

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



June 19, 2009

On Tuesday, June 16th, Governor Beverly Perdue held an official bill signing ceremony in the old House Chambers of the State Capitol. Governor Perdue signed into law Senate Bill 411, Amend Survivor's Alternate Benefit, which provides a retirement benefit for survivors of law enforcement officers killed in the line of duty after the officer has completed 15 years of service. Previous law required an officer to complete 20 years of service prior to being eligible for this benefit.

Governor Perdue was joined at the bill signing ceremony by Joyce Plouff, widow of former Winston-Salem Police Department Sergeant Howard J. Plouff. Sergeant Plouff was tragically killed on February 23, 2007 when he responded to a call for help from Sheriffs' deputies as a result of a fight that broke out at a bar. At the time he was murdered, Sergeant Plouff was a 17 year veteran of the Winston-Salem Police Department. Under prior law, in order for his widow to receive his retirement benefits, he was required to have 20 years of service. This legislation lowered that threshold to 15 years of active service and made it retroactive so that Mrs. Plouff could receive Sergeant Plouff's retirement benefits.

Many legislators who supported this legislation said that they would like to see the law eventually changed to provide retirement benefits to the surviving spouse of any law enforcement officer killed in the line of duty, regardless of their number of years of service. Governor Perdue's remarks at the bill signing ceremony and the remarks of Mrs. Joyce Plouff were very touching and served as a reminder to all of us in attendance of the impact on an officer's family when the officer is called upon to make the ultimate sacrifice in the line of duty.

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

BILL STATUS

HOUSE BILL 43, School Board Members/Failure to Discharge Duty, would make it unlawful for a school board member to willfully fail to discharge the duties of their office. This bill has been enacted into law. **Effective: June 15, 2009.**

HOUSE BILL 201, Add Division of LESS to CCPS, has been enacted into law. **Effective: June 11, 2009.**

HOUSE BILL 266, Use of Deadly Force by LEO/Collect & Publish, has been enacted into law. **Effective: January 1, 2010.**

HOUSE BILL 315, Plea Bargain Disclosure, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 323, Prevent the Theft of Scrap Metals, 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, has been sent to a conference committee to work out the differences between the House and the Senate versions of the bill.

HOUSE BILL 473, Magistrate Can Carry Gun in Courthouse, has been on the agenda for consideration by the Senate, but it has been removed from their agenda and rescheduled for June 23rd. As originally introduced, the North Carolina Sheriffs' Association was opposed to this legislation but after numerous amendments were made to the legislation, the Association officially has "no position" on the legislation as currently drafted.

HOUSE BILL 722, Paraphernalia Control Act, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 787, Increase Penalty/Remove Serial # From Gun, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 825, Garbage Collection Trucks Parking on Highways, permits garbage trucks to stop on the pavement of highways outside the municipal limits while collecting garbage or recycling materials. This bill has been enacted into law. **Effective: June 15, 2009.**

HOUSE BILL 857, Ballistics Standards/Taking Big Game, would have authorized the Wildlife Resources Commission to set minimum ballistics standards for rifles used in taking big game. When this bill was considered on Thursday by the full House, it was defeated. It is unknown at this time whether legislators will try next week to revive the bill for further consideration.

HOUSE BILL 1037, Permit Access to Capital Defendants, has been enacted into law. **Effective: June 11, 2009.**

HOUSE BILL 1109, State Fairgrounds Special Police/Mutual Aid, has been enacted into law. **Effective: June 11, 2009.**

HOUSE BILL 1132, Renew Concealed Carry Permit/30 Day Limit, has been amended by the Senate. One amendment would require Sheriffs to send a notice by U. S. mail at least 45 days prior to the expiration of the individual's carrying concealed weapon permit. Upon investigation, it was determined that the State Bureau of Investigation is currently sending the list of permit holders with upcoming expiration dates to the Sheriffs' offices, along with preaddressed mailing labels. The North Carolina Sheriffs' Association is not opposed to this amendment. Additional amendments were added to this legislation with the support of the North Carolina Sheriffs' Association, to

include: (1) to extend the time period within which a permit holder can apply to renew their permit so that the permit holder can apply anytime within the 90 day period prior to expiration of the permit (was 30 days); (2) if the permit holder applies for renewal prior to the permit's expiration date, if the Sheriff does not have sufficient time to make a decision on whether or not to reissue the permit, the permit remains valid until the Sheriff makes a decision; (3) if the concealed carry permit expires, and the permit holder reapplies within the 60 day period after the permit expires, the Sheriff will have discretion about whether or not to waive the requirement that the permit holder take another firearms safety and training course; and (4) to provide that a former sworn law enforcement officer with 15 or more years of part-time law enforcement service may be exempt from the requirement to take the firearms safety and training course when applying for a concealed handgun permit. This bill will be considered further by the Senate next week.

HOUSE BILL 1190, Preservation of DNA & Biological Evidence, 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 enacted into law. **Effective: December 1, 2009.**

SENATE BILL 68, ABC Stores/School/Guilford, has been approved by the House Local Government I Committee and referred to the House Alcoholic Beverage Control Committee.

SENATE BILL 411, Amend Survivor's Alternate Benefit, has been signed into law by Governor Beverly Perdue. **Effective: June 16, 2009** and applies to law enforcement officers killed in the line of duty on and after January 1, 2007.

SENATE BILL 955, Bicycle Lights at Night, has been referred to the House Judiciary I Committee.

SENATE BILL 1000, Motor Vehicle Size and Weight Law Changes, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 1011, Amend Trap Sizes, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 1089, Low-Risk Probationers May Be Unsupervised, has been approved by the House Ways and Means Committee and referred to the House Judiciary III Committee.

SENATE BILL 1091, Clarify Wt. Measurement/Meth Trafficking, has been approved by the House Ways and Means Committee and referred to the House Judiciary III Committee.

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).

Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

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