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# FINAL LEGISLATIVE REPORT

2013

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## North Carolina Sheriffs' Association



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## NORTH CAROLINA SHERIFFS' ASSOCIATION

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The 2013 Session of the North Carolina General Assembly convened at noon on January 9, 2013 for a special one day session for the purpose of electing officers, adopting rules and organizing the session. The General Assembly then reconvened on January 30, 2013. The House of Representatives adjourned at 11:35 a.m. on Friday, July 26, 2013 and the Senate adjourned at 1:45 a.m. that same day.

During the 2013 Session of the General Assembly, 1,024 House Bills and 728 Senate Bills were introduced, for a total of 1,752 legislative bills available for consideration. Of the 1,752 legislative bills introduced, 25% of them were enacted into law. Governor Pat McCrory signed 416 bills, allowed two to become law without his signature, and vetoed two bills. The two Governor's vetoes were overridden by the General Assembly. Some bills are enacted into law by the General Assembly and do not go to the Governor for signature. For example, "local" bills (which are those that affect 14 or fewer counties) and bills authorizing a vote on an amendment to the North Carolina Constitution do not go to the Governor for signature.

This Final Legislative Report of the North Carolina Sheriffs' Association summarizes bills of interest to Sheriffs, Sheriffs' Office personnel and other criminal justice professionals. Included in this Final Legislative Report are summaries of: (i) relevant provisions of the 2013 State Budget Bill; (ii) relevant bills enacted into law this Session; and (iii) important legislation not enacted into law but that remains eligible for consideration in the 2014 Session which convenes on May 14, 2014.

For specific details about the legislative bills summarized below, please review the actual legislation. Copies of any of the legislation introduced or considered by this year's General Assembly are available on the General Assembly's website: [www.ncleg.net](http://www.ncleg.net). You may also receive one copy of any bill, 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.

### **STATE BUDGET ACT SENATE BILL 402 as modified by HOUSE BILL 112**

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 DPS for use by the Division of Adult Correction to offset one-time budget reductions to that agency.
- Reduces the Statewide Misdemeanant Confinement Program Fund administration allotment to the North Carolina Sheriffs' Association from ten percent to five percent and further caps the transfer to no more than \$1 million annually and keeps the percentage going to the DPS at one percent. Requires the North Carolina Sheriffs' Association to provide an annual report on the expenditures of the Statewide Misdemeanant Confinement Program.
- The DPS may use funds available to it for the 2013-2015 fiscal biennium to pay the sum of \$40 per day to counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29.
- Reduces the Alcohol Law Enforcement (ALE) operating budget by \$1.75 million and allows the elimination of ALE positions to meet the reduction. The DPS must report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the mission and organization of ALE, changes to the mission or organization of ALE being considered by the DPS, and recommendations for any statutory changes needed to implement those changes.
- Eliminates State funding for Butner Public Safety and provides that the Town of Butner may contract with the State to provide law enforcement and fire services to State agencies and facilities within Butner's territorial jurisdiction.
- Restores funding for 69 vacant State Highway Patrol trooper positions.
- Consolidates State Highway Patrol Communications Centers from eight to five centers and eliminates a total of 30 positions.
- Consolidates the State Highway Patrol Aviation Section from four to two hangers and eliminates nine positions.
- Eliminates the State Highway Patrol Accreditation Unit, its support positions, and the traffic safety information officers in each troop, for a total of 22 positions.
- Provides \$2.8 million in funding for additional operations and maintenance for VIPER (Voice Interoperability Plan for Emergency Responders), and \$25 million is provided in Fiscal Year (FY) 2013-2014 to upgrade the VIPER system to P-25 technology and also provides \$7 million in FY 2014-2015 for 29 VIPER towers.
- Closes the following prison units: Duplin Correctional Center, Robeson Correctional Center, Bladen Correctional Center, Wayne Correctional Center and Western Youth

Institution. Johnston Correctional Institution is converted 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 for a total of 175 new positions.
- Provides \$1.8 million in funding for the lease of electronic monitoring equipment for offenders who are required to be monitored as a condition of their probation or status as a sex offender and establishes, effective August 1, 2013, a daily fee for electronic monitoring.
- Closes three youth facilities: Lenoir Youth Development Center, Richmond Detention Center and Buncombe Detention Center.
- Provides that, in conjunction with the closing of prison facilities, youth detention centers, and youth development centers, the DPS is required to consult with the county or municipality in which the facility is located, with the elected State and local officials, and with State and federal agencies about the possibility of converting that facility to other uses. The DPS may consult with any private for-profit or non-profit firm about the possibility of converting the facility to other uses. In developing proposals for future uses of each facility, the DPS shall give priority to converting the facility to other criminal justice uses. Consistent with existing law and the future needs of the DPS, the State may provide for the transfer or lease of any of these facilities to counties, municipalities, State agencies, federal agencies, or private firms wishing to convert them to other uses. A prison unit under lease to a county under this section for use as a jail is exempt from the standards for the housing of adult prisoners, which would result in the unit being subjected to greater standards than those required by the State prison system.
- Provides \$311,572 in funding for the Governor's Safer 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 2014-2015 budget for contracting out toxicology case analysis to private laboratories.
- Provides that as vacant positions in the State Crime Laboratory are filled, they must be filled only with non-sworn personnel.
- Allocates \$1 million annually from the Statewide Misdemeanant Confinement Fund to support the Sheriffs' Education and Training Standards Commission. It also redirects 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 specified low-level misdemeanors as Class 3 misdemeanors. It also provides for a fine as the only punishment, thus eliminating the requirement for legal counsel. Effective December 1, 2013, the reclassified misdemeanors are:

- G.S. 14-107(d). Worthless checks, if \$2,000 or less and not on a nonexistent or closed account;
  - G.S. 14-167. Failure to return hired property, if the vehicle is less than \$4,000;
  - G.S. 14-168.1. Conversion by bailee, lessee, tenant or attorney-in-fact, if less than \$400;
  - G.S. 14-168.4(a). Failure to return rented property where there is a purchase option;
  - G.S. 20-28(a). Unlawful to drive while license revoked, after notification, or while disqualified, unless the person's license was originally revoked for an impaired driving offense;
  - G.S. 20-7(a). Failure to obtain a license before driving a motor vehicle;
  - G.S. 20-7(a). Failure to carry a valid license while driving a motor vehicle;
  - G.S. 20-7(e). Failure to comply with license restrictions;
  - G.S. 20-7(f). Operation of a motor vehicle with an expired license;
  - G.S. 20-7.1. Failure to notify the Division of Motor Vehicles of an address change;
  - G.S. 20-34. Permitting a motor vehicle to be operated by an unlicensed person;
  - G.S. 20-57(c). Fail to carry the registration card in the vehicle;
  - G.S. 20-57(c). Fail to sign the vehicle registration card;
  - G.S. 20-67. Fail to notify the Division of Motor Vehicles of an address change for a vehicle registration card;
  - G.S. 20-111(1). Violation of registration provisions;
  - G.S. G.S. 20-111(2). Displaying a fictitious, revoked or expired tag;
  - G.S. 20-127(d). Window tinting violation;
  - G.S. 20-141(j1). Speeding more than 15 mph over the posted limit or in excess of 80 mph;
  - G.S. 20-313(a). Operation of motor vehicle without financial responsibility;
  - G.S. 113-174.1(a). Fishing without a license;
  - G.S. 75A-6.1(c). A violation of water navigation rules is an infraction (previously Class 3 misdemeanor);
  - G.S. 75A-13.1. A violation of skin and scuba divers rules is an infraction;
  - G.S. 75A-13.3(c3). A vessel livery that fails to provide basic safety instruction is an infraction;
  - G.S. 75A-17(f). Violation of a no wake zone is an infraction;
  - G.S. § 75A-18. Violation of a wildlife commission rule is an infraction.
- Provides funding for 22 additional magistrates.
  - Provides for the consolidation of district courts in prosecutorial Districts 6A and 6B (Halifax, Northampton, Hertford and Bertie Counties); the restructuring of superior court and district court in prosecutorial Districts 16A (Anson, Richmond, Scotland and Hoke Counties), 19B (Montgomery and Randolph Counties) and 20A (Stanly County); and transfers two district court judgeships from the recombined District 6 to the newly formed Districts 20A and 21 (part of Forsyth County), effective in 2015 and 2016.

- Allots to the Conference of District Attorneys \$500,000 to pay local hospitals for toxicology services in DWI cases.
- Directs the senior resident superior court judge to appoint public defenders. Previously, public defenders were appointed by the Commission Indigent Defense Services.
- Beginning January 1, 2014, the minutes maintained by the clerk of superior court must include the date and time of each convening, recess or adjournment of district court. The Administrative Office of the Courts (AOC) must provide a monthly report of these minutes to the National Center for State Courts, the Fiscal Research Division and the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.
- Provides that the AOC is required to implement the use of credit cards in clerks' offices. Five pilot programs are to be in place by January 1, 2014, with statewide implementation by January 1, 2015. There is no appropriation for this mandate.
- 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 for SROs are to be matched on the basis of \$2 in State funds for every \$1 in local funds.
- Creates a Volunteer School Safety Resource Officer Program, effective December 1, 2013, that:
  - Allows the school safety resource officer to carry a weapon on educational property when acting in the discharge of their official duties;
  - Allows a local board of education to enter into an agreement with a sheriff or chief of police to provide security at schools by assigning volunteer school safety resource officers;
  - Allows a sheriff or chief of police to establish a volunteer school safety resource officer program;
  - Requires volunteers in the program to have prior experience as either a law enforcement officer or as a military police officer;
  - Requires a program volunteer to receive training on the social and cognitive development of elementary, middle and high school children;
  - Requires the volunteer to meet the selection standards established by the sheriff or chief of police;
  - Requires a volunteer to work under the supervision of the sheriff or chief of police or their designee;
  - Requires a volunteer to meet the educational and firearms proficiency standards required of persons serving as a special deputy sheriff or special law enforcement officer;

- Gives a volunteer the power of arrest while performing the duties of a volunteer school safety resource officer;
  - Provides there is no liability for a volunteer school safety resource officer, sheriff, chief of police, or public school system or its employees for any good-faith action taken during the performance of their duties.
- Provides that local boards of education shall, in coordination with local law enforcement agencies, adopt emergency response plans relating to incidents of school violence. Grants for panic alarm systems in schools shall be matched on the basis of \$1 in State funds for every \$1 in local funds. Effective July 1, 2015, every public school is required to have a panic alarm system that connects with the nearest law enforcement agency. These plans are not public records.
- A charter school, in coordination with local law enforcement agencies, is encouraged to adopt an emergency response plan relating to incidents of school violence. These plans are also not public record.
- At least every two years, each local school administrative unit is encouraged to hold a full system wide school safety and school lockdown exercise with local law enforcement agencies. At least once a year, each school is encouraged to hold a school wide school safety and lockdown exercise with local law enforcement agencies.
- Beginning with the 2013-2014 school year, each local school administrative unit that maintains schematic diagrams of its school facilities shall provide them to local law enforcement agencies. The local school administrative unit must also provide keys to the main entrance of all school facilities to local law enforcement. Schematic diagrams are not public record.
- Each local school administrative unit is encouraged to develop and operate an anonymous tip line, in coordination with local law enforcement and social services agencies, to receive information on risks to school buildings and activities.
- The Department of Public Instruction may develop and adopt policies on the placement of school crisis kits in schools. The kits should include, at a minimum, basic first-aid supplies, communications devices and other items recommended by the International Association of Chiefs of Police.
- Provides that the Department of Public Safety, through the North Carolina Center for Safer Schools and in conjunction with the Department of Justice and the Department of Public Instruction, is encouraged to develop school emergency and crisis training modules for school employees and provide them to schools as soon as practicable.
- Provides that the assets of the State and Local Governmental Law Enforcement Officers Insurance Plan may be used to pay the employer health insurance contributions on behalf of State law enforcement officers.

