

# North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

July 22, 2013

## SPECIAL LEGISLATIVE REPORT

### Budget

The House and Senate have reached an agreement on a \$20.6 billion state budget that does not transfer the SBI to the Department of Public Safety but does remove the State Crime Laboratory from SBI oversight and places the Laboratory under the Attorney General's direction. The plan also restores funding that had been previously cut for 69 positions within the State Highway Patrol, as well as providing funding for another 22 magistrates and 175 probation and parole officers.

The 2013-2015 budget increases overall state spending by 2.5 percent and increases spending on Medicaid by \$1.5 billion. The budget also ends public school teacher tenure, replacing it with 1 to 4 year contracts renewable based upon performance. Starting in 2014, the budget sets aside \$10 million to allow families who meet income guidelines to get state money to pay private school tuition. The budget also fully funds the state retirement system and state health plan while providing state employees with 5 additional days of leave, but does not include a pay raise for state employees. The budget also adds \$250 million to the State's rainy day fund bringing the total to \$650 million.

The House and Senate are expected to tentatively approve the budget on Tuesday with a final vote on Wednesday.

The highlights of the budget for the Department of Public Safety, the Department of Justice, and the Judicial Department, as well as other items of interest are as follows:

- Does not transfer the State Bureau of Investigation (SBI) from the Department of Justice (DOJ) to the Department of Public Safety (DPS) but does move the State Crime Laboratory out from under the SBI and place it directly under the Attorney General.
- Moves \$12.7 million from the balance in the Statewide Misdemeanant Confinement Fund to the Department of Public Safety for use by the Division of Adult Correction to offset one-time budget reductions to that department.
- Reallocates the Statewide Misdemeanant Confinement Program fund administration allotment to the North Carolina Sheriffs' Association from 10 percent to 5 percent and further caps the transfer to no more than \$1 million annually and keeps the percentage going to the Department of Public Safety at one percent. Requires the North Carolina Sheriffs' Association to provide an annual report on the expenditures of the Statewide Misdemeanant Confinement Program.

- Reduces the ALE operating budget by \$1.75 million and allows the elimination of ALE positions to meet the reduction.
- Eliminates state funding for Butner Public Safety and provides that the Town of Butner may contract from the State to provide law enforcement and fire services to State agencies and facilities within the territorial jurisdiction.
- Restores funding for 69 vacant State Highway Patrol trooper positions.
- Consolidates State Highway Patrol Communications Centers from 5 centers to 2 centers and eliminates a total of 30 positions.
- Consolidates the State Highway Patrol Aviation Section from 4 hangers to 2 and eliminates 9 positions.
- Eliminates the State Highway Patrol Accreditation Unit (5 positions), support positions (9) and the traffic safety information officers in each troop (8 positions).
- Provides \$2.8 million funding for additional operations and maintenance for VIPER, and \$25 million would be provided in Fiscal Year (FY) 2013-2014 to upgrade the VIPER system to P-25 technology and also would provide \$7 million in Fiscal Year (FY) 2014-2015 for 29 VIPER towers.
- Closes prison units; Duplin Correctional Center, Robeson Correctional Center, Bladen Correctional Center, Wayne Correctional Center and Western Youth Institution, and converts Johnston Correction Institution from a medium custody to a minimum custody unit. This eliminates 735 positions.
- Provides 75 additional probation officer positions in FY 2013-2014 and an additional 100 probation officer positions in FY 2014-2015.
- Provides \$1.8 million in funding for the lease of electronic monitoring equipment for offenders who require it as a condition of their probation or status as a sex offender and establishes a daily fee for those on electronic monitoring.
- Closes three youth facilities; Lenoir Youth Development Center, Richmond Detention Center and Buncombe Detention Center.
- Provides \$311,572 in funding for the Governor's Safe Schools Initiative.
- Provides 19 new toxicology positions in the State Crime Laboratory and \$1,055,773 for additional lab equipment to serve the western part of the state. Provides \$750,000 in the 2014-2105 budget for contracting toxicology case analysis to private laboratories.
- Allocates \$1 million from the Statewide Misdemeanant Confinement Fund to support the Sheriffs' Education and Training Standards Commission and would redirect the full amount of the \$2 court fee which previously supported both commissions to only support the Criminal Justice Education and Training Standards Commission.
- Reduces the Indigent Defense Services fund by \$2 million by reclassifying low-level misdemeanors so as to not provide for incarceration as a punishment, resulting in legal counsel not being needed.
- Provides funding for 22 magistrates.
- Provides for the consolidation of district court and prosecutorial districts 6A and 6B; the restructuring of superior court, district court and prosecutorial districts 16A, 19B and 20A; and provides for an additional district court for district 21 effective in 2015 and 2016.

- Establishes a \$500,000 fund to be administered by the Conference of District Attorneys to allow district attorneys to use local hospitals for toxicology services in DWI cases.
- Provides that the senior resident superior court judge will again appoint public defenders instead of the Commission on Indigent Defense Services.
- Provides \$7 million in recurring support for School Resource Officers (SROs) in elementary and middle schools and \$2 million for installing and maintaining panic alarms in schools. Grants to local schools for SROs are to be matched on the basis of \$2 in State funds for every \$1 in local funds and must only be used to supplement State, local and federal funds for SROs.
- Creates a Volunteer School Safety Resource Program effective December 1, 2013 that does the following:
  - defines in the statute that a volunteer school safety resource officer is a person who volunteers as a school safety resource officer in a program developed by a sheriff or chief of police;
  - provides that the school safety resource officer may carry a weapon on education property providing that the individual is acting in the discharge of their official duties;
  - provides that a local board of education may enter an agreement with the sheriff or chief of police to provide security at schools by assigning volunteer school safety resource officers;
  - provides that a sheriff or chief of police may establish a volunteer school safety resource officer program to provide non-salaried special deputies or special law enforcement officers to serve as school safety resource officers in public schools;
  - provides that volunteers in the program must have prior experience as a either a law enforcement officer or as a military police officer;
  - provides that a program volunteer must receive training on research into the social and cognitive development of elementary, middle and high school children;
  - provides that the volunteer must meet the selection standards and any additional criteria established by the sheriff or chief of police;
  - provides that a volunteer must report to the sheriff or chief of police and work under the direction and supervision of the sheriff or chief of police or their designee;
  - provides that a volunteer must update or renew their law enforcement training and be certified by the North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education and Training Standards Commission as meeting the educational and firearms proficiency standards required of persons serving as a special deputy sheriff or special law enforcement officer but is not required to meet the physical standards required for certification but must have a standard medical exam to ensure a volunteer is in good health;
  - provides that a volunteer shall have the power of arrest while performing the duties of a volunteer school safety resource officer;
  - provides that there is no liability on the part of and no cause of action may arise against a volunteer school safety resource officer, the Sheriff or Chief of Police or employees supervising, or the public school system or its employees for any good-faith action during the performance of their duties.

- Provides that the assets of the State and Local Governmental Law-Enforcement Officers' Separate Insurance Plan may be used to pay the employer health insurance contributions on behalf of state law enforcement officers. However, no funds are being used in this budget.
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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) or by calling the General Assembly's Printed Bills office at 919/733-5648.

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