

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



July 31, 2009

Continuing Resolution No. 2 that continued the operation of State government past June 30th was scheduled to expire today, July 31st. The General Assembly enacted a third continuing resolution allowing state government to continue to operate without a budget in place, and Continuing Resolution No. 3 does not have an expiration date. However, the end of this year's legislative session may be in sight as legislative leaders appear to be close to an agreement on the final budget bill that will include various tax increases.

Legislative leaders met until late into the afternoon on Thursday and are meeting again today (Friday) in an attempt to reach an agreement on all of the remaining issues.

If an agreement on the budget bill can be reached this week or early next week, it is likely that the state budget bill will be approved by the General Assembly next week and sent to Governor Beverly Perdue for her signature. There seems to be relatively close communication between legislative leaders and the Governor on this version of the budget bill, so at this point it seems likely that Governor Perdue will sign the budget bill if it is approved by the General Assembly.

There have been rumors that numerous legislators are unhappy with the proposed tobacco, beer and alcohol tax increases and that those legislators might be working to change those provisions or prevent enactment of the budget bill if it includes those tax increases.

Most committees appear to have finished their meetings for this year. Although various meetings are being scheduled, most committee agendas only contain one or two legislative bills for consideration.

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

BILL STATUS

HOUSE BILL 67, License Plate Frame/State Name Visible/Study, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 115, Joint Domestic Violence Committee/Recommendations, has been enacted into law. **Effective: July 24, 2009.**

HOUSE BILL 121, Regulation of Golf Carts by Local Governments, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 192, Child Witness Testimony/Procedures, has been enacted into law. **Effective: December 1, 2009.**

HOUSE BILL 209, Sex Offender Registry/Liberties with Student, was approved by the Senate Judiciary I Committee and will next be considered by the full Senate.

HOUSE BILL 243, Mental Health/Law Enforcement Custody, has been enacted into law. **Effective: October 1, 2009.**

HOUSE BILL 334, Revise North Carolina Ski Safety Statutes, has been enacted into law. **Effective: October 1, 2009.**

HOUSE BILL 406, Western Justice Academy Wildlife Resources Firing Range, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 581, Partition Sales/Extend Report & Answer Times, has been enacted into law. **Effective: October 1, 2009.**

HOUSE BILL 775, Alternative Testimony/Children and Adults with Disabilities, has been approved by the Senate Judiciary II Committee and will be sent back to the House for consideration of the Senate changes.

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 921, Washington Deannexation/Dare Trapping, has been rewritten and now amends the trapping laws of Dare County to prohibit the trapping of any game or furbearing animal except as provided by the Wildlife Resources Commission rules. It also makes it illegal to trap any game or furbearing animal with a trap that has a jaw spread exceeding 7 ½ inches until after the later of January 2nd or the last day of deer hunting season. This bill as amended is now in the Senate State and Local Government Committee.

HOUSE BILL 937, Innocence Commission/Limited Witness Immunity, has been enacted into law. **Effective: July 27, 2009.**

HOUSE BILL 1034, Allow Recorded Phone Messages/Public Safety, has been enacted into law. **Effective: July 27, 2009.**

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

HOUSE BILL 1098, Protect Search and Rescue Animal, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1117, Sex Offender Can't Drive Bus with Children, has been approved by the House Appropriations Subcommittee on Transportation and is scheduled for consideration by the full House on Monday, August 3rd.

HOUSE BILL 1185, Habitual DWI-Reinstatement Petition/10 Years, has been enacted into law. **Effective: December 1, 2009.**

HOUSE BILL 1342, Free Medical Exam-Victims of Rape/Sex Offenses, has been enacted into law. **Effective: July 27, 2009.**

SENATE BILL 56, District Court District 13 Residency, has been enacted into law. **Effective: When approved by the U. S. Department of Justice.**

SENATE BILL 65, Amend Computer Solicitation of Child, has been enacted into law. **Effective: December 1, 2009.**

SENATE BILL 69, Crime Control and Public Safety Wrecker Service Fee Rules, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 269, Work/School Zones/Speed Camera Pilot Program, has been rewritten and now would establish a pilot program to authorize the use of electronic speed-measuring systems by the Department of Transportation to detect speed limit violations in highway work zones and in school zones. This bill was approved by the House Finance Committee and is scheduled for consideration by the full House on Monday, August 3rd.

SENATE BILL 368, Various Changes in Motor Vehicle Law, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 372, Clarification of Nuisance Abatement Laws, has been approved by the House Ways and Means Committee and has been referred to the House Judiciary III Committee.

SENATE BILL 461, North Carolina Racial Justice Act, is scheduled for consideration by the full Senate on Tuesday, August 4th.

SENATE BILL 464, Prevent Racial Profiling, was amended in the House to extend the deadline for law enforcement agencies to file traffic stop statistics from 30 days to 60 days. The bill was then approved by the full House and is scheduled for consideration by the full Senate on Monday, August 3rd.

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

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

SENATE BILL 514, Magistrates Provide Appointment of Counsel, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 563, Pyrotechnics Safety Permitting Act, has been approved by the Senate and referred to the House Insurance Committee.

SENATE BILL 584, Amend Private Protective Services Act, has been enacted into law. **Effective: October 1, 2009.**

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

SENATE BILL 713, Removal of Electronic Monitoring Device, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 851, Supervision of Certain Defendants, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 920, Probation Reform, was approved by the General Assembly and signed into law by Governor Beverly Perdue on July 30, 2009.

SENATE BILL 929, No Set Aside of Bond Forfeit/Actual Notice, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 978, Firearms Qualify Sites/Expand Commission Powers, has been approved by the House and will be referred to the Senate for consideration of the House changes.

SENATE BILL 1017, Enhance Protections Against Identity Theft, has been enacted into law. **Effective: October 1, 2009.**

SENATE BILL 1062, Strengthen Domestic Violence Protective Orders/Pets, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 1076, Modify Criminal Justice Partnership Program, has been enacted into law. **Effective: December 1, 2009.**

SENATE BILL 1078, Delay Bond/Probationer Arrested For Felony, has been approved by the General Assembly and will be sent to Governor Beverly Perdue for her signature.

SENATE BILL 1091, Clarify Weight Measurement/Meth Trafficking, 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).

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

www.ncsheriffs.org