- Appropriates \$8.8 million for fiscal year 2013-2014 and \$13.8 million for fiscal year 2014-2015 to advance the development and implementation of replacement systems for DMV mainframe computer applications, including the State Titling and Registration System (STARS), the State Automated Driver License System (SADLS) and the Liability Insurance Tracking and Enforcement System (LITES). Funds are authorized for the procurement of contractual services, hardware and software for these replacement efforts.
- Appropriates \$1.4 million to fully plan for a new Western Crime Laboratory. Initial planning funds were authorized in S.L. 2012-142. The planned facility will be 36,050 square feet. The estimated cost of this project is \$16.8 million.
- Provides \$3 million for the renovation of the New London School facility in Stanly County to expand the Tarheel Challenge Academy. The Tarheel Challenge Academy is an at risk youth school operated by the National Guard.
- Appropriates \$5.25 million in fiscal year 2013-2014 and \$5.1 million in fiscal year 2014-2015 to convert the vacant Samarkand juvenile facility in Moore County into an overnight training facility and firing range for the Department of Public Safety.
- Provides that, no later than February 1, 2014, the Department of Public Safety must submit a report that includes: (i) a plan for operating the Samarkand training facility, (ii) an estimate of the impact of the Samarkand facility on the use of other Department of Public Safety training facilities, and (iii) an estimate of savings that could be achieved by consolidating training activities and facilities at the renovated Samarkand facility.
- Provides that, no later than March 1, 2014, the Department of Public Safety must submit a report that includes an analysis of: (i) the feasibility of relocating the State Highway Patrol training facility to the Samarkand facility and (ii) the cost, timeline and any logistical issues associated with upgrading the Samarkand facility for use by the State Highway Patrol as a training facility.
- Amends G.S. 20-43 to allow a driver's license or special identification card photograph to be released for law enforcement purposes and to the Office of the State Controller for the purposes of CJLEADS (Criminal Justice Law Enforcement Automated Data Services).
- Provides that a city or county may enter into an interagency agreement with the Department of Revenue and the Government Data Analytics Center (GDAC) in the State Controller's Office to manage the collection of outstanding unpaid parking fines and penalties. The DMV shall provide the GDAC with access to historical and current information required to identify owners associated with vehicles with unpaid parking fines and penalties.
- Provides that, effective August 1, 2013, the filing fee for a person to obtain an expunction of a criminal record will be \$175.



- Provides that, effective August 1, 2013, a \$600 fee may be imposed on a convicted defendant for the services of an expert witness employed by the State Crime Laboratory, or any crime laboratory operated by a local government or group of local governments, who completes a chemical or forensic analysis and provides testimony about that analysis in a defendant's trial. This fee is in addition to the \$600 analysis fee imposed by G.S. 7A-304(a)(7).
- The driver education fee charged by a local board of education is raised from \$45 to \$55.
- Provides that, effective January 1, 2014, G.S. 20-87 is amended to require that at the time of an initial registration or registration renewal, the owner of a plug-in electric vehicle that is not a low-speed vehicle and does not rely on a non-electric source of power, shall pay a fee of \$100, in addition to any other required registration fees.
- Provides that the Department of Transportation and the Department of Public Safety are prohibited from transferring any personnel or functions of the License & Theft Bureau of the DMV, or entering into any agreement regarding transfer of personnel or functions of the License & Theft Bureau, until passage of an act by the General Assembly authorizing the transfer.

## **HOUSE BILLS**

HOUSE BILL 15, Various Emergency Management Changes, amends G.S. 20-125(b) and G.S. 20-130.1 to allow a vehicle operated by the Division of Marine Fisheries; the Division of Parks and Recreation; and the North Carolina Forest Service that is used for law enforcement, firefighting, or other emergency response purpose to be equipped with red lights, bells and sirens.

Amends G.S. 20-145 (when speed limit is not applicable), 20-156(b) (exception to right-of-way rule) and 20-157 (approach of emergency vehicles) to apply to emergency vehicles operated by Marine Fisheries, Parks and Recreation and the Forest Service.

Amends G.S. 20-130.1 to allow a vehicle operated by members or Teams of REACT International, Inc., when used to provide additional manpower to law enforcement, firefighting, or other emergency response entities to use a red light. This bill did not exempt REACT vehicles from speed limit and right of way rules.

Directs the Department of Public Safety to study the use of prison inmates to assist in clean-up during a state of emergency and report by October 31, 2013.

Effective: August 23, 2013

HOUSE BILL 19, Respect Our Fallen Heroes, amends G.S. 14-288.4 (disorderly conduct) which makes it unlawful to intentionally impede, disrupt, disturb, or interfere with the orderly administration of any funeral, memorial service, or family processional to a funeral or memorial service, including a military funeral. The amendment prohibits disruptive conduct two hours before or after the service; previously, it was one hour. It also increases the distance from the

funeral or service that disruptive visual images may be displayed or that disruptive language or chanting may occur from 300 to 500 feet. The bill also raises the punishment for a first offense from a Class 2 misdemeanor to a Class 1 misdemeanor. A second offense is increased from a Class 1 misdemeanor to a Class I felony. A third or subsequent offense is increased from a Class I felony to a Class H felony. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: December 1, 2013

HOUSE BILL 24, Domestic Violence/Abuser Treatment Program/Amendments, amends the regular condition of probation requiring completion of an abuser treatment program, as set forth in G.S. 15A-1343(b)(12). In cases of supervised probation, the probation officer must forward a copy of the judgment to the treatment program and the program must notify the probation officer if the defendant fails to participate in or is discharged for violating the program rules. If so, the probation officer must file a probation violation report and notify the district attorney.

For unsupervised probation, the defendant must notify the district attorney and treatment program of his or her choice of program if the program has not previously been selected. The district attorney must forward a copy of the judgment to the treatment program. If the defendant fails to participate or is discharged for violating the program rules, the program must notify the district attorney.

The act also changes the effective date of amendments to G.S. 15A-1382.1 made last year [Section 2 of S.L. 2012-39] to require all active sentence judgments since December 1, 2012, to indicate whether the offense involved domestic violence.

Effective: December 1, 2013

HOUSE BILL 25, Amend Felony Breaking and Entering, amends G.S. 14-54 to make it a Class H felony for any person to break or enter any building with intent to terrorize or injure an occupant of the building. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: December 1, 2013

HOUSE BILL 26, Strengthen Laws/Vehicle Theft, amends G.S. 14-72.7 (chop shop activity) to increase the punishment from a Class H felony to a Class G felony for engaging in chop shop activities. The law is also amended to provide that the State prove the defendant "knew" the motor vehicle or motor vehicle part was illegally obtained or that the defendant "has" reasonable grounds to "believe" the motor vehicle or motor vehicle part was illegally obtained. The bill also amends G.S. 20-62.1 (purchase of vehicles for purposes of scrap or parts only) to require a secondary metals recycler or a salvage yard to check with the DMV to determine if a vehicle is stolen prior to purchasing it. The purchaser may not buy the motor vehicle if the DMV indicates the motor vehicle is stolen. If the DMV confirms that the motor vehicle is not stolen, the purchaser cannot be held civilly or criminally liable for purchasing the vehicle even if it later is proved to be stolen. The purchaser must maintain a record of DMV's confirmation for two years. Within 72 hours of each day's close of business, a secondary metals recycler or salvage yard purchasing a motor vehicle must submit to the National Motor Vehicle Title Information System (NMVTIS) information pertaining to the intended disposition of the motor vehicle. The

information obtained by the DMV pursuant to this section is available to law enforcement agencies only. The information submitted pursuant to this section is confidential and is not considered a public record. This bill raises the punishment for knowingly and willfully violating G.S. 20-62.1 from a Class 1 misdemeanor to a Class I felony carrying a mandatory fine of \$1,000.

Effective: December 1, 2013

HOUSE BILL 29, Methamphetamine/Offense/Penalties, amends G.S. 90-95(d1)(1) to make it a Class H felony to possess a pseudoephedrine product if the person has a prior conviction for the possession or manufacture of methamphetamine. G.S. 15A-1340.16D is amended to provide that if a person is convicted of manufacture of methamphetamine under G.S. 90-95(b)(1a), and a minor under 18 years old, disabled adult (as defined in G.S. 14-32.3(d)) or an elder adult (as defined in G.S. 14-32.3(d)) was present or resided on the property used for manufacturing methamphetamine, the minimum term of imprisonment is increased by 24 months. If both a minor and a disabled or elder adult resided there, or was present at the location, the minimum sentence is increased by 48 months. The bill also specifies how an indictment must allege these enhanced sentencing factors.

Effective: December 1, 2013

HOUSE BILL 75, Kilah's Law, is named for a three year old Union County girl, Kilah Davenport, who was severely beaten and suffered brain damage on May 16, 2012, while in the care of a family member. This bill amends G.S. 14-318.4 (child abuse a felony) to increase punishments for various felony child abuse offenses as follows:

- from a Class E to a Class D felony for serious physical injury;
- from a Class E to a Class D felony for an act of prostitution;
- from a Class E to a Class D felony for a sexual act;
- from a Class C to a Class B2 felony for serious bodily injury or impairment of mental or emotional function; and
- from a Class H to a Class G felony for a willful act or grossly negligent omission showing reckless disregard for human life.

