

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



May 29, 2009

On Thursday, the Justice and Public Safety Subcommittee of the House Appropriations Committee, as well as most of the other House appropriation subcommittees, released various proposals that they are considering to reduce the State Budget by over \$4 billion for the upcoming year. At this point, all of the ideas are merely proposals, although we do anticipate that the subcommittees will be making their final decisions by the end of next week.

Listed below are various provisions of interest to the Office of Sheriff and others in the criminal justice community. If there are items on this list that you are particularly concerned about, I encourage you to contact your local members of the House of Representatives and express your concerns.

The General Assembly adjourned on Thursday to reconvene next Monday evening.

HOUSE VERSION OF STATE BUDGET BILL

Proposed House State Budget recommendations of interest include:

1. Closing the State Bureau of Investigation (SBI) Triad Laboratory in Guilford County.
2. Deleting the \$18 per day reimbursement paid to counties for prisoners serving their sentences of 30-90 days in the county jail. This will result in a reduction of \$10 million to counties across North Carolina.
3. Currently, prisoners sentenced up to 90 days imprisonment must serve their sentence in the county jail. One proposal under consideration would extend that time period so that prisoners sentenced to serve up to 6 months would serve their entire sentence in the county jail. A recent survey of the Department of Correction's Division of Prisons indicated that there were 1,700 misdemeanants in the state prison system serving sentences between 90 days and 6 months.
4. Would increase court costs by \$10 and would provide that funding to operate the Sheriffs' Standards Division, the Criminal Justice Standards Division and the North Carolina Justice Academy.

5. Currently, law enforcement officers may attend job-related courses in the North Carolina Community College System without paying any registration fees. One proposal suggested by the Education Appropriations Subcommittee would require law enforcement officers (and firefighters and EMS personnel) attending curriculum courses at a community college to pay a fee of \$45 per credit hour and to pay a fee of \$45 per course for continuing education courses. Earlier this week the proposed fee was \$25 and was then raised to \$36 and the current discussion is that the fee would be \$45.
6. Currently, approximately 50 percent of local law enforcement agencies obtain access to the Division of Criminal Information (DCI) System through the State's Information Technology Services (ITS) Office or through a private Internet provider. The fee for the telecommunication services necessary to access the DCI System through ITS or a private Internet provider is paid for by the local law enforcement agency.

The remaining law enforcement agencies obtain access to DCI through Department of Justice dedicated telecommunication circuits, which is paid for by the Department of Justice and provided at no charge to the local law enforcement agencies. Effective July 1, 2009, local law enforcement agencies would no longer be able to obtain DCI access through the dedicated Department of Justice telecommunications circuits at no charge and would be required to pay for telecommunication access to DCI through ITS or through a private Internet provider. Currently, it costs the Department of Justice \$459,599 to provide telecommunications circuits to those local law enforcement agencies at no cost.

7. Previous discussions included elimination of the Jails and Detention Section of the Division of Facility Services of the Department of Health and Human Services. The most recent report indicates that the committee is no longer considering that budgetary change.
8. The Department of Correction's Criminal Justice Partnership Program (CJPP) would receive a 10% reduction in their funding.
9. Employees and retirees of the State of North Carolina or a unit of local government would be authorized to purchase products and services produced by the Division of Correction Enterprises of the Department of Correction.
10. Eliminate the Fingerprint Card Program since all 100 counties have access to the Statewide Automated Fingerprint Identification System (SAFIS) which utilizes live-scan devices.
11. Increase SBI Crime Lab fee paid by criminal defendants from \$300 to \$600.
12. Close the following Division of Prisons Facilities: Umstead, Guilford, Gates, Haywood, Union, Cleveland, and the Wilmington Residential Facility for Women.
13. Funding is being proposed this year for the Law Enforcement Support Services (LESS), but the proposal would have this agency fully supported in 2010-2011 by fees charged to agencies utilizing the services of LESS.

14. The State Capitol Police would be transferred from the Department of Administration to the Department of Crime Control and Public Safety.
 15. State funding for the North Carolina Victim Assistance Network (NCVAN) would be reduced by 25%.
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BILL STATUS

HOUSE BILL 85, Increase Raffle Prize Limit, has passed the House and Senate and will next be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 96, Local Government Surplus Property Donations, has passed the Senate and will be returned to the House for consideration of the Senate changes.

HOUSE BILL 186, Local Government Objections to ABC Stores, has been enacted into law. Effective: October 1, 2009.

HOUSE BILL 201, Add Division of LESS to CCPS, is scheduled for final approval by the House on Monday, June 1st, and if approved as expected, will then be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 406, Western Justice Academy/Wildlife Resources Firing Range, was removed on Thursday from the Senate Appropriations Committee and referred to the Senate State and Local Government Committee.

HOUSE BILL 435, Lee Vacancies, has been enacted into law. Effective: May 21, 2009.

HOUSE BILL 440, The Nicolas Adkins School Bus Safety Act, has been approved by the Senate Judiciary II Committee and referred to the Senate Appropriations Committee.

HOUSE BILL 495, Divide Prosecutorial District 11, has been approved by the House Judiciary II Committee and referred to the House Appropriations Committee.

HOUSE BILL 676, Law Enforcement Jurisdiction in Iredell Co, has been approved by the General Assembly and enacted into law. **This bill was supported by the North Carolina Sheriffs' Association.** Effective: May 28, 2009.

HOUSE BILL 1037, Permit Access to Capital Defendants, was approved by the Senate Judiciary II Committee and will next be considered by the full Senate.

HOUSE BILL 1039, Guilty Plea Form Revisions, was approved by the Senate Judiciary II Committee and will next be considered by the full Senate.

HOUSE BILL 1272, Technical/Clarifying Changes/Juvenile Code, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1327, Schools Notified of Criminal Intelligence Information, was approved by the Senate Judiciary II Committee and will next be considered by the full Senate.

SENATE BILL 43, Require Boating Safety Education, has been approved by the House Wildlife Resources Committee and been referred to the House Judiciary III Committee.

SENATE BILL 167, No Smoking/Cell Phones on Prison Grounds, was approved by the House Ways and Means Committee and referred to the House Judiciary III Committee.

SENATE BILL 411, Amend Survivor's Alternate Benefit, was approved by the House Committee on Homeland Security, Military and Veterans Affairs and has been referred to the House Pensions and Retirement Committee. **This bill was supported by the North Carolina Sheriffs' Association.**

SENATE BILL 427, Restore Contract Rights to State/Local, is the bill that would allow collective bargaining for state and local employees in North Carolina. This bill was heard on Tuesday by the Senate State and Local Government Committee. At the beginning of the meeting, the committee co-chair announced that the bill would be discussed, but that no vote on the bill would occur. About 50 pro-labor union supporters were in attendance at the committee meeting and approximately 6 of them were allowed to speak in favor of the legislation.

SENATE BILL 584, Amend Private Protective Services Act, passed the Senate and will be sent to the House for further consideration.

SENATE BILL 617, Stalking Law Conforming Changes, has been approved by the General Assembly. Effective: When signed into law by the Governor, unless vetoed.

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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