

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



June 05, 2009

Someone once used the phrase that there would “be some sad singing and some slow walking.” That phrase certainly describes the somber mood at the General Assembly this week. The House Appropriations Subcommittees are struggling to find \$4 billion in budget cuts and the potential budget cuts that have been identified are not making anyone happy.

In the House Justice and Public Safety Appropriations Subcommittee, at their meeting Thursday afternoon, there were several amendments to their proposal. Once all of the amendments had been voted up or down, there were not enough votes to favorably report the complete package out of the committee, even though the committee members didn’t seem to have any more suggestions on which additional changes to make.

Part of this problem is created by the fact that members who wish to add additional funding for any state agency or project must take an equivalent amount of funding from some other state agency or project. Because of the depth of budget cuts and the fact that they apply to so many agencies, members who want additional money for a specific project cannot find a satisfactory source of the money.

Late on Thursday afternoon, the House Justice and Public Safety Appropriations Subcommittee found themselves ready to go home for the weekend, but unable to do so because they did not have a majority of the committee votes needed to approve their budget proposal. No members were offering additional amendments to try to make the budget proposal more acceptable.

To resolve the log jam so that the members could go home for the weekend, they ultimately passed a motion to have the current budget proposal for their part of the budget forwarded on to the full House Appropriations Committee “without prejudice.” This was their way of getting the matter moved along in the process without going on record as having supported the budget cuts contained in the proposal.

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

STATE BUDGET BILL --- HOUSE VERSION

There were several meetings this week of the House Justice and Public Safety Appropriations Subcommittee and many proposals that would adversely impact the Office of Sheriff and the entire criminal justice system. At the subcommittee's meeting on Thursday afternoon, upon a motion from Representative Tim Spear, several of the problems were fixed, at least for the time being. While some very positive changes were made in Thursday's afternoon meeting, it will remain to be seen whether or not those positive changes will be approved when the full House Appropriations Committee meets next week.

Action Items --- Please Call Your House Members

All of the potential budget cuts will be considered next week by the full House Appropriations Committee. However, the proposed State Budget provisions discussed above are not available on the webpage. Therefore, **it is critical that Sheriffs call the House members that represent your county and let them know of your position on these critical issues.**

1. Eliminate Jail Misdemeanant Payments --- This provision would delete the \$18 per day reimbursement paid to counties for prisoners serving their sentences of 30-90 days in the county jail. This provision is currently contained in the proposed budget and will result in a loss of \$10 million to counties across North Carolina. **The North Carolina Sheriffs' Association is opposed to this provision.**
2. Counties Keep Prisoners Up To Six Months --- Currently, prisoners sentenced up to 90 days imprisonment must serve their sentence in the county jail. This proposal would extend that time period so that prisoners sentenced to serve up to six months would serve their entire six month 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 six months. A recent updated estimate projects that shifting these prisoners to county jails would cost counties approximately \$42 million per year. **The North Carolina Sheriffs' Association is opposed to this provision.** Fortunately, this provision has been removed from the current version of the House bill. Nevertheless, it is important that you talk to your House members about your opposition to this provision so that it does not get added back into the budget bill at a later stage of the process.
3. Criminal Justice Officer Certification Fees --- This provision applies to law enforcement officers and all other criminal justice officers, which includes Department of Correction personnel, Department of Juvenile Justice and Delinquency Prevention personnel and various other criminal justice personnel.

This provision would require a criminal justice officer who is first certified to pay a fee of \$250. Thereafter, each criminal justice officer would have to pay an annual fee of \$100 upon completion of in-service training required by the Criminal Justice Standards Commission or the Sheriffs' Standards Commission.

An additional paragraph in this provision would require each officer to pay a fee of \$25 each time a certification is issued to that officer. This would include certifications as a radar operator, general instructor, specialized instructor, etc. [Note: The committee's handout said \$100, but we have confirmed with legislative staff that this fee is actually \$25.]

The North Carolina Sheriffs' Association is opposed to all of these criminal justice officer certification fees.

4. Law Enforcement Officers Pay Community College Tuition --- Currently, law enforcement officers may attend job-related courses in the North Carolina Community College System without paying any registration fees. This proposal would require law enforcement officers (and firefighters and EMS personnel, except volunteers) 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. The original proposal for this fee was \$25, then it was raised to \$36 and the current discussion is that the fee would be \$45. According to General Assembly staff estimates, these fees will cost \$15 million annually statewide for all public safety officers. **The North Carolina Sheriffs' Association is opposed to this provision.**
5. Increase Court Costs for Sheriffs' Standards and Criminal Justice Standards --- This proposal would increase court costs by \$2. \$1.65 of this amount would be used to fund the Criminal Justice Standards Division and \$.35 of these funds would be used to fund the Sheriffs' Standards Division. **The North Carolina Sheriffs' Association supports this provision.**
6. SBI Triad Laboratory --- There was a budget provision that would close the State Bureau of Investigation (SBI) Triad Laboratory in Guilford County. In the committee meeting on Thursday afternoon, funding for the SBI Triad Lab was added back to the House budget proposal. Nevertheless, you should ask your House members to support funding for the SBI Triad lab because there will probably be efforts later in the legislative process to attempt to get this funding removed. **The North Carolina Sheriffs' Association supports funding for the SBI Triad Lab.**

Other Budget Proposals

7. Eliminate 25 ALE Agents --- A provision was included earlier to eliminate 20 ALE agent positions and 5 ALE Assistant Special Agents in Charge. Funding to retain all 25 of these ALE agent positions was restored on Thursday afternoon.
8. Law Enforcement Support Services (LESS) --- Funding is included for 2009-2010 to operate this division of the Department of Crime Control and Public Safety, but this proposal would require LESS to charge a fee for their services and to be fully supported through fees and without any state money by the beginning of the 2010 fiscal year.

