for further consideration.

HOUSE BILL 266, Use of Deadly Force by LEO/Collect & Publish, was previously approved by the House Judiciary III Committee and referred to the House Appropriations Committee. This week it was assigned to the House Appropriations Subcommittee on Justice and Public Safety.

HOUSE BILL 421, Use of Deadly Force/SBI Investigations, was considered by the House Ways and Means Committee on Wednesday. With the consent of the bill's sponsor, and upon the request of and due to concerns raised by the North Carolina Sheriffs' Association, the bill was not acted upon by the committee and was removed from their agenda to allow an opportunity for the bill to be redrafted in light of the concerns that were expressed. The North Carolina Sheriffs' Association, State Bureau of Investigation and the Attorney General's Office have all met with the bill's sponsor to discuss possible changes to the legislation. As originally introduced, this bill is opposed by the North Carolina Sheriffs' Association, the North Carolina Victim Assistance Network, North Carolina Metro Coalition of Chiefs of Police, North Carolina Association of Chiefs of Police, North Carolina Conference of District Attorneys, North Carolina Police Executives Association and the North Carolina State Highway Patrol. The State Bureau of Investigation has also expressed their concern about the legislation as originally introduced.

HOUSE BILL 538, Charlotte-Mecklenburg School Board Police, has been approved by the House Committee on Education and been re-referred to the House Judiciary I Committee for further consideration. **The North Carolina Sheriffs' Association has no opposition to this legislation as currently drafted.**

HOUSE BILL 825, Garbage Collection Trucks Parking on Highways, has passed the House and been sent to the Senate for further consideration.

HOUSE BILL 937, Innocence Commission Limited Witness Immunity, has been approved by the House Judiciary II Committee and the House Ways and Means Committee and will next be scheduled for consideration by the full House.

HOUSE BILL 1076, Supervision of Certain Defendants, has been approved by the House Ways and Means Committee and re-referred to the House Judiciary III Committee for further consideration.

HOUSE BILL 1190, Preservation of DNA and Biological Evidence, has been approved by the House Committee on Science and Technology and been re-referred to the House Judiciary II Committee. The bill amends G.S. 15A-267 to require that a complete inventory of all physical evidence collected in connection with the investigation be provided to the criminal defendant before trial. It would also require the SBI to publish minimum guidelines for the retention and preservation of biological evidence. The guidelines must be published no later than January 1, 2010 and be distributed to all employees of law enforcement agencies and clerks of courts with responsibility for maintaining custody of evidence.

An amendment adopted in committee will create the Joint Select Study Committee on the Preservation of Biological Evidence which will include six members of the General Assembly, the Attorney General, the Director of the SBI, the Director of the Administrative Office of the Courts, the President of the North Carolina Sheriffs' Association, the President of the North Carolina Association of Chiefs of Police, the President of the North Carolina Clerks of Superior Court and the President of the North Carolina Advocates for Justice (formerly the North Carolina Academy of Trial Lawyers.) This committee will review the costs associated with the minimum guidelines for the retention and preservation of biological evidence, emerging technologies regarding retention and preservation of biological evidence, procedures for transfer between agencies of biological evidence, and other topics related to these issues.

HOUSE BILL 1255, Sex Offenders/Permanent No Contact Order, was approved by the House Ways and Means Committee and has been re-referred to the House Judiciary III Committee for further consideration.

HOUSE BILL 1272, Technical/Clarifying Changes/Juvenile Code, has been approved by the House Juvenile Justice Committee and has been re-referred to the House Judiciary I Committee for further consideration.

HOUSE BILL 1398, Determining Senior Resident Superior Court Judge, has been approved by the House Ways and Means Committee and been referred to the House Judiciary I Committee for further consideration.

HOUSE BILL 1447, Crime Stoppers Tips Are Confidential, was scheduled for consideration by the House Judiciary III Committee on Tuesday, but was removed from the committee's agenda by the bill's sponsor. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 1452, Local Government Code of Ethics, will require the governing boards of counties and cities and other local governing boards to adopt a code of ethics to guide their governing board members and they must provide their board members with at least two hours of ethics education within 12 months of election or appointment.

SENATE BILL 368, Various Changes in Motor Vehicle Law, has been approved by the Senate Commerce Committee and re-referred to the Senate Finance Committee.

SENATE BILL 584, Amend Private Protective Services Act, has been approved by the Senate Judiciary II Committee and re-referred to the Senate Finance Committee for further consideration. In the Senate Judiciary II Committee the bill was amended to delete the proposed authority of the Private Protective Services Board to regulate “digital forensics examiners.”

SENATE BILL 652, Prohibit Sale of Novelty Lighters, has been approved by the Senate and referred to the House Commerce Committee for further consideration.

SENATE BILL 782, Repeal Pistol/Crossbow Transfer Permit, is the bill that would totally repeal the law requiring a pistol purchase permit. This bill was scheduled for consideration on Tuesday, but at the request of the bill’s sponsor it was removed from the committee’s agenda due to concerns raised by the North Carolina Sheriffs’ Association. We have been advised that this bill will not be rescheduled for further consideration in the Senate this year, but we will continue to monitor this legislation. **This bill is opposed by the North Carolina Sheriffs’ Association.**

SENATE BILL 852, Alcohol Screening Device Test Results, was scheduled for consideration in the Senate Judiciary II Committee on Tuesday, but at the request of the bill’s sponsor it was removed from the committee’s agenda due to concerns raised by the North Carolina State Highway Patrol, North Carolina Sheriffs’ Association and others. **This bill is opposed by the North Carolina Sheriffs’ Association.**

SENATE BILL 929, No Set Aside of Bond Forfeit/Actual Notice, was scheduled for consideration in the Senate Judiciary II Committee on Tuesday, but at the request of the bill’s sponsor it was removed from the committee’s agenda due to concerns raised by the North Carolina School Boards Association, North Carolina Sheriffs’ Association and others. **This bill is opposed by the North Carolina Sheriffs’ Association.**

SENATE BILL 1074, Wildlife Protectors/Public Safety Stops, was scheduled for consideration by the Senate State and Local Government Committee on Tuesday. With the consent of the bill’s sponsor, and upon the request of and due to concerns raised by the North Carolina Sheriffs’ Association, this bill was removed from the committee’s agenda for consideration. **This bill is opposed by the North Carolina Sheriffs’ Association.**

On Tuesday, April 21, 2009 the North Carolina Court of Appeals issued an opinion in the case of Parker v. Hyatt, which is the case involving the jurisdiction of a wildlife officer that caused the filing of Senate Bill 1074. In view of the court’s ruling that the wildlife officer did have jurisdiction to stop and arrest the defendant for DWI, there may no longer be any need for the General Assembly to further consider Senate Bill 1074.

SENATE BILL 1082, Juvenile Records/Probation Risk Assessment, has been approved by the Senate and referred to the House Committee on Juvenile Justice.

SENATE BILL 1090, Amend Civil Procedure Rule 4, was scheduled on Thursday, April 16th for consideration by the Senate Judiciary II Committee. With the consent of the bill's sponsor, and upon the request of and due to concerns raised by the North Carolina's Sheriffs' Association, this bill was removed from the committee's agenda for consideration. We do not anticipate that this bill will be scheduled for further consideration this session by the General Assembly, but we will continue to monitor it. **This bill is opposed by the North Carolina Sheriffs' Association.**

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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