Effective for judgments entered on or after December 1, 2013, the act amends G.S. 15A-1382.1 to provide that when a defendant is found guilty of (i) an offense involving child abuse, or (ii) an offense involving assault or any of the acts defined in G.S. 50B-1(a) (acts of domestic violence), and the offense was committed against a minor, the judge must indicate on the judgment form that the case involved child abuse. The clerk of court must ensure that the official record of the defendant's conviction includes the court's determination, so that any record check will reveal that the offense involved child abuse.

Effective: December 1, 2013

HOUSE BILL 92, General Statutes Commission Technical Corrections 2013, makes numerous technical amendments to the General Statutes. The definitions in G.S. 20-4.01 of two types of motor vehicles are amended as follows:

(1c) All-Terrain Vehicle or ATV – A motorized vehicle 50 inches or less in width that is designed to travel on three or more low-pressure tires and manufactured for off-highway use. The terms "all-terrain vehicle" or "ATV" does not include a golf cart or a utility vehicle, as defined in this section, or a riding lawn mower.

(48c) Utility Vehicle – A motor vehicle that is: (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower.

Effective: August 23, 2013

HOUSE BILL 137, Reward Amount/Arrest Fugitive From Justice, amends G.S. 15-53 and 15-53.1 to increase the amount of reward money the Governor can offer from \$10,000 to \$100,000 to apprehend a fugitive or provide information leading to the arrest or conviction of a person who has committed a felony or other infamous crime.

Effective: July 18, 2013

HOUSE BILL 142, Provide Access to Campus Police Records, adds a new G.S. 74G-5.1 to provide that books, papers, documents, records of criminal investigations or of criminal intelligence information, or other records maintained by a campus police agency affiliated with a private, nonprofit institution of higher education are not public records under North Carolina public records law, G.S. 132-1. However, records about violations of the criminal laws on campus must be allowed to be inspected as required by federal law. This reviewable information is similar to that listed under G.S. 132-1.4(c) for public law enforcement agencies, with the addition of the daily log of crimes reported to the agency that is maintained pursuant to specified federal law and regulations. If release of the information will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial, will undermine an ongoing or future investigation, or will violate the provisions and implementing regulations of federal law, the agency may seek an order from a court of competent jurisdiction to prevent disclosure of the information. A campus police agency may temporarily withhold the name or address of a complaining witness if release of the information is reasonably likely to pose a threat to the mental health, physical health, or personal safety of the complaining witness or materially compromise an ongoing or future criminal investigation or criminal intelligence operation. Information temporarily withheld from the public must be made available for inspection or copying as soon as the circumstances that justify withholding it cease to exist. Nothing in the bill requires the agency to disclose information that would not be required to be disclosed under Chapter 15A of the General Statutes or information that is reasonably likely to identify a confidential informant. Campus police agencies are not required to maintain any recordings of emergency telephone calls for more than 30 days from the time of the call, unless a court of competent jurisdiction orders a portion sealed.

Effective: June 12, 2013

HOUSE BILL 149, Caylee's Law/Report Missing Children, is in response to the disappearance and murder of Caylee Marie Anthony, a two-year-old who lived in Orlando, Florida, with her mother, Casey Marie Anthony, and her maternal grandparents, George and Cindy Anthony. Caylee was reported missing to authorities by her mother, who said she had not seen her for 31

days. Caylee's skeletal remains were later found inside a trash bag in a wooded area near the family's home. Her mother was acquitted of her murder but was found guilty of four misdemeanor counts of providing false information to a law enforcement officer.

This bill adds a new G.S. 14-318.5 to make it a Class I felony for a parent, or any other person providing care to or supervision of a child, to fail to report the disappearance of a child to law enforcement when they do not have knowledge of the location of the child for 24 hours. It is a Class 1 misdemeanor for any person who reasonably suspects the disappearance of a child, and who reasonably suspects that the child may be in danger, to fail to report those suspicions to law enforcement within a reasonable time. Any person who reports the disappearance of a child as required by law is immune from any civil or criminal liability when the person was acting in good faith. In any proceeding involving liability, good faith is presumed. School teachers are not required to report a child's absence to law enforcement.

G.S. 14-318.4 (child abuse a felony) is amended to include within the definition of "grossly negligent omission" in the care of the child, failure to report a child as missing to law enforcement as provided in G.S. 14-318.5. Child care facility operators are still required to report missing children pursuant to G.S 110-102.1.

A new subsection (a1) is added to G.S. 14-401.22 and makes it a Class H felony for a person who, with the intent to conceal the death of a child under 16, fails to notify law enforcement of the death or secretly buries or disposes of a dead child's body. It is a Class D felony if the person knows or has reason to know the body or human remains are of a person who did not die of natural causes.

G.S. 14-225 (false reports to law enforcement agencies or officers) is amended to include only "deliberately" misleading reports to law enforcement. The bill makes it a Class H felony if the false, deliberately misleading, or unfounded report relates to a law enforcement investigation involving the disappearance of a child less than 16, or child victim of a Class A, B1, B2, or C felony offense.

The bill also makes it a Class 1 misdemeanor for any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, to knowingly or wantonly fail to report the matter to the director of the Department of Social Services in the county where the juvenile resides or is found. It is also unlawful to knowingly or wantonly prevent another person from making such a report. It is also a Class 1 misdemeanor for a director of social services who receives a report of sexual abuse of a juvenile in a child care facility to knowingly fail to notify the State Bureau of Investigation of the report within 24 hours or on the next work day.

Effective: December 1, 2013

HOUSE BILL 161, Mandatory Retirement Age for Magistrates, amends G.S. 7A-170 to require magistrates to retire no later than the last day of the month that they turn age 72. This is the same mandatory retirement age that applies to judges. This law applies only to a magistrate whose term of office begins on or after January 1, 2015.

Effective: January 1, 2015

HOUSE BILL 209, Domestic Violence/Findings Not Required, amends G.S. 50B-3 to provide that consent protective orders need not include findings of fact and conclusions of law in order to be effective and enforceable.

Effective: October 1, 2013

HOUSE BILL 211, Weight Limits/Animal Feed Trucks, amends G.S. 20-118(c)(12) to exempt trucks transporting feed for poultry or livestock, and transported from a storage facility, holding facility, or mill to a farm, from weight restrictions and penalties.

Effective: July 1, 2013

HOUSE BILL 296, Omnibus Wildlife Resources Commission Act, amends the wildlife statutes to increase fees for many hunting, trapping, and fishing licenses, effective August 1, 2014. The age for obtaining a reduced cost license is raised from age 65 to age 70. However, anyone who was born August 1, 1953, or before, may continue to pay the reduced fee even if not age 70. Effective January 1, 2015, the statutory fees will remain at the levels existing on that date until the rules required to be adopted by the Wildlife Resources Commission become effective. If a rule increases a fee above the January 1, 2015 statutory fee, the increase may not exceed the average increase in the Consumer Price Index for All Urban Consumers over the preceding five years. After the rules are adopted, the statutory fees for these licenses will expire. In the future, the Commission will set the licensing fees.

Effective: July 18, 2013

HOUSE BILL 322, Commercial Drivers License Requirements/Military Experience, amends G.S. 20-37.13(c1) to waive the skills test for a commercial drivers license (CDL) for a retired or discharged member of an active or reserve component of the military if the person applies for a CDL within 90 days of leaving the military, has two years experience in operating the class of commercial motor vehicle for which the person is seeking a CDL and passed a skills test administered by the military. Other requirements to obtain this waiver include a limitation on prior motor vehicle law convictions.

Effective: June 26, 2013

HOUSE BILL 327, Fire and Rescue Pension Revisions of 2013, effective December 1, 2013 amends G.S. 15A-1340.16(d) to add a new aggravating sentencing factor if "the defendant is a firefighter or rescue squad worker, and the offense is directly related to service as a firefighter or rescue squad worker."

The bill also brings the firefighter and rescue squad worker retirement system under the Local Government Retirement System Board of Trustees. The Board of Trustees is not allowed to pay any retirement benefits or allowances, except for a return of member contributions, to any firefighter or rescue squad member who is convicted of any felony under federal law or the laws of this State if the member is a participant in a fire department or rescue squad and the conduct resulting in the member's conviction is directly related to his/her service as a firefighter or rescue squad worker and brings disrepute to a fire department or rescue squad. A conviction is considered related to the service as a firefighter or rescue squad worker if the court finds the

aggravating factor set out in G.S. 15A-1340.16(d)(9a) applied, or otherwise found that the offense is directly related to service as a firefighter or rescue squad worker.

Effective: July 1, 2013

HOUSE BILL 333, Sex Offender Residency/Registration Amendments, amends G.S. 14-208.11 to provide that it is a Class F felony for a person who is released from prison or jail, and who is required to register as a sex offender, to fail to register with the sheriff of the county that person stated he/she would reside in. The bill also specifies that such a person is to be tried in the county where the person was required to register. If arrested in another county, the person is to be transferred to the custody of the sheriff in the county where the person was required to register.

Effective: June 26, 2013

HOUSE BILL 345, Increase Penalties for Misuse of 911 System, amends G.S. 14-111.4, effective December 1, 2013, to increase the punishment for any unlawful use of the 911 service from a Class 3 misdemeanor to a Class 1 misdemeanor.

**At the request of the North Carolina Sheriffs' Association**, the bill also amends G.S. 62A-41 to provide that the Speaker of the House of Representatives' appointment of a sheriff to the 911 Board must be a sheriff recommended by the North Carolina Sheriffs' Association. The President Pro Tempore of the Senate's appointment of a chief of police to the 911 Board must be a chief recommended by the North Carolina Association of Chiefs of Police.

Effective: July 18, 2013

HOUSE BILL 358, Retirement Technical Corrections, effective December 1, 2013, creates a new G.S. 135-111.1 to make the fraudulent receipt of a deceased person's disability income plan allowance a Class 1 misdemeanor. It amends the laws in each retirement system that involve the fraudulent receipt of a deceased person's retirement allowance to also make it a Class 1 misdemeanor to fraudulently receive money when a beneficiary has died.

Effective: July 1, 2013

HOUSE BILL 361, Justice Reinvestment Technical Corrections, amends G.S. 15-205 to delete the requirement that within 30 days of being placed on probation, a probation officer takes every supervised probationer on a tour of a prison unit.

