

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



July 17, 2009

As expected, the General Assembly adopted a second “continuing resolution” to keep state government funded through July 31st. The continuing resolution was necessary because no state budget has been adopted for the new fiscal year that began on July 1st. The first continuing resolution expired on Wednesday, July 15th and therefore a second continuing resolution was necessary.

Appropriations Committee leaders continued to meet and discuss how to spend money in this year’s budget. Legislative leaders on the Finance Committee also continued to meet to discuss which taxes to raise or impose and how much new revenue needs to be generated for the budget.

The continuing resolution funds state agencies at 84% of last year’s funding level. There are rumors circulating in the legislature that some legislative leaders are prepared stay in Raleigh indefinitely until they persuade other legislators to agree with their proposed budget strategy. Other legislators are talking about going home soon and not coming back until an agreement on the budget is reached between the House and the Senate. By next week, there will probably be new and different rumors. Meanwhile, legislative committees continue to meet, consider and process important legislation.

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

BILL STATUS

HOUSE BILL 67, License Plate Frame/State Name Visible/Study, was returned to the House for consideration of the Senate changes to the bill. The House did not agree with the Senate changes and a conference committee of House and Senate members will be appointed to consider the differences between the House and Senate bills.

HOUSE BILL 115, Joint Domestic Violence Committee/Recommendations, has been approved by the Senate and will be returned to the House for consideration of the Senate changes.

HOUSE BILL 121, Regulation of Golf Carts by Local Governments, has been approved by the Senate and will be returned to the House for consideration of the Senate changes.

HOUSE BILL 137, Capital Procedure/Severe Mental Disability, would provide that if a murder defendant alleges that he had a severe mental disability at the time of the commission of the murder, a pretrial hearing would be held to determine whether or not the defendant did have a severe mental disability at the time of the murder. If a jury determines that the defendant did have a severe mental disability at the time of the murder, the court must sentence the defendant to life imprisonment without parole and the death penalty could not be imposed. This bill was approved by the House Judiciary I Committee and referred to the House Appropriations Subcommittee on Health and Human Services for further consideration.

HOUSE BILL 192, Child Witness Testimony/Procedures, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 243, Mental Health/Law Enforcement Custody, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 506, Clarify Entitlement to Counsel/Appointment, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 816, Clarify Local Special Separation Allowance, has passed the Senate and will be returned to the House for consideration of the Senate changes. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 882, Motor Vehicle Inspection Program Changes, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 885, Targeted Picketing, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 937, Innocence Commission/Limited Witness Immunity, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1034, Allow Recorded Phone Messages/Public Safety, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1185, Habitual DWI-Reinstatement Petition/10 Yrs, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1228, ABC Rules/Private Clubs, was scheduled for consideration on Thursday by the Senate, but was postponed and is now scheduled for consideration on Monday, July 20th.

HOUSE BILL 1255, Sex Offenders/Permanent No Contact Order, is scheduled for consideration by the House on Monday, July 20th.

HOUSE BILL 1256, Larceny of a Motor Vehicle Part, is scheduled for consideration by the House on Monday, July 20th.

HOUSE BILL 1342, Free Medical Exam-Victims of Rape/Sex Offenses, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1438, Videoconference Technology in Court Proceedings, has been signed into law by Governor Beverly Perdue. **Effective: July 10, 2009.**

HOUSE BILL 1447, Crime Stoppers Tips Are Confidential, is scheduled for consideration by the Senate Judiciary II Committee on Tuesday, July 21st.

HOUSE BILL 1637, Modernize Precious Metal Business Permitting, was approved on Thursday by the House Finance Committee and should be scheduled for consideration by the full House next week.

SENATE BILL 43, Require Boating Safety Education, has been signed into law by Governor Beverly Perdue. **Effective: May 1, 2010.**

SENATE BILL 65, Amend Computer Solicitation of Child, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

SENATE BILL 68, ABC Stores/School/Guilford, would allow the ABC Commission, when deciding on the location of an ABC store in Guilford County, to consider whether it is within 1,000 feet of a church, public school or a non-public school. **Effective: December 1, 2009.**

SENATE BILL 116, Authorize Various Special Plates, has been approved by the Senate and will be sent to the House for consideration.

SENATE BILL 167, No Smoking/Cell Phones on Prison Grounds, was considered on Thursday by the House Judiciary III Committee. At the request of the North Carolina Sheriffs' Association, this bill was amended to apply to county jails and local confinement facilities and to provide that it is a Class 1 misdemeanor for: (1) an inmate to possess tobacco products or a mobile telephone; (2) for any person to give or sell to an inmate tobacco products or a mobile telephone; and (3) for any person to give tobacco products or a mobile telephone to another person for the purpose of delivery of the tobacco products or mobile telephone to an inmate.

Original language in this bill made it unlawful for inmates of the Department of Correction to possess tobacco products or a mobile telephone. It also prohibited employees of the Department of Correction from possessing tobacco products in a state prison facility or on its grounds. Several members of the committee objected to prohibiting tobacco products for use by Department of Correction employees, so a vote was not taken on this bill and it was continued for further discussion and consideration next week. **The North Carolina Sheriffs' Association supports the provisions of this bill that would prohibit inmates of county jails and local confinement facilities from possessing tobacco products or a mobile telephone and would make it unlawful for persons to provide those items to inmates.**

SENATE BILL 307, Regulate Ownership and Use of Certain Reptiles, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

SENATE BILL 372, Clarification of Nuisance Abatement Laws, was considered by the House Ways and Means Committee on Wednesday. Due to concerns raised by several committee members, a subcommittee was assigned to give further analysis to this bill.

SENATE BILL 461, North Carolina Racial Justice Act, was approved by the House and will be sent to the Senate for consideration of the House changes.

SENATE BILL 464, Prevent Racial Profiling, has been approved by the House Judiciary I Committee and will be scheduled for consideration by the full House.

SENATE BILL 488, Establish Proportionate Sentence Lengths, has been approved by the Senate and will be sent to the House for consideration.

SENATE BILL 489, Even Out Prior Criminal Record Points, has been approved by the Senate and will be sent to the House for consideration.

SENATE BILL 514, Magistrates Provide Appointment of Counsel, has been approved by the House and will be returned to the Senate for consideration of the House changes.

SENATE BILL 713, Removal of Electronic Monitoring Device, has been approved by the House and will be returned to the Senate for consideration of the House changes.

SENATE BILL 929, No Set Aside of Bond Forfeit/Actual Notice, has been approved by the House and will be returned to the Senate for consideration of the House changes.

SENATE BILL 1017, Enhance Protections against Identity Theft, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

SENATE BILL 1089, Low-Risk Probationers May Be Unsupervised, has been signed into law by Governor Beverly Perdue. **Effective: July 1, 2009.**

SENATE BILL 1091, Clarify Weight Measurement/Meth Trafficking, was scheduled to be considered by the House this week, but has been rescheduled for consideration on Monday, July 20th. **This bill is supported by the North Carolina Sheriffs' Association.**

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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