

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



July 02, 2009

This week, there has been moderate activity at the General Assembly. The committee meeting schedule continued, but most of the discussion was on the budget bill and the possibility of increased taxes. These issues were not resolved and will await legislators when they return next week. They departed early on Thursday so that legislators could return home to celebrate Independence Day with their families and friends or have a short vacation to unwind a little.

While the adoption of a State budget appears to be at least a couple of weeks away, we could be tempted to remember a quotation from a very old court case that said:

“No man’s life, liberty or property are safe while the legislature is in session.”

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As tempting as it is to repeat this court case quotation, the week of Independence Day is a good time for all of us to remember how fortunate we are to live in a country where citizens of our State can govern our affairs through a General Assembly. While observers of the General Assembly might agree that it is not an efficient process, we should all agree that the form of government that we enjoy in the United States of America is undoubtedly the best form of government in the entire world.

So, while we all try to figure out how to plug a \$4 billion hole in this year’s budget, we should all be thankful for our country’s ancestors who took historic action over 200 years ago on Independence Day which resulted in our form of government being the envy of people all around the world.

BILLS OF INTEREST

HOUSE BILL 115, Joint DV Committee/Recommendations, is scheduled for consideration by the Senate on July 8, 2009. This bill was amended in Committee and now provides that the term “valid protective order” includes an emergency or ex-parte order entered under G.S. §50B.

HOUSE BILL 182, Traffic Calming Devices/Residential Subdivisions, is scheduled for consideration on July 7, 2009.

HOUSE BILL 192, Child Witness Testimony/Procedures, is scheduled for consideration by the Senate on July 8, 2009.

HOUSE BILL 243, Mental Health/Law Enforcement Custody, has been referred to the House Mental Health Reform Committee for consideration of the changes made in the Senate.

HOUSE BILL 315, Plea Bargain Disclosure, has been enacted into law. **Effective: December 1, 2009.**

HOUSE BILL 323, Prevent the Theft of Scrap Metals, has been enacted into law. **Effective: October 1, 2009.**

HOUSE BILL 377, Authorize Emergency Management Certification Program, has been enacted into law. **Effective: June 26, 2009.**

HOUSE BILL 379, Allows Mutual Aid Between State & Local Government, has been enacted into law. **Effective: June 26, 2009.**

HOUSE BILL 380, Strengthen Local Emergency Management, has been enacted into law. **Effective: October 1, 2009.**

HOUSE BILL 381, Expand Division of Emergency Management Authority, has been enacted into law. **Effective: June 26, 2009.**

HOUSE BILL 722, Paraphernalia Control Act, has been enacted into law. **Effective: December 1, 2009.**

HOUSE BILL 787, Increase Penalty/Remove Serial Number From Gun, has been enacted into law. **Effective: December 1, 2009.**

HOUSE BILL 937, Innocence Commission/Limited Witness Immunity, is scheduled for consideration by the Senate on July 8, 2009.

HOUSE BILL 1119, Control Substance Act Changes/Sheriff, was considered on Thursday by the House Judiciary III Committee. Sheriff Mac Manning of Pitt County spoke to the Committee about the importance of this legislation and about the ever-growing problem of drug overdoses with prescription medicines. The Committee converted the bill into a study bill and it will be considered for inclusion in the bill normally enacted by the end of the legislation session that will authorize various studies. Several legislators in the Committee expressed their support for this legislation and volunteered to serve on the Legislative Study Committee to address this issue. The bill sponsor stated that her goal was for this issue to be studied this fall and next spring so that this legislation could be acted on in the 2010 Session of the General Assembly. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 1132, Renew Concealed Carry Permit/30 Day Limit, was approved by the House Judiciary I Committee with a recommendation that the House agree to the changes made to this legislation in the Senate. This bill will now be scheduled for consideration by the full House next

week, and if approved, will then be sent to Governor Beverly Perdue for her signature. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 1185, Habitual DWI-Reinstatement Petition/10 Years, is scheduled for consideration by the Senate on July 8, 2009.

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

HOUSE BILL 1210, Facilitate Access to Emergency Supplies, has been enacted into law. **Effective: June 26, 2009.**

HOUSE BILL 1329, Consolidate Expunction Statutes, is scheduled for consideration by the Senate on July 8, 2009. This bill was amended in the Senate Judiciary I Committee to provide that a person may get their criminal record expunged for a single misdemeanor conviction of larceny under G.S. 14-72(a) if the person has had no other criminal convictions in the ten year period subsequent to the conviction for misdemeanor larceny.

HOUSE BILL 1438, Videoconference Technology in Court Proceedings, has been enacted by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1464, Clarify Domestic Violence Laws/Arrest/Valid Protective Order, is scheduled for consideration by the Senate on July 8, 2009.

HOUSE BILL 1633, Study Security Services/Legislative Buildings, would establish the Joint Legislative Study Committee on Security and Emergency Medical Services at the State Legislative Buildings, and the Committee's responsibility will be to determine whether and to what extent the security and emergency medical services need to be upgraded at the state legislative buildings. This bill was approved by the House State Government/State Personnel Committee and has been referred to the House Appropriations Committee.

HOUSE BILL 1606, Amend Prior Record Point Levels, was approved by the House Judiciary II Committee.

HOUSE BILL 1637, Modernize Precious Metal Business Permitting, was approved by the House Judiciary III Committee and has been referred to the House Finance Committee.

SENATE BILL 43, Require Boating Safety Education, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

SENATE BILL 140, Amend Domestic Criminal Trespass, is scheduled to be considered by the Senate on July 7, 2009.

SENATE BILL 461, North Carolina Racial Justice Act, has been approved by the House Judiciary I Committee and referred to the House Appropriations Committee.

SENATE BILL 526, School Violence Prevention Act, has been signed into law by Governor Beverly Perdue. **Effective: June 30, 2009.**

SENATE BILL 986, Clarify Local Special Separation Allowance, was approved by the House State Government/State Personnel Committee and has been referred to the House Pensions and Retirement Committee. This bill was amended and now provides that any city or county can employ a retired local law enforcement officer in a part-time capacity, in a public safety position, and the officer will not cease receiving the Special Separation Allowance benefit so long as the retired officer's part-time employment does not require the officer's participation in the Local Governmental Employees' Retirement System. In order to not be required to participate in the Local Governmental Employees' Retirement System, a retired officer who goes back to work part-time must work less than 1,000 hours and must earn less than \$28,080 or less than 50% of compensation, excluding termination payments, reported to the Retirement System during the 12 months of service preceding the effective date of the officer's retirement.

This bill also clarifies that a retired local law enforcement officer's Special Separation Allowance benefit cannot be terminated if the officer returns to work for the State of North Carolina or a private business employer. After a law enforcement officer retires, their Special Separation Allowance benefit will only be terminated: (1) upon the officer's reemployment by a local government in a capacity requiring participation in the Local Governmental Employees' Retirement System; (2) upon the death of the officer; or (3) on the last day of the month in which the officer becomes 62 years of age. **This bill is supported by the North Carolina Sheriffs' Association and numerous other associations.**

SENATE BILL 1008, Antlerless Deer Tag Fee, has been signed into law by Governor Beverly Perdue. **Effective: July 1, 2009.**

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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