

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 13, 2011

The annual Legislative Day of the North Carolina Sheriffs' Association was held on Tuesday and Wednesday of this week in Raleigh. Sheriffs were in attendance from all across North Carolina and they were very successful in supporting the legislative agenda of the Association.

Tuesday afternoon was spent in a legislative briefing with the sheriffs discussing priority legislation that is currently active in the General Assembly. On Wednesday morning the sheriffs went to the General Assembly to meet with their legislators. During the visits, sheriffs provided legislators with written materials about the Association's legislative priorities and requested their support for the Association's positions. The meetings were very productive and most sheriffs found their legislators to be very supportive of our positions on all or almost all issues.

There are plenty of rumors about the status of the Senate's work on the state budget bill. The Senate Justice and Public Safety Appropriations Subcommittee met to review what is contained in the House version of the state budget bill. However, no public meetings by the Senate have been held to discuss what might be included in the upcoming Senate version of the state budget bill. We anticipate that the Senate will release their version of the state budget bill soon and it will be interesting to see how close it is, or is not, to the version previously adopted by the House.

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

BILL STATUS

HOUSE BILL 54, Habitual Misdemeanor Larceny, received preliminary approval by the House and is on the calendar for final consideration on Monday. If approved, it will go to the Senate for further consideration.

HOUSE BILL 271, Probation Officer/No Concealed Carry Required, passed the House and has been sent to the Senate for further consideration.

HOUSE BILL 345, Modify Move Over Law, has been amended in committee to clarify that motorists are required to move over to avoid vehicles used to assist motorists or law enforcement officers with wrecked or disabled vehicles, a vehicle used to install, maintain, or restore utility service including electric, cable, telephone, communications, and gas, or to a highway maintenance vehicle. This bill is now pending in the House Judiciary Subcommittee A.

HOUSE BILL 348, Offenders/No Access to Personnel Records, was scheduled to be heard this week in the House and has been rescheduled to be heard next Tuesday.

HOUSE BILL 366, Special Election Dates, was amended in committee this week to provide that when there is a vacancy in a County Board of Commissioners seat or in the Office of Sheriff, the Board of County Commissioners can: (1) appoint a replacement as allowed under current law; or (2) hold a special election to fill the vacant office. If the Board of County Commissioners chose to conduct a special election, they would appoint an interim person to fill the office until the election could be conducted. This bill is scheduled for consideration by the full House on Monday.

HOUSE BILL 407, Modify ATV Helmet Use Requirements, has been enacted into law and will become effective **October 1, 2011**.

HOUSE BILL 408, Amend Criminal Discovery Laws, has been amended to clarify that an order of the judge to make available to the defendant all files related to his case will include all files of the law enforcement agencies, investigatory agencies, and prosecutor's offices involved in the investigation of the crimes committed or the prosecution of the defendant.

This bill also would make it a Class H felony to willfully omit or misrepresent evidence or information required to be disclosed to the defendant pursuant to a court order. Any other willful omission or misrepresentation related to the failure of a law enforcement agency to provide the complete files to the prosecutor's office will be punished as a Class 1 misdemeanor.

HOUSE BILL 411, Iredell Correctional Facility/DOT Storage, was approved by the House Government Committee and has been re-referred to the House Finance Committee for further consideration.

HOUSE BILL 451, Driving While License Revoked Penalties Increased/Vehicle Seizures, has been approved by the House and sent to the Senate for further consideration.

HOUSE BILL 483, DNA Samples/Additional Felonies, has passed the House and been sent to the Senate for further consideration.

HOUSE BILL 493, Landlord Tenant Law Changes, was amended at the request of the North Carolina Sheriffs' Association to remove the provisions that would have allowed for private process servers in summary ejection cases. The original bill would have also shortened some timelines for service of civil process in summary ejection cases by deputy sheriffs, and those provisions were removed from the bill as well. The North Carolina Sheriffs' Association opposed the original bill as introduced but now that these two provisions have been removed from the bill the Association has no position on the bill, as it currently does not have any adverse impact for the Office of Sheriff. This bill is scheduled to be heard by the full House on Monday.

SENATE BILL 126, Drivers License/Military ID Validity, has been approved by the Senate and sent to the House for further consideration.

SENATE BILL 170, Clarify Nuisance Abatement Laws, was amended in committee to clarify that the option to forfeit real property that was used in furtherance of a nuisance may not be applied to multi-family buildings containing more than four individual rental units.

SENATE BILL 300, Miscellaneous Service/Process Amendments, has been approved by the Senate and sent to the House for further consideration.

SENATE BILL 600, Out-of-State Law Enforcement/Special Events, has been approved by the Senate and sent to the House for further consideration.

SENATE BILL 749, Modify Weight Limits for Farm Operations, has been approved by the 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 or by calling the General Assembly's Printed Bills office at 919/733-5748.

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