

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 04, 2010

As scheduled, the House of Representatives approved their version of this year's State Budget Bill before adjourning for the weekend. Most of the work was done earlier in the week, and the final vote was held after midnight early on Friday morning. Earlier in the day on Thursday, the House approved the State Budget Bill on a preliminary vote and the final vote was held shortly after midnight.

The House version of the State Budget Bill now goes to the Senate for consideration. The Senate will no doubt reject the House version early next week so that a conference committee of House members and Senators can be appointed to discuss the differences between the two versions.

The goal of the House and the Senate is to agree on a final budget bill prior to the beginning of the State's new fiscal year on July 1, 2010. While both the House and Senate are interested in getting a budget adopted soon, there are major differences between the two versions of the budget bill and significant compromise will be required for an agreement to be reached.

The number of new bills being introduced has now slowed down to a trickle and the focus is on getting bills scheduled in committee so that they can be considered before the legislature adjourns for the year. While almost everyone hopes for an early adjournment this year, adjournment typically comes approximately two to three weeks after the legislature approves the State Budget Bill. Therefore, it is likely that this year's legislative session will not adjourn until mid to late July.

The Senate adjourned on Thursday and the House adjourned early on Friday for the week and they both will reconvene next Monday evening.

BILLS OF INTEREST

HOUSE BILL 2027, Car Theft to Steal Motor Parts, was discussed in last week's Weekly Legislative Report and our summary mistakenly included the description of a different legislative bill. House Bill 2027 would increase the penalty for stealing a motor vehicle if the original intent of the theft was to steal the vehicle so that it could be taken to a "Chop Shop" so that it could be dismantled for parts for other vehicles. **Introduced by Representative Gibson, and referred to the House Committee on Judiciary III.**

HOUSE BILL 2031, No Seizure of Firearms in Emergency/Funds, would amend the law that prohibits possession of firearms during a declared state of emergency to specify that the prohibition on carrying a firearm during a declared state of emergency does not apply to the transport or possession of “lawfully possessed” firearms, ammunition or ammunition components. **Introduced by Representatives Hilton, Cleveland, Holloway and Gulley, and referred to the House Committee on Judiciary I.**

BILL STATUS

HOUSE BILL 1403, Collect DNA Sample on Arrest, was approved by the House Judiciary I Committee and referred to the House Finance Committee for further consideration.

HOUSE BILL 2066, Special Retirement Allowances, would provide a retirement benefit to all state and local government employees that was provided to law enforcement officers in 2007, and would improve the benefit for law enforcement officers and all other state and local government employees.

Law enforcement officers employed prior to 1986 who were provided an annuity by their employer remained eligible, upon retirement, to transfer their NC 401(k) plan funds into their regular retirement account and to receive a combined benefit. In 2007, at the request of the North Carolina Sheriffs' Association, this retirement option was provided to all State and local law enforcement officers.

This benefit is a totally voluntary option, and upon retirement, officers have been able to decide whether or not they would like to take advantage of this option. Officers who did not wish to take advantage of this option would get their regular monthly retirement payment from the Retirement Systems Division and continue to be able to access their NC 401(k) funds under the terms of that plan. Officers who elected to receive this optional combined benefit have been able to transfer their NC 401(k) funds to the Retirement Systems Division and then receive a higher monthly retirement payment that includes the value of their regular retirement benefit plus an increased amount that reflects the value of their NC 401(k) funds that were transferred to the retirement system. This option has been particularly beneficial for retired law enforcement officers who do not wish to be responsible for managing the investment of their NC 401(k) funds after retirement.

House Bill 2066, if enacted into law, will extend this benefit to all State and local government employees, not just law enforcement officers, and will include several improvements in the option. First, the opportunity to transfer funds to the retirement system will include both funds in the NC 401(k) plan and funds in the NC 457 plan. Second, retiring employees will be eligible to transfer all of their NC 401(k) and 457 funds to the retirement system or to transfer only a portion of those funds to the retirement system. Current law requires law enforcement officers who wish to transfer funds from their NC 401(k) plan to transfer all of the funds to the retirement system. Third, current law requires law enforcement officers to make a decision at the time of retirement as to whether or not

the officer wishes to transfer NC 401(k) funds to the retirement system. This legislative bill will allow State and local government retirees to make the decision at the time of retirement, or at any time after retirement.

SENATE BILL 140, Protect Victims/DV Shelters, was approved by the House, referred to the Senate for further consideration, approved by the Senate and sent to Governor Bev Perdue for her signature.