This bill clarifies that for a Confinement in Response to Violation (CRV), the court imposed sentence must be for 90 "consecutive" days. It also repeals the requirement that the Sentencing and Policy Advisory Commission must report by April 30 of each even-numbered year to the General Assembly and the Governor on recidivism rates for offenders on probation, parole, and post release supervision.

Also, effective for offenses committed on or after October 1, 2013, the bill corrects three errors in the listing of maximum sentences in the chart for Class B1 through E felonies that appears in G.S. 15A-1340.17(e).

Effective: June 12, 2013

HOUSE BILL 362, Department of Public Safety Changes, makes technical amendments to several statutes to bring the Department of Public Safety (DPS) in line with the previously approved reorganization of the department.

This bill also imposes minimum and maximum applicant age, and mandatory retirement age for Highway Patrol enforcement personnel. Specifically, G.S. 20-185 is amended by adding a new subsection (a1) which reads: "Applicants for employment as a State Trooper shall be at least 21 years of age and not more than 39 years of age as of the first day of patrol school. Highway Patrol enforcement personnel hired on or after July 1, 2013, shall retire not later than the end of the month in which their 62nd birthday falls."

G.S. 20-196.3 is amended to add the Commissioner of the Law Enforcement Division of the DPS to the list of persons who can hold a supervisory position over sworn members of the State Highway Patrol. The list now includes the Governor, the Secretary of Public Safety, the Commissioner of the Law Enforcement Division of the Department of Public Safety, or a uniformed member of the North Carolina State Highway Patrol who has met all requirements for employment within the Patrol including completion of the basic Patrol School.

Effective: July 18, 2013

HOUSE BILL 388, Assigned Counsel/Amend and Clarify, amends G.S. 7A-455 to provide that if an indigent defendant is convicted of an offense and does not repay the attorney's fee by the expiration of the probationary sentence, the amount owed becomes a civil judgment against the defendant. Previously, this occurred only if probation was terminated or revoked.

Effective: May 2, 2013

HOUSE BILL 392, Warrant Status/Drug Screen Public Assistance, adds a new G.S. 108A-26.1 to require the county department of social services to perform a criminal history check on all applicants for public assistance. The social services department can use any available databases, and the Department of Justice is also required to perform a criminal history check through their database. The department of social services is not required to fingerprint the applicant. The applicant is informed that the record check will be made and confidential information in the social services file will not be protected if there is an outstanding arrest warrant for the applicant. The department of social services shall deny an applicant for, or recipient of, program assistance who has an outstanding arrest warrant arising from a charge of violating conditions of parole or probation or from a felony charge. Note: An outstanding arrest warrant for a misdemeanor will not prevent an applicant or recipient from receiving program assistance.

This bill does not affect the eligibility for assistance of other members of the applicant's or recipient's household. An applicant or recipient is eligible for program assistance if all other eligibility criteria of the law are met when the applicant or recipient is no longer subject to arrest under an outstanding warrant.

Effective August 1, 2014, the department of social services must require a drug test to screen each applicant for, or recipient of, Work First Program assistance when the department of social services "reasonably suspects" the person is engaged in the illegal use of controlled substances. For purposes of this law "reasonably suspects" means:



- a conviction, arrest, or outstanding warrant relating to illegal controlled substances within the three years;
- a determination by a qualified professional in substance abuse or a physician certified by the American Society of Addiction Medicine that an individual is addicted to illegal controlled substances;
- a screening tool relating to the abuse of illegal controlled substances that yields a result indicating that the applicant or recipient may be engaged in the illegal use of controlled substances; or
- other screening methods, as determined by the Social Services Commission.

The department of social services must provide notice of drug testing to each applicant or recipient. The notice also tells the applicant or recipient if there is reasonable suspicion that an individual is engaged in the illegal use of controlled substances. The results of the drug tests will remain confidential and will not be released to law enforcement. Dependent children under the age of 18 are exempt from the requirements of this section. If there is a positive result, the person may pay for additional tests.

An applicant or recipient who tests positive for controlled substances is ineligible to receive Work First Program assistance for one year from the date of the positive drug test. If the individual has any subsequent positive drug tests, the individual shall be ineligible for benefits for three years from the date of the subsequent positive drug test.

After the expiration of 30 days from the date of the positive drug test, if the individual can document: (i) the successful completion of, or the current satisfactory participation, in a substance abuse treatment program licensed by the Department, and the person passes a drug test, or (ii) a qualified professional in substance abuse, or a physician certified by the American Society of Addiction Medicine, determines a substance abuse program is not appropriate for the individual and the person has passed a subsequent drug test, the person may reapply and not wait the one year.

The cost of any drug testing and substance abuse program are the responsibility of the individual being tested and receiving treatment. An applicant or recipient is only allowed to reapply after a negative test one time.

Effective: September 4, 2013

HOUSE BILL 408, Beaufort/Right-of-Way Safety, makes it a Class 2 misdemeanor to discharge a firearm or bow and arrow, or to attempt to discharge a firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of any public road in Beaufort County. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction. This act only applies to Beaufort County.

Effective: June 20, 2013

HOUSE BILL 428, North Carolina School Bus Safety Act, amends G.S. 20-217 to impose mandatory fines and drivers license revocations for persons convicted of passing a stopped school bus. The bill does not raise the class of criminal offense but imposes mandatory fines:

\$500 minimum fine for passing a stopped school bus; \$1,250 minimum fine for the Class I felony offense that occurs when the person passes a stopped school bus and also strikes another person; and a minimum \$2,500 fine for the Class H felony offense that occurs when the striking of the other person results in that person's death. The bill also imposes various drivers' license revocations for violating G.S. 20-217. A person with two misdemeanor violations within a three year period will have their driver's license revoked by the DMV for one year. For the Class I felony conviction (striking another person), the revocation is for two years and for the Class H felony conviction (killing another person), the revocation is for three years. The DMV is required to impose a permanent revocation for a second felony conviction or a third misdemeanor conviction within any time period. For the first felony conviction, either Class I or H, the person may apply for a limited driving privilege after their driver's license has been revoked for six months.

A person is disqualified from operating a commercial motor vehicle under G.S. 20-17.4 for the time period in which their license remains revoked under G.S. 20-217. The defendant's failure to pay any fine imposed for a violation will result in the DMV withholding the registration renewal of a motor vehicle registered in the defendant's name. The bill states that the General Assembly encourages local school boards to use the proceeds of any fines collected for violations of G.S. 20-217 to purchase automated camera and video recording systems to install on school buses to help detect and prosecute violators.

Effective: December 1, 2013

HOUSE BILL 450, Criminal Contempt/Bail Procedure, amends G.S. 5A-17 to provide that a person found in criminal contempt who has given notice of appeal, may be retained in custody for not more than 24 hours from the time of imposition of confinement without a bail determination being made. If the confinement is imposed by a clerk or magistrate, the bail hearing is held by a district court judge. If confinement is imposed by a district court judge, the bail hearing is held by a superior court judge. If the imposed confinement is by a superior court judge, then the hearing is conducted by a superior court judge other than the superior court judge that imposed confinement. If the designated judicial official has not acted within 24 hours, any judicial official must act to hold the bail hearing.

Effective: December 1, 2013

HOUSE BILL 456, Domestic Violence Fatality Review Team/Mecklenburg County, amends Session Law 2009-52 to establish domestic violence review teams in Alamance and Pitt counties like the one currently operating in Mecklenburg County. The membership requirements for the Review Team are modified and include: a local law enforcement officer appointed by the chief of police of the largest municipality in the county; at least one law enforcement officer from the other police departments in the county appointed jointly by the chiefs of police of the other municipalities; the sheriff of the county or his designee; and an assistant district attorney. No person who has been convicted of a domestic violence-related crime, or who has been a participant in a batterer intervention program shall be a member of the Review Team. The board of county commissioners must designate the lead agency for the Review Team.

Effective: June 11, 2013

HOUSE BILL 491, School Resource Officers/Lee County, amends G.S. 74E-2 to provide that the Lee County Board of Education is decertified as a company police agency under Chapter 74E and shall not be recertified. The Lee County Board of Education shall not employ, or contract with a company police agency certified under Chapter 74E. The Lee County Sheriff shall be responsible for providing school resource officers to the Lee County Schools. The Lee County Sheriff and the Lee County Board of Education shall enter into a memorandum of understanding for the provision of these services. The Sheriff shall use funds appropriated by Lee County to the Sheriff's Office to provide school resource officers to Lee County Schools. This act only applies to Lee County.

Effective: August 1, 2013

HOUSE BILL 517, Rockingham/No Right-of-Way Spotlighting, makes it a Class 2 misdemeanor for any person to shine a light intentionally upon any wild animal, including, but not limited to, deer, coyotes, or feral swine, from the right-of-way of any public road, street, or highway in Rockingham County between one-half hour after sunset and one-half hour before sunrise. This bill does not apply to necessary lights used by motorists engaged in normal travel on the highway or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights. This bill is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction. This act only applies to Rockingham County.

Effective: October 1, 2013

HOUSE BILL 532, No Drinking in EMS and Law Enforcement Vehicles, adds ambulances, other emergency medical services vehicles, firefighting vehicles, and law enforcement vehicles to the list of vehicles contained in G.S. 20-138.2B in which it is unlawful to drink and drive or have alcohol remaining in the driver's body while driving. Originally, G.S. 20-138.2B was limited to school buses, school activity buses and child care vehicles. Just as with the previous law, this is an implied consent offense. The odor of alcohol alone is insufficient to convict the person, unless the driver refuses a screening test or implied consent test. The result of an alcohol screen test is admissible to prove alcohol was present in the driver's body. Punishment is a Class 3 misdemeanor with a penalty of \$100. A second or subsequent offense is punished the same as DWI. This law does not apply to law enforcement officers acting in the course of, and within the scope of, their official duties, such as undercover operations.

Effective: December 1, 2013

HOUSE BILL 533, Detention of Mentally Ill in Facility, amends G.S. 122C-251 to allow company police officers employed by a hospital in Ashe, Wilkes or Cumberland counties to use reasonable force to: (i) keep a person who has been involuntarily committed at the facility where the person is to be detained and (ii) if pursuant to a continuous and immediate pursuit, to return the person to the facility where the person is to be detained. However this authority only applies if the law enforcement officer who delivered the person, in collaboration with the facility, left the facility after finding the person was safe to be left under the supervision of the facility. This section applies when the respondent is being temporarily detained in accordance with

involuntary commitment procedures found in G.S. 122C-261(d), 122C-263(a), and 122C-263(d)(2).

