

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 18, 2010

This week was a relatively routine mid-June week in Raleigh for the North Carolina General Assembly. Numerous committees were meeting and the House and Senate leaders assigned to work out their differences in the State Budget Bill were sequestered away in the Legislative Office Building trying to decide on final changes for the upcoming 2010-2011 budget.

This is also the time of year when unneeded legislative bills are “guttled” and used for a totally different purpose. Often identical bills on a particular subject will be introduced in both the House and the Senate. Frequently these bills are referred to as “companion” bills. When one of the bills is enacted into law, the other bill receives no further consideration and is no longer needed.

When legislative leaders want to consider new legislation that has not previously been introduced, they will often take one of the unwanted “companion” bills, remove all of the contents of the bill and insert new language that describes their new legislative proposal. This is one method that is used by legislators to enable the General Assembly to consider matters that are otherwise not eligible under their rules for consideration. Occasionally, a legislator will object to this procedure, but the objection is generally overruled and the “new” legislative issue is considered.

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

BILL STATUS

HOUSE BILL 80, Ban Electronic Sweepstakes, was amended to remove the contents of the original bill and to replace it with legislation that would ban electronic sweepstakes machines used for Internet gambling. Enforcement of the current law that bans Internet sweepstakes gambling has been suspended due to a court order issued by a superior court judge. In an effort to make it crystal clear that the North Carolina General Assembly intends to outlaw any form of video poker type gambling, the Senate Judiciary I Committee overwhelming approved this bill on Thursday to make the current law even clearer that these types of gambling machines are illegal.

This bill is scheduled for consideration by the full Senate next Monday and is expected to be approved and sent to the House for further consideration. At the conclusion of the Senate session on Thursday, Senator Marc Basnight, President Pro Tempore of the Senate, and other Senate leaders held a press conference to make it clear that they are adamantly opposed to video poker machines and Internet sweepstakes gambling machines. In addition to numerous Senate leaders speaking in

support of this legislation at the press conference, they were joined by representatives of the North Carolina Sheriffs' Association, the North Carolina Metro Coalition of Chiefs of Police, the North Carolina Christian Action League and the North Carolina Family Policy Council. In addition to these groups that oppose this form of gambling, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners and Attorney General Roy Cooper all support this legislation and oppose these gambling machines that have proliferated across North Carolina.

At the Senate Judiciary I Committee hearing on the bill and at the Senate leadership's press conference, the North Carolina Sheriffs' Association was represented by NCSA President, Sheriff James Knight (Edgecombe County), NCSA First Vice President, Sheriff Sam Page (Rockingham County), NCSA Past President, Sheriff Earl Butler (Cumberland County) and Chief Deputy Paul Hinson (Cumberland County). Representing the North Carolina Metro Coalition of Chiefs of Police were Chief Tom Bergamine, Captain Rob Spatorcio and his daughter Megan (Fayetteville PD); Chief Jose Lopez (Durham PD); and Captain Jeff Allsbrook and Corporal Gene Vincent (Wilmington PD). **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 726, Clarify Expunctions, was considered on Tuesday of this week by the Senate Judiciary I Committee. This bill makes technical changes in various state statutes that allow criminal records to be expunged. A vote on the bill was postponed to allow various state agencies an opportunity to evaluate its effect on the procedure for obtaining a criminal history records check on a defendant who has applied for an expungement. It is unclear when this bill will be rescheduled for further consideration by the Senate Judiciary I Committee.

HOUSE BILL 1076, Bladen Fox Hunting, was amended to remove all of the contents of the original bill and to insert language authorizing the Board of Commissioners of Bladen County to establish a season for taking foxes with weapons and by trapping in Bladen County. This bill was approved by the Senate and referred to the House for consideration of the Senate changes.

HOUSE BILL 1691, Use of 911 Funds, was approved by the House Finance Committee and is likely to be considered by the full House next week.

HOUSE BILL 1696, Watauga/Sunday Bow Hunting Exemption, has been approved by the House and referred to the Senate Rules Committee for further consideration.

HOUSE BILL 1716, Allow Hamlet to Operate Motorized ATVs, has been approved by the House and referred to the Senate State and Local Government Committee for further consideration.

HOUSE BILL 1717, Modernization of the State ABC System, was approved by the House State Government/State Personnel Committee and was originally scheduled for consideration by the full House on Thursday of this week, but was postponed until Tuesday, June 22nd.

