

# North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



July 02, 2010

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## INDEPENDENCE DAY

It was a hectic week at the General Assembly as both the House and the Senate are now rushing in hopes that they can adjourn the session by next Friday, July 9<sup>th</sup>. On Wednesday, June 30<sup>th</sup>, Senate Bill 897, Appropriations Act 2010 was signed into law by Governor Bev Perdue just in time for the new fiscal year which began on July 1<sup>st</sup>.

As the General Assembly rushes to adjournment, we could be tempted to remember a quotation from a very old court case that said:

“No man’s life, liberty or property are safe while the legislature is in session.”

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As tempting as it is to repeat this court case quotation, the week of Independence Day is a good time for all of us to remember how fortunate we are to live in a country where citizens of our State can govern our affairs through a General Assembly. While observers of the General Assembly might agree that it is not an efficient process, we should all agree that the form of government that we enjoy in the United States of America is undoubtedly the best form of government in the entire world.

So, while we all try to recover from the budget cuts brought on by the recession, we should all be thankful for our country’s ancestors who took historic action over 200 years ago on Independence Day which resulted in our form of government being the envy of people all around the world.

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## BILL STATUS

HOUSE BILL 726, Clarify Expunctions, was approved by the House Judiciary II Committee and is scheduled for consideration by the full House next Tuesday.

HOUSE BILL 789, Enhance Protection of Victims and Witnesses, was amended to remove the previous language in this bill and to replace it with language that will increase the punishment from a Class H felony to a Class C felony for intimidating or interfering with a witness. This bill was approved by the Senate Judiciary I Committee and is scheduled for consideration by the full Senate next Tuesday.

HOUSE BILL 859, Amend Concealed Weapon and Handgun Permit Laws, was amended to remove the previous contents of this bill and to replace it with provisions that would exempt probation and parole officers from the firearm safety and training course requirement for purposes of obtaining a concealed handgun permit. This legislation would allow off-duty probation and parole officers to carry a concealed weapon, provided that the person is not consuming alcohol or an unlawful controlled substance. It would also allow retired probation and parole officers to obtain a concealed handgun permit without having successfully completed a firearms safety course. This bill was approved the Senate Judiciary II Committee and is scheduled for consideration by the full Senate next Tuesday.

HOUSE BILL 1115, Allow Electronic Parole Notification, removed the previous language from this bill and replaced it with language that will allow electronic notification to the news media whenever the Parole Commission is considering release of a person serving a life sentence. This bill was approved by the Senate Rules Committee and is scheduled for further consideration by the full Senate next Tuesday.

HOUSE BILL 1307, No Felon as Sheriff, has been enacted into law. All North Carolinians who vote in the November 2, 2010 election will have an opportunity to vote for or against a constitutional amendment that will prohibit felons from serving as sheriff in North Carolina. House Bill 1307 was supported by the North Carolina Sheriffs' Association and was approved almost unanimously by the House and Senate of the North Carolina General Assembly. Assuming the constitutional amendment is approved by the voters in November, no convicted felon will be eligible to be appointed as sheriff or to be elected as sheriff in North Carolina. **This legislation was a top priority of the North Carolina Sheriffs' Association.**

HOUSE BILL 1691, Use of 911 Funds, makes various changes to the operation of the 911 Board. This bill was approved this week by the Senate Finance Committee and will next be considered by the full Senate next Tuesday.

HOUSE BILL 1729, Motor Vehicles Law Changes, made various changes related to commercial driver's licenses and transporter plates. This bill was approved by the Senate Finance Committee and is scheduled for consideration by the full Senate next Tuesday.

HOUSE BILL 1812, Domestic Violence Cases/Review Criminal Record, was amended to remove the provisions related to civil domestic violence orders under G.S. Chapter 50B. The remaining language provides that when a criminal domestic violence case is begun and the defendant is before a judge for determination of the conditions of pretrial release, the judge shall direct a law enforcement officer or a district attorney to provide a "criminal history report" for the defendant that can be considered by the judge when setting the conditions of release. This bill was approved by the

House Ways and Means Committee and is scheduled for consideration by the full House next Tuesday.

HOUSE BILL 1821, Allow Williamston to Operate Motorized ATVs, has been enacted into law.

HOUSE BILL 1841, Moore County School Board Police, has passed the House and been assigned to the Senate State and Local Government Committee for further consideration.

HOUSE BILL 1998, Reciprocity for Optional Retirement Program Service, has been enacted into law.

HOUSE BILL 2056, Rutherford County Coroner, has been enacted into law.

SENATE BILL 12, Ban Mobile Phone Use While Driving, was approved by the Senate Judiciary II Committee and re-referred to the Senate Appropriations Committee.

SENATE BILL 650, Regulation of Golf Carts by Local Governments, has been approved by the House and is scheduled for final consideration by the full Senate on Tuesday.

SENATE BILL 897, Appropriations Act of 2010, is the state budget bill establishing the State's 2010 – 2011 budget, and was approved by the House and Senate and signed into law by Governor Bev Perdue on Wednesday, June 30<sup>th</sup>, immediately prior to the state's new fiscal year that began on July 1<sup>st</sup>.

SENATE BILL 900, Teen Driver Safety Study, was amended to remove the previous contents of this bill and to replace it with language that directs the Executive Committee for Highway Safety to report additional recommendations to the General Assembly to address the causes of teen driving fatalities. This bill was approved by the House Judiciary I Committee and has been referred to the House Rules Committee.

SENATE BILL 992, Pyrotechnics Operator's License, has been enacted into law.

SENATE BILL 1136, Regulate Towing From Private Lots, provides that when a vehicle is towed for illegally parking in a private parking lot, the storage place to which the vehicle is towed must be within 15 miles (25 miles in certain circumstances). This bill was approved by the House Finance Committee and is scheduled for consideration by the full House next Tuesday.

SENATE BILL 1331, Allow Wheel Locks for City of Fayetteville, has been enacted into law.

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](http://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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Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association

[www.ncsheriffs.org](http://www.ncsheriffs.org)