Effective: June 18, 2013

HOUSE BILL 597, Bail Bondsman/Official Shield, amends G.S. 58-71-40 to allow a bail bondsman to carry a shield. The shield is described in the statute and is similar to a private investigator's shield pictured in administrative rule 12 NCAC 07D. 0405. The shield will contain the person's last name, license number and the words "North Carolina Bail Agent." Any shield that deviates from the design requirements as specified in the bill is an unauthorized shield and its possession by a licensee is a violation of the statute by the licensee. The shield is in addition to the picture identification card issued when the bondsman is licensed by the Commissioner of Insurance.

Effective: June 26, 2013

HOUSE BILL 610, Modify Requirements for In-Stand Beer Sales, increases the number of stadiums and ballparks where malt beverages can be sold in the stands during professional sporting events. This bill amends G.S. 18B-1009 to allow for the sale and consumption, during professional sporting events, of malt beverages under specified circumstances in the seating areas of stadiums, ballparks, and other similar public places with a seating capacity of 3,000 or more (the prior version of this statute required a seating capacity of 60,000 or more and in a municipality with a population greater than 450,000). The bill requires the ABC Commission to adopt rules for the suspension of alcohol sales in the latter portion of professional sporting events to protect public safety.

Effective: June 12, 2013

HOUSE BILL 611, Suspension Removed when Eligibility Met, amends G.S. 20-13.2(c1) to require the Division of Motor Vehicles (DMV) to expunge any suspension or revocation entered on a limited permittee or provisional licensee's driving record, if the DMV restores a permit or license provided the person has not had a prior expunction.

Effective: December 1, 2013

HOUSE BILL 623, Modify Weight Limits for Line Trucks, amends G.S. 20-118(c) to exempt from weight restrictions and penalties, trucks owned, operated by, or under contract to a public utility, electric or telephone membership corporation, or municipality. The truck must be used in connection with the installation, restoration, or maintenance of utility services within a North Carolina county located in whole or in part west of Interstate 77, and the terrain, road widths, and other naturally occurring conditions prevent the safe navigation and operation of a truck having more than a single axle or using a trailer. The truck also must not operate on an interstate highway, have a single-axle weight of more than 28,000 pounds or exceed a maximum gross weight of 48,000 pounds.

Effective: January 1, 2014

HOUSE BILL 626, Notify Law Enforcement of Towed Vehicles, adds a new G.S. 20-219.20, which requires that whenever a vehicle is towed at the request of a person other than the owner or operator of the vehicle, the tower must call the 10-digit telephone number designated by the

local law enforcement agency having jurisdiction prior to moving the vehicle. The tower must give the agency:

- a description of the vehicle;
- the place from which the vehicle was towed;
- the place where the vehicle will be stored; and
- the contact information for the person from whom the vehicle owner may retrieve the vehicle.

If the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare so that immediate towing is necessary, the notice to the local law enforcement agency may be provided by a tower within 30 minutes of moving the vehicle rather than prior to moving the vehicle. If a caller to a law enforcement agency can provide a description of a vehicle that was towed, and from where the vehicle was towed, the law enforcement agency may tell the caller where the vehicle is stored and the contact information necessary to retrieve the vehicle. A violation of this requirement is an infraction and carries a penalty of not more than \$100.

This notification is not required: (i) when the vehicle is towed at the direction of a law enforcement officer or (ii) when the vehicle is removed from a private lot where signs are posted in accordance with G.S. 20-219.2(a). Note: G.S. 20-219.2(a) only applies in the Counties of Craven, Cumberland, Dare, Forsyth, Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson, and municipalities in these counties and to the cities of Durham, Jacksonville, Charlotte and Fayetteville.

G.S. 20-219.2(a) is amended to require "legible signs" at "all entrances" to a private lot and have the "current" name and "current" telephone number of the towing and storage company displayed. Towing is only authorized after the signs have been posted for 72 hours.

Effective: December 1, 2013

HOUSE BILL 635, Involuntary Commitment Custody Orders, amends G.S. 122C-261(d) to provide that, if the affiant recommending inpatient commitment is a physician or psychologist at a 24-hour facility, the respondent is physically present at the facility, and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for inpatient commitment, then the clerk or magistrate may issue an order by facsimile, or a scanned order by email, to the physician, psychologist, or "designee" (defined as on-site police security personnel at the 24-hour facility). Upon receipt of the custody order, the physician, psychologist, or designee is required to notify the respondent that he/she is not under arrest and has not committed a crime, but is being taken into custody to receive treatment for the respondent's own safety and the safety of others. The physician, psychologist, or designee will take the respondent into custody and complete and sign the appropriate portion of the custody order, and return the order to the clerk or magistrate either by fax or by scanning it and sending it by email. The physician or eligible psychologist, or a designee, shall mail the original custody order no later than five days after returning it by means of fax or email to the clerk or magistrate. This electronic procedure may not be used until the physician, psychologist, or designee has been trained in accordance with

protocols developed by the Department of Health and Human Services in cooperation with the Administrative Office of the Courts and the UNC School of Government.  
Effective: October 1, 2013

HOUSE BILL 641, Amend Conditional Discharge/1st Drug Offense, amends G.S. 90-96(a) to provide that a court has discretion to determine whether to defer prosecution for a first offense of certain drug offenses, whereas current law provides that the court shall defer prosecution. This bill allows the judge to decline to enter a deferment and probation when the court determines, with a written finding and the district attorney's agreement that a conditional discharge for the defendant is inappropriate for factors related to the offense for which the defendant is charged. The bill does not list the factors that may apply.  
Effective: December 1, 2013

HOUSE BILL 656, Forfeiture for Speeding to Elude Revisions, amends G.S. 20-28.2, and other statutes relating to forfeiture of a motor vehicle for an impaired driving revocation, to include forfeiture procedures for vehicles seized for felony speeding to elude arrest. Current law requires motor vehicles seized from a driver who is charged with felony speeding to elude arrest to be delivered to the sheriff and processed in a manner similar to a vehicle seized under the prearranged drag racing statute. This bill provides for handling vehicles seized for felony speeding to elude arrest in the same manner as vehicles seized from revoked impaired drivers. The procedure for notifying the statewide contractor to tow the vehicle and notifying DMV of the seizure will be the same as in DWI cases. The clerk of court will handle pretrial requests for release of vehicles, and the requirement for an acknowledgement from the non-defendant owner applies. The requirement that the case be set within 30 days does not apply to felony speeding to elude arrest seizures since the charge is a felony. Upon conviction for felony speeding to elude arrest, the DMV will revoke the registration of all motor vehicles registered to the defendant. G.S. 20-54.1(a1). **This bill was supported by the North Carolina Sheriffs' Association.**  
Effective: December 1, 2013

HOUSE BILL 669, 2013 Appointments Bill, appointed persons to various public offices.

The Speaker of the House of Representatives made the following appointments:

1. North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2015:
  - R. Steven Johnson of Wake County;
  - Chief Patricia Bazemore of Wake County;
  - Angela L. Williams of Guilford County; and
  - Diane Isaacs of Cumberland County.
  
2. Criminal Justice Information Network Governing Board for a term expiring on June 30, 2017:
  - Robert A. Graves of Randolph County.

The President Pro Tempore of the Senate made the following appointments:

1. North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2015:

Jim K. Festerman of Rockingham County;  
Robert "Bob" Myrick of Brunswick County;  
Charles T. Johnson of Wake County; and  
Johnny D. Hawkins of Durham County.

2. Criminal Justice Information Network Governing Board for terms expiring on June 30, 2017:

Crystal Combs Cody of Lincoln County;  
Robert "Bob" Lee of Anson County; and  
Daniel N. Kiger of Surry County.

3. North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2015:

Marc Nichols of Johnston County.

Effective: July 25, 2013

HOUSE BILL 762, Amend Certain Bail Bond Procedures, amends the definition of "bail bond" in G.S. 15A-531(4) to provide that a bail bond signed by a surety, as defined in G.S. 15A-531(8)a. (an insurance company, when a bail bond is executed by a bail agent on its behalf) and G.S. 15A-531(8)b. (a professional bondsman, when a bail bond is executed by the bondsman or a runner on his or her behalf), is considered the same as a cash deposit for all purposes. Under prior law, only a bail bond signed by a bail agent for an insurance company was considered the same as a cash deposit.

The bill also repeals the requirement that a surety, when surrendering a defendant, present the sheriff with a "certified" copy of the "bail bond." The surety is now only required to present the sheriff with a "copy of the bail bond, forfeiture, or release order."

The bill deletes the requirement that the clerk of court provide a copy of the motion to set aside a bond forfeiture to the district attorney and the attorney for the county board of education. The moving party must now serve the district attorney and attorney for the county board of education by personal delivery, mail, or facsimile.

Effective: December 1, 2013

HOUSE BILL 783, Pyrotechnics Technical and Conforming Changes, amends G.S. 14-410 to allow pyrotechnics (fireworks) to be exhibited, used, handled, manufactured, or discharged: (i) as a special effect by a production company for a motion picture production if the motion picture set is closed to the public or is separated from the public by a minimum of 500 feet; or (ii) for

pyrotechnic or proximate audience display instruction consisting of classroom and practical skills training approved by the Office of State Fire Marshal.

For use at a concert or public exhibition in the State, the display operator for the University of North Carolina School of the Arts may appoint an on-site representative to supervise any performances that include a proximate audience display subsequent to the opening performance, provided that the representative is a minimum of 21 years of age and is properly trained in the safe discharge of proximate audience displays. G.S. 14-413 is amended to provide that a permit is not required for an exhibition authorized by the University of North Carolina School of the Arts and conducted on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts. G.S. 58-82A-3 and 58-82A-25 are amended to modify qualifications to obtain a permit or become a pyrotechnic operator.

Effective: July 18, 2013

HOUSE BILL 784, Worthless Check/Present Cashed Check, amends G.S. 14-107 (worthless check offenses). This offense is committed by either submitting a check when the maker knows there are insufficient funds in the account or when the defendant "has previously presented the check or draft for the payment of money or its equivalent." G.S. 14-107.1 (prima facie evidence in worthless check cases) is amended to include additional terms the financial institution may use to indicate that the check was dishonored. Previously, the terms were limited to "insufficient funds," "no account," "account closed," or "words of like meaning." The bill expands the terms to include "insufficient funds," "no account," "account closed," "NSF," "uncollected," "unable to locate," "stale dated," "postdated," "endorsement irregular," "signature irregular," "nonnegotiable," "altered," "unable to process," "refer to maker," "duplicate presentment," "forgery," "noncompliant," or "UCD noncompliant." The bill makes similar changes to G.S. 6-21.3 (civil remedies for returned check.)