HOUSE BILL 1729, Motor Vehicles Law Changes, was approved by the House Transportation Committee, received preliminary approval by the full House and is expected to be considered again by the full House next week and then sent to the Senate for consideration of the House changes.

HOUSE BILL 1741, Animal Euthanasia Technicians, was approved by the House Finance Committee and is likely to be considered by the full House next week.

HOUSE BILL 1753, School Bus Railroad Crossing Exception, would provide that school buses and activity buses are not required to stop at a railroad grade crossing that is marked with a sign reading "Exempt." This legislation applies only to Craven County and was approved by the House and sent to the Senate Judiciary II Committee for further consideration.

HOUSE BILL 1821, Allow Williamston to Operate Motorized ATVs, was approved by the House Transportation Committee and is scheduled for consideration by the full House next Monday, June 21st.

HOUSE BILL 1824, Coyote Controls, received a favorable vote from the House Agriculture Committee and is scheduled for consideration by the full House next Monday, June 21st.

HOUSE BILL 1935, Mecklenburg Law Enforcement Cap Upped/Stipend, has been approved by the House and Senate and should next be sent to Governor Beverly Perdue for her consideration.

HOUSE BILL 2056, Rutherford County Coroner, would declare the Office of Coroner in Rutherford County vacant, effective December 6, 2010. This bill has been approved by the House Local Government II Committee and is scheduled for consideration by the full House next Monday, June 21st.

SENATE BILL 254, Susie's Law, is the bill that increases the penalty for the malicious abuse, torture or killing of an animal. This bill has been approved by the House and the Senate and will next be sent to Governor Beverly Perdue for her consideration.

SENATE BILL 595, Pedestrian Safety Improvements, was approved by the House Judiciary I Committee, then approved by the full House and sent to the Senate for further consideration.

SENATE BILL 992, Pyrotechnics Operator's License, was approved by the House Finance Committee and is likely to be considered by the full House next week.

SENATE BILL 1077, Post Conviction Release Bonds, had the original language completely removed from this bill and replaced with proposed legislation that would authorize the use of bail bonds to secure the appearance of a defendant that is released from custody after conviction of a crime and who is determined to have absconded. This legislation would apply to a criminal defendant who is convicted for an offense for which an active punishment is authorized, but in which case the court imposes an intermediate or community punishment in lieu of an active sentence.

The judge may order that as a condition of the sentence the defendant must post a bond to secure the defendant's appearance at any subsequent court proceeding. The purpose of this appearance bond is to ensure that the defendant does not abscond during the period of probation and the bond can only be forfeited if the defendant violates his probation by absconding. The law specifies that any bail bondsman who wants to provide a bond for the defendant must be licensed by the North Carolina Commissioner of Insurance and must possess a valid concealed handgun permit.

If the defendant's probation officer notifies the court that the defendant has violated the terms of probation by absconding, the court may issue an order for the defendant's arrest. Upon the issuance of the order for the defendant's arrest, the court must give the bail agent a minimum of 96 hours to surrender the defendant. If the bail agent fails to surrender the defendant within the allocated time, the bond may be forfeited as provided by law.

SENATE BILL 1136, Regulate Towing From Private Lots, would strengthen the regulation of towing of vehicles from private parking lots in certain counties and cities. This bill would provide certain restrictions on towing companies that tow vehicles from private property. The law is currently in effect and this legislation would make changes to the law and this legislation would make changes to the law. It would also add Mecklenburg County and delete the City of Durham from the provisions of this law.

If enacted as currently drafted, the law would continue to apply to the counties of Craven, Dare, Forsyth, Gaston, Guilford, New Hanover, Orange, Richmond, Robeson, Wake and Wilson, as well as the cities of Jacksonville, Charlotte and Fayetteville, plus adding Mecklenburg County to the coverage of this legislation. This bill passed the Senate and was referred to the House Local Government II Committee for further consideration.

SENATE BILL 1386, Government Employees Port Benefits, as originally introduced, would allow government employees who change jobs between state, city and county government to take their sick leave and annual leave with them from their old job to their new job. Because of questions raised about this bill in the Senate State and Local Government Committee, the bill was converted into a study bill that would authorize the Legislative Research Commission to study this issue after the General Assembly adjourns this year and to report back to the 2011 and 2012 sessions of the General Assembly. After being amended, this bill was passed by the Senate State and Local Government Committee, passed by the full Senate and sent to the House for further consideration.

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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