Another special provision would require LESS to establish fees that must be paid when LESS stores evidence in a criminal case for a local law enforcement agency.

9. Conferences of the District Attorneys and the Clerks of Superior Court --- This proposal would eliminate all positions assigned to the Conference of District Attorneys and would eliminate all positions assigned to the Conference of Clerks of Superior Court. Funding for both of these conferences was restored in Thursday's afternoon meeting.
10. Attorney General's Office Personnel Reductions --- An earlier proposal would have eliminated 25 attorneys in the Department of Justice. Funding for 13 of those positions was restored Thursday afternoon, leaving 12 attorney positions to be eliminated.
11. Increase Certain Court Fees --- This current budget proposal includes numerous increases in the costs of court.
12. Safe Roads Fine --- This provision would impose an additional \$350 fine for anyone convicted of speeding in excess of 25 miles per hour over the posted speed limit. It also would impose a \$350 fine for defendants convicted of an offense involving impaired driving.
13. Reduce District Court Judgeships --- Two district court judgeships would be eliminated in Wake County and one district court judgeship in Harnett County and one in New Hanover County would be eliminated.
14. Reduce Assistant District Attorneys --- Two assistant district attorney positions in Mecklenburg County would be eliminated and one position would be eliminated in Wake County and another position would be eliminated in the Harnett, Johnston and Lee judicial district.
15. Eliminate Sentencing Services Program --- This proposal would eliminate the Sentencing Services Program established by Article 61 of Chapter 7A of the General Statutes.
16. Increase Waivable Offenses Court Costs --- This provision would establish an additional \$25 penalty for court costs for offenses where personal appearances in court are not required.
17. Study Consolidation of Law Enforcement Agencies --- This provision would require the Office of State Budget and Management to study the feasibility of consolidating most of the state law enforcement agencies.
18. Internet Access to DCI --- 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 cost the Department of Justice \$459,599 to provide telecommunication circuits to those local law enforcement agencies at no cost to the local agency.

19. Jails and Detention Section --- 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 elimination of that section.
20. Fingerprint Card Program --- This provision would eliminate the Fingerprint Card Program since all 100 counties have access to the Statewide Automated Fingerprint Identification System (SAFIS) which utilizes live-scan devices.
21. Close Prisons --- This provision would close the following eight prison units over the next year: McCain Correctional Hospital, Umstead Correctional Center, Wilmington Residential Facility for Women, Lincoln Correctional Center, Gates Correctional Center, Union Correctional Center, Cleveland Correctional Center, Haywood Correctional Center, and Craven Correctional Institution.
22. Increase SBI Crime Lab Fee --- Would increase from \$300 to \$600 the fee assessed on convicted criminals to recover the cost of SBI Crime Lab Analysis.
23. Reduce Inmate Road Squads and Litter Crews --- Would implement a 20% reduction in the Department of Correction inmate road squads and litter crews.
24. Eliminate Gym and Visitation Posts --- Would implement a 20% reduction in the Department of Correction gym and visitation posts at state prisons.
25. Reduction in Funding for NCVAN --- The funding provided by the General Assembly to the North Carolina Victim Assistance Network (NCVAN) would be reduced by 25%.

BILL STATUS

HOUSE BILL 43, School Board Members/Failure to Discharge Duty, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 85, Increase Raffle Prize Limit, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 96, Local Government Surplus Property Donations, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 201, Add Division of Law Enforcement Support Services to Crime Control and Public Safety, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 266, Use of Deadly Force by LEO/Collect & Publish, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 406, Western Justice Academy/Wildlife Resources Firing Range, is scheduled for a final vote before the House on Monday, June 8th.

HOUSE BILL 440, The Nicolas Adkins School Bus Safety Act, has been approved by the Senate and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 473, Magistrate Can Carry Gun in Courthouse, was approved by the Senate Judiciary II Committee and scheduled for consideration by the full Senate. It was removed from the full Senate agenda and referred for further consideration to the Senate Judiciary I Committee. As introduced, this bill was opposed by the North Carolina Sheriffs' Association. It has been amended at the request of NCSA and NCSA is now not opposed to the bill as amended.

HOUSE BILL 825, Garbage Collection Trucks Parking on Highways, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1109, State Fairgrounds Special Police/Mutual Aid, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1327, Schools Notified of Criminal Intelligence Information, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1607, Adjust B1-E Felony Penalties, has been approved by the House Judiciary II Committee and been referred to the House Appropriations Committee. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 138, Salvia Divinorum Unlawful, has been approved by the House Health Committee and referred to the House Judiciary III Committee.

SENATE BILL 256, Clarify Local Government Evacuation Authority, is scheduled for consideration by the full House on Monday.

SENATE BILL 411, Amend Survivor's Alternate Benefit, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 617, Stalking Law Conforming Changes, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 628, Release Controlled Substance Report Data to Medical Examiner, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

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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