Effective: December 1, 2013

HOUSE BILL 786, RECLAIM NC Act, amends Article 2 of Chapter 64 of the General Statutes to exempt anyone employed for nine months or less in a calendar year (was seasonal employees employed for 90 days or less) from the requirement that employers of 25 or more employees must verify the work authorization of the employee through E-Verify (an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States).

Also, the Department of Public Safety is directed to study the potential impact on public safety, the State economy, and illegal immigration of adopting any or all of the following measures:

- Increasing the penalties for crimes related to the possession, manufacture or sale of false driver's licenses and other identification documents.
- Creating a rebuttable presumption against the pretrial release of undocumented aliens who commit serious crimes.
- Requiring a secured appearance bond as a condition of pretrial release for undocumented aliens who have committed serious crimes.
- Requiring undocumented alien prisoners to reimburse the State for the cost of their incarceration after conviction of a crime.



- Establishing standards of reasonable suspicion to guide law enforcement officers in conducting immigration status checks when conducting a lawful stop, detention or arrest.
- Prohibiting the use of consular documents from being considered a valid means of establishing a person's identity by a justice, judge, clerk, magistrate, law enforcement officer, or other State official.
- Implementing a process for undocumented aliens to obtain a temporary driving privilege. This portion of the study would:
  - Examine the impact that such a process would have on highway safety, insurance rates and claims for accidents that occur at the hands of the uninsured.
  - Estimate the number of individuals who would seek to obtain a temporary driving privilege through such a process.
  - Determine whether there are adequate insurance products available to insure individuals who obtain the temporary driving privilege.
  - Examine any other matters that the Division of Motor Vehicles deems relevant.
- Adopting measures that have been adopted in other States to combat the problem of illegal immigration.

The Department of Public Safety is to report its findings and recommendations to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2014.

Effective: September 4, 2013

HOUSE BILL 802, Landlord/Tenant/Shorten Eviction Time, amends G.S. 7A-222 to require that for summary ejection cases the magistrate shall render judgment on the same day on which the conclusion of all the evidence and submission of legal authorities occurs, unless the parties concur on an extension of additional time or for more complex summary ejection cases. Complex summary ejection cases include cases brought for criminal activity, breaches other than nonpayment of rent, evictions involving Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f) or public housing tenants, and cases with counterclaims. In the complex cases the magistrate is required to render judgment within five business days of the hearing. If a party requests a continuance of the summary ejection case, the magistrate may not continue the case for more than five days or until the next session of small claims court, whichever is longer, without the consent of both parties. If a party appeals the magistrate's ruling in a summary ejection case, and fails to pay costs of court to appeal within ten days, the appeal is automatically dismissed. If the appealing party petitions to qualify as indigent, the party will have five additional days to pay the court costs. The Plaintiff may seek to have an appeal dismissed without the necessity of a hearing if the defendant did not raise a defense orally or in writing in small claims court, did not file a motion, answer or counterclaim, and failed to make a payment on any applicable bond to stay execution of the judgment of possession.

The bill also amends G.S. 42-25.9 and 42-36.2 to reduce from ten to seven days the time a landlord must hold on to personal property left on the premises before disposing of it. It also

reduced from ten days to seven days the notice the landlord must give the former tenant of the sale of the personal property.

The bill also provides that the sheriff must execute a writ for possession of real property within five days from the sheriff's receipt of the writ instead of the current seven days. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: September 1, 2013

HOUSE BILL 813, Ban Synthetic Cannabinoids, amends G.S. 90-94 to expand the definition of synthetic cannabinoids to include "any synthetic chemical compound that: (i) is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring substances or (ii) has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is not listed as a controlled substance in Schedule I through V, and is not an FDA-approved drug." The synthetic drug includes previously listed substances in subdivisions a. through i. and adds a subdivision "j." which is tetramethylcyclopropanoylindoles, also known as "XLR-11." The bill contains a savings clause for prosecutions of offenses committed before the act's effective date that says the convictions are not abated or affected by the changes.

Effective: July 1, 2013

HOUSE BILL 828, Update Physical Therapy Practice Act, amends G.S. 90-270.29A to require all applicants for licensure as a physical therapist or physical therapist assistant to consent to a fingerprint based national criminal history record check performed by the N.C. Department of Justice.

Effective: October 1, 2013

HOUSE BILL 829, Sale of Growlers by Certain ABC Permittees, amends G.S.18B-1001 to allow an individual holding an ABC permit for on-premises malt beverage sales, off-premises malt beverage sales or a wine shop, to sell growlers. A growler is a refillable container no larger than 2 liters (0.5283 gallons) into which a malt beverage is poured for off-premises consumption. See administrative rule 4 N.C.A.C. 2T .0308. The ABC Commission is required to adopt rules dealing with sanitation of growlers by January 1, 2014.

Effective: June 12, 2013

HOUSE BILL 850, Possession of Needles/Tell Law Officer, amends the drug paraphernalia statute, G.S. 90-113.22, to provide that if an officer asks a suspect prior to the search of the suspect's person, vehicle or premises if there is a hypodermic needle or other sharp object that may cut or puncture the officer, and the suspect alerts the officer to it, then the suspect may not be charged with a drug paraphernalia offense for the needle or sharp object. This exemption does not apply to any other drug paraphernalia that may be present and found during the search. For purposes of this bill, the term "officer" includes "criminal justice officers" as defined in G.S. 17C-2(3): sworn law enforcement officers; State correctional officers; State probation/parole officers, State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors. It also includes "justice officer" as defined in G.S. 17E-2(3): deputy sheriffs; reserve and special deputies; detention officers; district confinement personnel;

and telecommunicators appointed by the sheriff. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: December 1, 2013

HOUSE BILL 879, Grand Jurors/Service, amends G.S. 15A-622 to provide that any grand juror who serves the full term of service shall not be required to serve again as a grand juror or as a juror for a period of six years.

Effective: January 1, 2014

HOUSE BILL 891, Exploitation of Seizure/Freeze Defendant's Assets, amends G.S. 14-112.2 (exploitation of an elder adult or disabled adult). If a person is charged with a violation of this section that involves funds, assets, or property valued at more than \$5,000, the district attorney can file a petition to freeze the funds, assets, or property of the defendant in an amount up to 150% of the alleged value of funds, assets, or property for purposes of restitution to the victim. The standard of proof required to freeze the defendant's funds, assets, or property is by clear and convincing evidence. If the prosecution of the charge under G.S. 14-112.2 is terminated by a voluntary dismissal by the State or if a judgment of acquittal is entered, the court is required to vacate the order to freeze or seize the assets.

Effective: October 1, 2013

HOUSE BILL 936, Wildlife Poacher Reward Fund, adds a new G.S. 113-294.1 to establish a Wildlife Poacher Reward Fund. Monies in the Fund shall be used to pay rewards to persons who provide information to the Wildlife Resource Commission, or to law enforcement authorities, that results in the arrest and conviction of persons who have committed criminal offenses involving the taking, injury, removal, damage, or destruction of wildlife resources. The Wildlife Resources Commission shall adopt rules for the administration of the Fund. A person convicted of violating the wildlife laws may be required as a condition of probation to compensate an agency for any reward paid for information leading to the arrest and conviction of the offender.

Effective December 1, 2013, several changes to the classification or punishment of violations of the boating and hunting laws are also made. The changes are as follows:

- G.S. 75A-6.1(c) - violation of a rule governing navigational lighting adopted by the Commission remains a Class 3 misdemeanor but this bill repeals the provision that limits the punishment to a fine not to exceed \$100. Note: Senate Bill 402 changes all navigational rules to infractions;
- G.S. 75A-10 - driving a vessel under the influence of an impairing substance or with an alcohol concentration of 0.08 or more is a Class 2 misdemeanor and punishable by a fine of not less than \$250;
- G.S. 75A-13.1 - failing to display a diver's flag when scuba diving in an area open to boating is changed from a Class 3 misdemeanor to an infraction;
- G.S. 75A-13.3(b1) - makes it an infraction for the owner of a personal watercraft, or person in control of a personal watercraft, to allow a person under 16 years old to operate the craft without being accompanied by a person over 18 years old, or possessing proof of age and proof of completion of a boating safety course. Previously, the underage operator was responsible for the violation;

- G.S. 75A-13.3(c3) - a vessel livery that fails to provide basic safety instruction to a person prior to leasing a personal watercraft is responsible for an infraction;
- G.S. 75A-16.2 - a person who operates a vessel with a 10 horsepower motor or greater, in violation of the boating education requirements, is responsible for an infraction and shall pay a fine of \$50. It shall be a defense to the infraction if the person shows that he or she has completed and passed an approved boating safety course;
- G.S. 75A-18 - unless otherwise provided, a person who violates a provision of Article 1 (G.S. 75A-1 - 75A-19) of Chapter 75A is guilty of a Class 3 misdemeanor and shall only be subject to a fine not to exceed \$250 for each violation. Unless otherwise provided, a person who violates a rule of the Commission is responsible for an infraction and shall pay a fine of \$50. A person responsible for an infraction under Chapter 75A shall not be assessed court costs;
- G.S. 113-294(a) - any person who unlawfully sells, possesses for sale, or buys any wildlife remains guilty of a Class 2 misdemeanor, punishable by a fine of not less than \$250 (previously there was not a mandatory fine), unless a greater penalty is prescribed for the offense in question;
- G.S. 113-294(b) - any person who unlawfully sells, possesses for sale, or buys any deer or wild turkey remains guilty of a Class 2 misdemeanor, punishable by a fine of not less than \$500 (was \$250);
- G.S. 113-294(c3) - any person who unlawfully takes, possesses, or transports any elk is guilty of a Class 1 misdemeanor, punishable by a fine of not less than \$2,500;
- G.S. 113-294(d) - any person who unlawfully takes, possesses, or transports any deer remains guilty of a Class 3 misdemeanor, punishable by a fine of not less \$250 (was \$100);
- G.S. 113-294(d1) - Any person who unlawfully takes, possesses, or transports any deer from land that has been posted in accordance with the provisions of G.S. 14-159.7, without written permission of the landowner, lessee, or the agent of the landowner or lessee, is guilty of a Class 2 misdemeanor, punishable by a fine of not less than \$500;
- G.S. 113-294(e) - Any person who unlawfully takes deer between a half hour after sunset and a half hour before sunrise with the aid of an artificial light remains guilty of a Class 2 misdemeanor, punishable by a fine of not less than \$500 (was \$250);
- G.S. 113-294(m) - migratory game bird violators remain guilty of a Class 2 misdemeanor, punishable by a fine of not less than \$250 (was \$100);
- G.S. 113-294(r) - the use of bait to take black bear remains a Class 2 misdemeanor, but is punishable by a fine of not less than \$250 (previously there was not a mandatory fine);
- G.S. 113-294(s) - unlawful removal of feral swine from a trap while the swine is still alive or by transporting such swine after that removal remains a Class 2 misdemeanor, but is punishable by a fine of not less than \$250 (previously there was not a mandatory fine).

