

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



July 24, 2009

SO CLOSE.....but yet so far away! On Wednesday of this week, it appeared that the State Budget was within inches of being complete and that it would be provided to General Assembly members next Monday for a vote on next Tuesday and Wednesday. The expectation was that the General Assembly session would then be ready to adjourn during the first week of August.

As late as Thursday morning, legislative staff responsible for the budget preparation expected all final budget decisions to be made Thursday, or Friday at the latest, so that the Budget Bill could be printed over the weekend and be ready for distribution to legislators on Monday.

And in a flash, it is gone! Governor Beverly Perdue talked with House and Senate leaders and expressed her dissatisfaction with the proposed budget. After a several hour closed door meeting, Senate leaders emerged to declare that all proposals for raising revenue (aka increasing taxes) were “off the table” and that the process for raising additional revenue would have to completely start over. Top budget negotiators that were expected to work into the evening on Thursday and throughout the day on Friday, and the weekend if necessary, left town on Thursday afternoon with plans to get back together on Monday to start over on the part of the budget process involved in raising new revenue.

The continuing resolution authorizing the State to continue operating without a budget is set to expire on Friday July 31st. Senate leaders made it clear in a press conference after their closed door meeting that they do not expect to have a budget ready by July 31st, and that they do not have any idea about when a budget agreement might be reached.

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

BILL STATUS

HOUSE BILL 115, Joint Domestic Violence Committee/Recommendations, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 137, Capital Procedure/Severe Mental Disability, would change the procedure for determination of whether or not a defendant charged with murder could be considered eligible for the death penalty if the defendant raises the defense of “mental disability.” This bill was approved by the House Appropriations Subcommittee on Education.

HOUSE BILL 182, Traffic Calming Devices/Residential Subdivisions, has been enacted into law. Effective: October 1, 2009.

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 816, Clarify Local Special Separation Allowance, 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.**

HOUSE BILL 885, Targeted Picketing, has been enacted into law. Effective: December 1, 2009.

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

HOUSE BILL 1078, Report School Violence to Superintendent/ Require Notification Policy, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1132, Renew Concealed Carry Permit/30 Day Limit, has been enacted into law. Effective: January 1, 2010. **This bill is supported by the North Carolina Sheriffs' Association.**

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

HOUSE BILL 1228, ABC Rules/Private Clubs, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1449, Juvenile Code Revisions, has been enacted into law. Effective: October 1, 2009.

HOUSE BILL 1464, Clarify Domestic Violence Laws/Arrest/Valid Protective Order, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1637, Modernize Precious Metal Business Permitting, has been approved by the House and assigned to the Senate Commerce Committee.

SENATE BILL 140, Amend Domestic Criminal Trespass, has been approved by the House Ways and Means Committee and referred to the House Judiciary I Committee.

SENATE BILL 167, No Smoking/Cell Phones on Prison Grounds, has been approved by the House Judiciary III Committee and will be considered by the full House on Monday, July 27th. 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. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 488, Establish Proportionate Sentence Lengths, has been approved by the Senate and referred to the House Judiciary II Committee.

SENATE BILL 489, Even Out Prior Criminal Record Points, has been approved by the Senate and referred to the House Judiciary II Committee.

SENATE BILL 513, Notice of Hearing/Unsupervised Probation, has been received by the Senate to consider changes made in the House and is scheduled for consideration by the full Senate on Monday, July 27, 2009.

SENATE BILL 514, Magistrates Provide Appointment of Counsel, has been received by the Senate to consider the changes made in the House and is scheduled for consideration by the full Senate on Monday, July 27, 2009.

SENATE BILL 713, Removal of Electronic Monitoring Device, has been received by the Senate to consider the changes made in the House and is scheduled for consideration by the full Senate on Monday, July 27, 2009.

SENATE BILL 920, Probation Reform, has been approved by the House Juvenile Justice Committee and the House Judiciary III Committee and is scheduled for consideration by the full House on Monday, July 27, 2009.

One provision contained in this bill will establish a new regular condition of probation that will require defendants on probation to: "submit to warrantless searches by a law enforcement officer of the probationer's person and of the probationer's vehicle, upon a reasonable suspicion that the probationer is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court." **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 1078, Delay Bond/Probationer Arrested For Felony, has been received by the Senate to consider the changes made in the House and is scheduled for consideration by the full Senate on Monday, July 27, 2009.

SENATE BILL 1091, Clarify Weight Measurement/Meth Trafficking, was amended by the full House on Thursday and then approved and sent to the Senate for consideration of the House changes, and is scheduled for consideration by the full Senate on Monday, July 27, 2009. This bill was introduced to fix a problem in the law identified in a court case to make it clear that when a drug trafficker puts methamphetamine in a mixture involving another substance, the weight of the entire substance containing the methamphetamine is used to determine the amount of unlawful controlled substances possessed by the defendant. Under previous law, methamphetamine and amphetamine were treated the same under the drug trafficking statute. The amendment adopted in the House fixes the problem caused by the court case concerning the weight of the substance containing methamphetamine or amphetamine but it reduces the penalty for trafficking in amphetamine. **The**

North Carolina Sheriffs' Association supports the original provisions in this bill designed to fix the problems in the statute identified in the court case.

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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