SENATE BILL 144, Amend Innocence Inquiry Commission, originally dealt with a totally different topic but was amended in the House by removing the entire contents of the previous bill and inserting into the bill various amendments to the law concerning the Innocence Inquiry Commission.

Under current law, only newly discovered evidence can be considered by the Innocence Inquiry Commission. The amendments contained in this bill will allow all evidence to be considered, even if the evidence has already been considered by a jury or a judge. While the Innocence Inquiry Commission was originally created to enable defendants to claim their innocence and have newly discovered evidence evaluated, this change would essentially allow the already convicted defendant to re-try their case.

Under current procedures, the District Attorney who originally prosecuted the defendant's case can represent the State before the Innocence Inquiry Commission. This legislation would require the appointment of new legal counsel to represent the State when the matter is heard before the Innocence Inquiry Commission.

SENATE BILL 655, Increase Drivers License Restoration Fee, passed the Senate and has been sent to the House for further consideration.

SENATE BILL 897, Appropriations Act of 2010, is the House version of the State Budget Bill for 2010. Key provisions in the House version adopted this week include:

1. Criminal Justice Law Enforcement Automated Data Services (CJLEADS): This project would be transferred from the Office of the State Controller to the North Carolina Department of Justice. The Senate version of the budget bill would make this transfer effective October 1, 2010 and the House version would make the transfer effective July 1, 2012. This project is responsible for integrating various criminal justice databases into one system. It is currently in operation in Wake County, with a long term goal of expanding it statewide.
2. Education in County Jails: Previously, funding had been provided for various community colleges to provide educational courses to inmates in certain county jails and in the Department of Correction. The county jails where these programs operate are in the following counties: Dare, Forsyth, Gaston, Guilford, Cumberland, Robeson, and Sampson. The House considered cutting the funding for this training out of this year's budget but an amendment was added on the floor of the House to keep the funding for one more year at the same amount as was appropriated for these projects last year. There appears to be an effort to delete this funding completely from future state budgets.

3. Community College Tuition Waivers: The House version of the State Budget Bill would require a study of tuition waivers in the Community College System to be conducted by the Fiscal Research Division of the General Assembly in consultation with the Community College System office. Currently, law enforcement officers are receiving certain training from the Community College System at no charge and this study would evaluate whether or not that program should continue.
4. Sheriffs' Association Training: The House version of the State Budget Bill would provide \$150,000 to the Governor's Crime Commission to be awarded to the North Carolina Sheriffs' Association for training for Sheriffs and other law enforcement agencies across the State on the nationwide Secure Communities program and on methods to improve the inmate booking process. **This provision is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 1450, State Retirement Age and Service Change, would make various changes in the retirement age for state employees, including state law enforcement officers. The changes proposed in this legislation do not apply to any existing employees and would only apply to those employees hired on or after January 1, 2011.

1. Definition of State Law Enforcement Officer: For persons hired on or after January 1, 2011, the definition of a State law enforcement officer for retirement benefits would require the person to be a full-time paid employee of the State Bureau of Investigation, the State Highway Patrol or the Alcohol Law Enforcement Division. For persons hired on or after January 1, 2011, law enforcement officer benefits would no longer be available to law enforcement officers employed by other state agencies, such as the various university police departments or other state agencies.

For law enforcement officers employed by any state agency other than the SBI, SHP, or ALE, those law enforcement officers hired on or after January 1, 2011 would not be eligible for the mandatory 5% contribution by their employer into their 401(k) account and would not be eligible upon retirement for the Special Separation Allowance benefit.

2. Service Retirement Allowance: Under current law, State law enforcement officers are eligible for a service retirement at age 50 with 15 or more years of creditable service or at age 55 with 5 or more years of creditable service. For employees hired on or after January 1, 2011, these requirements would be increased and a service retirement would only be available if the state law enforcement officer was at least 55 years of age with 25 years of creditable service or was at least 60 years of age with 5 years of creditable service, and the officer could receive "reduced benefits" upon retirement at 55 years of age with at least 20 years of creditable service.
3. State Employee Health Insurance: For all state employees hired on or after January 1, 2011, whether law enforcement officers or not, each state employee will be required to pay \$10 per month for coverage under the State Health Plan.
4. Longevity Pay: Provides that for any state employees hired on or after January 1, 2011, they would not be eligible to participate in the longevity pay program.

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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