Effective: July 29, 2013

HOUSE BILL 937, Amend Various Firearms Laws, effective October 1, 2013, amends G.S. 122C-54(d1) to require the clerk of superior court, within 48 hours of receipt, to transmit involuntary commitment orders to the National Instant Criminal Background Check System (NICS). Effective July 1, 2014, G.S. 14-404 is amended to require the clerk to send judicial

determinations that a person is incompetent to stand trial, manage their own affairs, or is found not guilty by reason of insanity to NICS within 48 hours.

Effective October 1, 2013, the bill expands the list of individuals in G.S. 14-269(b) who are exempt from the general prohibition on carrying a concealed weapon. The list now includes qualified retired law enforcement officers under H.R.218 (The Law Enforcement Officers Safety Act of 2004); North Carolina judges and magistrates with concealed handgun permits; and North Carolina clerks of court and register of deeds with concealed handgun permits. A district or superior court judge, magistrate, the elected clerk of court and the elected register of deeds who has a concealed carry permit may carry the weapon in the same locations as the district attorney and assistant district attorneys.

Effective October 1, 2013, G.S. 14-415.21 is modified to increase the penalty for a concealed handgun permittee who is carrying a concealed handgun in a posted area or after consuming alcohol. This punishment will increase from a Class 2 to a Class 1 misdemeanor.

Effective October 1, 2013, the bill clarifies what areas may be posted by units of local government. Units of local government may post recreational facilities as off limits to carry a concealed handgun. The term “recreational facility” is defined as an athletic field and its appurtenant facilities, such as restrooms during an organized athletic event; a swimming pool, including any appurtenant facilities used for dressing or storage of personal items; and any facilities used for athletic events such as a gymnasium. The term “recreational facility” specifically does not include a greenway, designated biking or walking path, or an area customarily used as such although not specifically designated as one. G.S. 14-415.23(c).

Effective October 1, 2013, this bill modifies G.S. 14-269.2 and expands the list of individuals who may possess a handgun on institutions of higher education, non-public post secondary educational institutions, or public or non-public schools. Employees of any of these institutions who live on the campus will be allowed to possess the handgun at the employee’s residence or in the employee’s vehicle being driven to or from campus, except non-public schools may still prohibit the possession of a handgun by these employees. Any individual with a valid concealed handgun permit, or who is exempt from obtaining a permit, may leave the handgun in a closed (locked or unlocked) compartment in the person’s locked vehicle or leave the handgun in a locked container securely affixed to the vehicle while on campus.

Effective October 1, 2013, G.S. 14-269.3 is modified to allow individuals with concealed handgun permits, or who are exempt from obtaining a permit, to carry a concealed handgun into any assembly where a fee is charged for admission or an establishment where alcoholic beverages are sold and consumed so long as the premises has not been posted prohibiting the carrying of concealed handguns.

Effective October 1, 2013, G.S. 14-277.2 is modified to allow persons with concealed handgun permits to participate in or be present at parades or funeral processions with a concealed handgun unless the premises have been posted prohibiting the carrying of concealed handguns.

Effective October 1, 2013, G.S. 15A-1340.16A is modified to provide for enhanced sentences if a defendant is convicted of a class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm or deadly weapon during the commission of the felony.

Effective October 1, 2013, this bill makes numerous modifications to the pistol purchase permit laws. Among these changes, if a sheriff denies a pistol purchase permit, he must provide a statement to the applicant citing the specific facts and law on which the denial was based. The sheriff is required to:

- keep a list of permit denials including the reasons for the denial but the list cannot identify the applicant. This list is public record;
- not charge more than the statutorily mandated \$5 fee;
- grant or deny the permit within 14 days.

Effective October 1, 2013, the bill requires the sheriff to revoke a permit upon the occurrence of an event or condition subsequent to the issuance of the permit which would render the permittee ineligible to have received it. The permittee who receives notice of this revocation must surrender the permit to the sheriff no later than 48 hours after receiving notice. The failure to surrender the permit within 48 hours is a Class 2 misdemeanor. G.S. 14-404(h).

Effective October 1, 2013, the records maintained by a sheriff identifying who was issued a purchase permit must also include those persons who have had a permit revoked. This record is confidential and is not a public record. G.S. 14-415.17. However, records of denials of permits (which does not identify the applicant) are a public record. G.S. 14-404(b1).

Effective October 1, 2013 a new Article 3D of Chapter 14 of the General Statutes is created and provides for a new status of being an armed habitual felon. Anyone who has been convicted of one firearm related felony and commits a second will be sentenced as a Class C felon. The term "firearm related felony" includes any felony committed by a person where that person used or displayed a firearm while committing the felony.

Effective July 29, 2013, this bill requires sheriffs to, no later than January 31, 2014, determine whether any purchase permits are subject to revocation. If so, the sheriff must immediately initiate the revocation procedures. No later than March 31, 2014, each sheriff must submit a written report to the Joint Legislative Oversight Committee on Justice and Public Safety with the results of that review. The North Carolina Sheriffs' Association may compile the reports and compose a single report with the information from each county in lieu of each county submitting individual reports.

Effective: July 29, 2013

HOUSE BILL 982, Modify Medicaid Subrogation Statute, amends G.S. 108A-57 (Medicaid subrogation statute), to make it a Class 1 misdemeanor for a person seeking or having obtained assistance under Medicaid, for himself or another, to willfully fail to disclose to the Department of Health and Human Services the identity of any person or organization against whom the

recipient of assistance has a right to recovery. Previously, the disclosure only applied to the county social services department or its attorney.

Effective: July 18, 2013

## **SENATE BILLS**

SENATE BILL 8, Increase Fine for Vehicle Removal, amends G.S. 20-219.2 by raising the penalty for unlawfully parking in a privately owned or leased parking space from \$100 to \$150. G.S. 20-219.2 only applies to the Counties of Craven, Cumberland, Dare, Forsyth, Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and Fayetteville.

Effective: December 1, 2013

SENATE BILL 18, Amend Locksmith License Act/Raise Fee Ceiling, amends G.S. 74F-3 to make it a Class 1 misdemeanor (previously a Class 3 misdemeanor) to perform or offer to perform locksmith services in this State unless the person has been licensed under the provisions of the Locksmith Licensing Act. A second or subsequent offense is a Class I felony. This law does not apply to a member of a law enforcement agency, fire department, or other government agency who, when acting within the scope and course of the member's employment with the agency or department, opens locked doors to vehicles, homes, or businesses. G.S. 74F-16(7).

Effective: December 1, 2013

SENATE BILL 20, Good Samaritan Law/Naloxone Access, adds a new G.S. 90-96.2 that provides immunity from criminal prosecution for certain drug offenses to persons who obtain medical assistance for themselves or who seek medical assistance for another for a “drug-related overdose.” An overdose is defined as an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined and that a layperson would reasonably believe to be a drug overdose that requires medical assistance. The immunity prevents prosecution for: (i) misdemeanor possession of a controlled substance under G.S. 90-95(a)(3); (ii) a felony violation of G.S. 90-95(a)(3) for possessing less than one gram of cocaine or heroin; or (iii) misdemeanor possession of drug paraphernalia under G.S. 90-113.22, if the evidence for prosecution of these offenses was obtained as a result of the person seeking medical assistance for the drug-related overdose. The new law does not bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes committed by the person who otherwise qualifies for the immunity.

This act adds a new G.S. 90-106.2, which provides that a “practitioner” (defined in G.S. 90-87(22) to include doctor, dentist, etc.) acting in good faith and exercising reasonable care may directly, or by standing order, prescribe an “opioid antagonist” (naloxone hydrochloride) to (i) a person at risk of experiencing an opiate-related overdose, or (ii) a family member, friend, or other person in a position to assist such a person. An opioid antagonist reduces the effects of the drug on which the person overdosed. The new law also sets out the standard for administering the opioid antagonist by the person who receives it. Immunity from civil and criminal liability is

provided for any actions authorized by this new law for (i) a practitioner who prescribes the opioid antagonist, and (ii) the person who administers the opioid antagonist.

Finally, the act adds a new G.S. 18B-302.2 which provides immunity for a violation of G.S. 18B-302 (Underage possession or consumption of alcoholic beverages) if law enforcement officers, including campus police officers, became aware of a person's underage possession or consumption of alcohol solely because he or she was seeking medical assistance for another individual. To receive their immunity, the person must have acted in good faith and on a reasonable belief that he or she was the first to call for assistance, used his or her own name when contacting authorities, and remained with the individual needing medical assistance until help arrived. This law does not provide immunity for the person who is provided the medical assistance. **This bill was supported by the North Carolina Sheriffs' Association.**  
Effective: April 9, 2013

SENATE BILL 25, Hunting and Fishing/Active Duty/Military, amends G.S. 113-130 to provide that a member of the Armed Forces of the United States on active duty outside the State of North Carolina shall be deemed an individual resident of the State for hunting, fishing and trapping.  
Effective: July 1, 2013

SENATE BILL 33, Use of Criminal History Records by Licensing Boards, adds a new G.S. 93B-8.1, which provides that, unless the law governing a particular occupational licensing board provides otherwise, a board shall not automatically deny licensure on the basis of an applicant's criminal history. If the board is authorized to deny a license to an applicant on the basis of conviction of any crime, or for commission of a crime involving fraud or moral turpitude, and the applicant's criminal history record reveals convictions of any crime, the licensing board must consider factors such as the level and seriousness of the crime, date of the crime, age of the person at the time of the crime, and the subsequent commission of a crime by the applicant, before acting on the application. The board may deny licensure to an applicant who refuses to consent to a criminal history record check or the use of fingerprints, or other identifying information, required by the State or National Repositories of Criminal Histories. This section does not apply to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission.  
Effective: July 1, 2013

SENATE BILL 45, Incapacity to Proceed Amendments, made substantial changes to the procedures for determining the capacity of a defendant to proceed with criminal charges. G.S. 15A-1002(d) was amended to provide that if the defendant is being held in the custody of the sheriff, the clerk of superior court is required to send a copy of the "covering statement" of the capacity to proceed report to the sheriff. The covering statement gives only the conclusion as to whether or not the defendant has the capacity to proceed to trial. The sheriff must keep this covering statement confidential.

