

# North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



May 01, 2009

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The national championship basketball team of the University of North Carolina at Chapel Hill was honored on Wednesday by the House and the Senate. The basketball players, their coaches and staff attended the General Assembly session and separate resolutions honoring the team were approved by the House and the Senate. While both resolutions heaped tremendous praise on the UNC-CH national championship basketball team, the Senate resolution did not miss the opportunity to include a little good natured ribbing directed at other local area college basketball teams. Two provisions in the Senate Resolution referred to other local area college basketball teams:

*Whereas, the 89-72 Carolina win over Michigan State was a convincing and thorough victory, but one that left intact Duke's record for the worst loss in Final Four history (103-73 to UNLV) in 1990.)*

*Whereas, the senior players named (in the resolution) were undefeated in all away games played within a 12-mile radius of Chapel Hill.*

The Tar Heels have also been honored recently by Governor Beverly Perdue. The Tar Heels are also scheduled to be hosted at the White House on May 11<sup>th</sup> by President Barack Obama.

The bill to ban smoking in restaurants and other public places was considered by the Senate on Thursday. Ultimately, they removed it from the agenda to be considered on another day. Rumors were that the vote was tied at 24 to 24, with one Senator out of town and one Senate seat vacant due to the recent death of Senator Vernon Malone. If the smoking ban bill had been put to a vote, and a tie vote resulted, Lieutenant Governor Walter Dalton would be called upon to break the tie. The most notable time that a tie has been broken by the Lieutenant Governor in recent history was when then Lieutenant Governor Beverly Perdue voted to break the tie that resulted in the establishment of the State Lottery.

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

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## BILL STATUS

HOUSE BILL 323, Prevent the Theft of Scrap Metals, was amended to make various changes and then approved by the House Commerce Committee and re-referred to the House Judiciary III Committee.

HOUSE BILL 421, Use of Deadly Force/SBI Investigations, was amended with the consent of the bill's sponsor and at the request the North Carolina Sheriffs' Association and numerous other law enforcement and criminal justice related agencies and associations. The amendments addressed the concerns of the law enforcement community and therefore the objections to the bill were removed. Once amended, the bill was approved by the House Ways and Means Committee and re-referred to the House Judiciary III Committee for additional consideration.

HOUSE BILL 608, Require Titles for Scrapped Vehicles, has been amended significantly to change the requirements governing salvaged motor vehicles. This bill was approved by the House Transportation Committee and re-referred to the House Finance Committee for further consideration.

HOUSE BILL 787, Increase Penalty/Remove Serial # From Gun, was approved by the House Ways and Means Committee and was re-referred to the House Judiciary II Committee for further consideration.

HOUSE BILL 816, Clarify Local Special Separation Allowance, was approved by the House Committee on Pensions and Retirement and was re-referred to the House Committee on Appropriations.

HOUSE BILL 827, Unattended Children in Vehicles, was approved by the House Judiciary III Committee and re-referred to the House Ways and Means Committee.

HOUSE BILL 926, Continuous Alcohol Monitoring Systems, was approved by the House Judiciary I Committee and re-referred to the House Finance Committee for further consideration.

HOUSE BILL 937, Innocence Commission/Limited Witness Immunity, has been approved by the House and referred to the Senate Judiciary I Committee for further consideration.

HOUSE BILL 1037, Permit Access to Capital Defendants, has been approved by the House and been referred to the Senate Judiciary II Committee for additional consideration.

HOUSE BILL 1039, Guilty Plea Form Revisions, has been approved by the House and been referred to the Senate Judiciary II Committee for further consideration.

HOUSE BILL 1109, State Fairgrounds Special Police/Mutual Aid, was approved by the House Agriculture Committee and re-referred to the House Judiciary III Committee for further consideration.

HOUSE BILL 1282, CJIN Study Automated Pawn System, amends the bill to require the Criminal Justice Information Network (CJIN) governing board rather than the Department of Crime Control and Public Safety to conduct this study.

HOUSE BILL 1332, Create Criminal Offense of Felony Affray, was approved by the House Ways and Means Committee and re-referred to the House Judiciary III Committee for further consideration.

HOUSE BILL 1334, Create Criminal Offense/Home Invasion, has been approved by the House Ways and Means Committee and re-referred to the House Judiciary III Committee for further consideration.

HOUSE BILL 1357, Retired Part-Time LEO/Concealed Carry Permit, was approved late on Thursday afternoon by the House State Government/State Personnel Committee and will be re-referred to the House Judiciary II Committee for further consideration.

HOUSE BILL 1438, Videoconference Technology in Court Proceedings, was approved by the House Science and Technology Committee and has been re-referred to the House Judiciary II Committee.

SENATE BILL 68, No ABC Establishments Within 1,000 Feet of Schools, was amended by the Senate to make the prohibition also apply to churches as well as to schools.

SENATE BILL 521, Lincoln County/911 Fund Uses, adds Wayne County to a legislative bill already affecting Lincoln County.

SENATE BILL 759, Modify DWI Checking Station Requirements, was amended with the consent of the bill's sponsor at the request of the North Carolina State Highway Patrol and other law enforcement organizations. As amended, the bill only requires that a law enforcement agency conducting a motor vehicle checking station or roadblock designate in advance, in writing, the pattern for stopping vehicles. Current law requires that the law enforcement agency designate the pattern and this bill simply requires that the designation be done in writing. As amended, this bill passed the Senate and has been sent to the House for further consideration.

SENATE BILL 782, Repeal Pistol/Crossbow Transfer Permit, was scheduled for committee consideration last week. In the April 24, 2009 NCSA Weekly Legislative Report we incorrectly reported that the bill was removed from the committee's agenda "at the request of the bill's sponsor." The bill was actually removed from the committee's agenda at the request of several senators on the committee. The bill's sponsor did not request that it be removed from the committee's agenda.

SENATE BILL 1078, Delay Bond/Probationer Arrested For Felony, has been approved by the Senate Judiciary II Committee and is scheduled for consideration by the full Senate on May 5<sup>th</sup>.

SENATE BILL 1091, Clarify Weight Measurement/Meth Trafficking, has been approved by the Senate Judiciary II Committee and is scheduled for consideration by the full Senate on May 5<sup>th</sup>.

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](http://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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