Effective for offenses committed on or after December 1, 2013, G.S. 15A-1002(b)(1) is amended to provide that the judge may call the appointed examining expert to testify, with or without the request of the State or the defendant. G.S. 15A-1002(b)(1) is amended to limit court ordered examinations at a State facility to those defendants charged with a felony (previously defendants



charged with a misdemeanor could be sent to a State facility after a local examination). New G.S. 15A-1002(b)(4) is added to provide that a judge who orders a State or local examination must release specified confidential information to the examiner when relevant, and after providing the defendant with notice and an opportunity to be heard. These records must be withheld from public inspection. G.S. 15A-1002(b1) is also amended to require findings of fact in a court order determining capacity to proceed and to allow the State and the defendant to stipulate that the defendant is capable of proceeding, but they cannot stipulate that the defendant lacks the capacity to proceed.

G.S. 15A-1004(c) (defendant found incapable of proceeding and placed in facility after involuntary civil commitment) is amended to require the defendant to be examined to determine whether he or she has the capacity to proceed to trial before being released from custody. G.S. 15A-1006 (return of defendant for trial when determined by institution or individual having custody of defendant that he or she has gained capacity to proceed) is also amended to include written notice of that fact to the clerk, district attorney, defendant's attorney, and sheriff. G.S. 15A-1007 (supplemental hearings) is amended to require the district attorney to calendar the matter for hearing at the next available term of court, but no later than 30 days after receiving the notification. If the court determines in a supplemental hearing that a defendant has gained the capacity to proceed, the case shall be calendared for trial at the earliest practicable time. Continuances that extend beyond 60 days after initial calendaring of the trial shall be granted only in extraordinary circumstances.

The bill substantially revises G.S. 15A-1008 to specify the circumstances when dismissed charges can be refiled and amends G.S. 122C-54(b) to require that the capacity to proceed report must contain a treatment recommendation, if any, and an opinion as to whether there is a likelihood that the defendant will gain the capacity to proceed. New G.S. 122C-278 is added to provide that whenever a respondent has been committed to either inpatient or outpatient treatment after being found incapable of proceeding to trial, he or she shall not be discharged until the respondent has been examined for capacity to proceed and a report filed with the clerk of court under G.S. 15A-1002.

The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services is required, by December 1, 2013, to adopt rules to require forensic evaluators, appointed under G.S. 15A-1002(b), to complete all training to be credentialed as certified forensic evaluators and attend continuing education seminars. The Commission shall also develop guidelines for the treatment of committed individuals who are incapable of proceeding to trial which uses best practices in an effort to restore the individual's capacity to proceed in the criminal matter. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: April 3, 2013

SENATE BILL 91, Prohibit Expunction Inquiry, effective May 17, 2013, amends G.S. 15A-145.4 (expunction of records for first offenders under 18 years old at time of commission of nonviolent felony) and G.S. 15A-145.5 (expunction of certain misdemeanors and felonies; no age limitation) to provide that a person whose administrative action has been vacated by an occupational licensing board pursuant to an expunction under these statutes may then reapply for

licensure. The person must satisfy the board's then current education and preliminary licensing requirements to obtain licensure.

Effective December 1, 2013, this bill adds new G.S. 15A-153, which protects a person against criminal charges for perjury or false statements for failing to acknowledge specified expunged information, except for law enforcement applicants or employees. It also prohibits an employer or educational institution from requiring information about expunged charges or convictions in an application for employment or admission or interview.

This section does not apply to any State or local law enforcement agency authorized, under G.S. 15A-151, to obtain confidential information for employment purposes. The bill also requires a State or local government to advise the applicant that State law allows the applicant to not refer to an arrest, charge, or conviction that has been expunged, and that an application shall not be denied solely because of the applicant's refusal or failure to disclose expunged information. Further, the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission may still require a person pursuing certification to disclose felony convictions expunged under G.S. 15A-145.4 and all convictions expunged under G.S. 15A-145.5. A first violation is punishable by a written warning and civil penalty of up to \$500, to be imposed by the Commissioner of Labor for an employer who violates this law on or after December 1, 2013. This law does not give an applicant or employee the right to sue any employer for violation of this new law.

Effective: May 17, 2013

SENATE BILL 117, Lily's Law, amends G.S. 14-17, by expanding the definition of murder to include a child who is born alive but dies as a result of injuries inflicted prior to the child being born. The degree of murder shall be determined by the current factors used to determine 1<sup>st</sup> and 2<sup>nd</sup> degree murder. The law does not apply to an unintentional act or omission committed by the child's birth mother during the pregnancy that culminated in the child's birth.

In a 2010 Alamance County murder case, Danna Fitzgerald was 27 weeks pregnant with Lillian Grace Broom when her ex-husband, Robert Broom, shot her in the abdomen. Though the bullet did not directly injure Lily and Fitzgerald survived, the infant was born prematurely as a result of the injury and later died. Robert Broom was convicted of first-degree murder for the child's death. The verdict was the first of its kind in State history. The defendant's conviction was upheld on appeal. This new law codifies the court ruling.

Effective: December 1, 2013

SENATE BILL 122, Sex Trafficking/Sex Offender Registration, amends the definition of "sexually violent offense" in G.S. 14-208.6(5) for purposes of sex offender registration to include G.S. 14-43.11 (human trafficking) if the offense is committed against a minor who is less than 18 years of age or the offense is committed against any person with the intent that they be held in sexual servitude.

Effective: December 1, 2013

SENATE BILL 123, Clarify Sex Offender Residence Law, clarifies that G.S. 14-208.16, which prohibits a registered sex offender from knowingly residing within 1,000 feet of a school or child

care center, does not apply if the sex offender established his or her residence before August 16, 2006. The offender could establish residency by purchasing or leasing the residence before that date, or by residing with an immediate family member who purchased or leased the residence prior to August 16, 2006. The new language was added to correct any mistaken belief that the residency restriction did not apply to a sex offender if he or she resided with an immediate family member who had established residence before August 16, 2006—even if the sex offender moved in with the family member after August 16, 2006. The August 16, 2006 date is the original effective date of the residency law.

Effective: April 16, 2013

SENATE BILL 124, *Shoot Gun Inside/Incite Fear*, adds a new G.S. 14-34.10 to make it a Class F felony for a person to willfully or wantonly discharge or attempt to discharge a firearm within any occupied building, structure, motor vehicle, or other conveyance, erection, or enclosure with the intent to incite fear in another. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: December 1, 2013

SENATE BILL 140, *Financial Exploitation of Older Adults*, effective December 1, 2013, amends G.S. 14-112.2 (Exploitation of an elder adult or disabled adult) to change the term "elder adult" to "older adult" and raises the age of coverage to 65 years of age or older (was 60 years of age). The bill makes it unlawful "to knowingly, by deception or intimidation," obtain or use, endeavor to obtain or use, or conspire with another to obtain or use an older adult's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive them of the funds, assets, or property.

Also effective December 1, 2013, the bill amends both G.S. 53B-4 and 53B-9 to allow access to financial records through a subpoena delivered to a financial institution by a county social services director or law enforcement agency investigating a credible report of financial exploitation of a disabled or older adult. G.S. 108A-14 is also amended to require a county social services director to receive and evaluate reports of financial exploitation of disabled adults and to investigate credible reports of financial exploitation. The bill creates a new Article 6A of G.S. Chapter 108A, which requires a financial institution, under certain circumstances, to report information that a disabled or older adult is the victim or target of financial exploitation.

The Task Force on Fraud Against Older Adults will add to its membership the North Carolina Credit Union League, an association representing non-depository financial institutions and the North Carolina Bar Association. The Task Force is required to report to the Joint Legislative Oversight Committee on Health and Human Services prior to the 2014 Regular Session of the 2013 General Assembly on the efficacy of any of the Task Force's recommendations. The Task Force will terminate on May 1, 2015, or upon the filing of its final report, whichever occurs first.

Effective: July 23, 2013

SENATE BILL 182, *Limit Appeals to Superior Court*, amends G.S. 15A-1115 to prohibit an appeal to superior court for anyone found responsible for an infraction in district court. G.S. 15A-1347 is amended to provide that if a defendant waives a revocation hearing, any finding of a probation violation, activation of sentence, or imposition of special probation may not be

appealed to the superior court. G.S. 15A-1420 (Motions for appropriate relief; procedure) is amended to delete the time limits for judges to act on motions for appropriate relief in capital and non-capital cases.

This bill makes the following violations infractions, rather than Class 3 misdemeanors:

- Fail to carry a valid license while driving a motor vehicle, in violation of G.S. 20-7(a).
- Operate a motor vehicle with an expired license, in violation of G.S. 20-7(f).
- Fail to notify the Division of an address change for a drivers license within 60 days after the change occurs, in violation of G.S. 20-7.1.

This bill makes the following violations of the vehicle registration laws infractions, rather than Class 3 misdemeanors:

- Fail to carry the registration card in the vehicle, in violation of G.S. 20-57(c).
- Fail to sign the vehicle registration card, in violation of G.S. 20-57(c).
- Fail to notify the Division of an address change for a vehicle registration card within 60 days after the change occurs, in violation of G.S. 20-67.

This bill also makes fishing without a license, in violation of G.S. 113-174.1(a) or G.S. 113-270.1B(a), punishable as an infraction rather than as a Class 3 misdemeanor.

Effective: December 1, 2013

SENATE BILL 200, [Extend Time for Forensic Accreditation](#), provides that the certification deadline for a laboratory performing forensic or chemical analysis by an accrediting body is extended to July 1, 2016 (previously July 1, 2013). This requirement does not apply to the chemical analyses of the blood or urine, pursuant to G.S. 20-139.1. Laboratories performing forensic analysis or DNA testing must meet accreditation standards by July 1, 2016 in order for the results to be admissible into evidence pursuant to G.S. 8-58.20.

Effective: July 23, 2013

SENATE BILL 210, [Authorize Chief Magistrates](#), amends G.S. 7A-146 to authorize the chief district court judge to appoint a full-time magistrate in a county to serve as chief magistrate for that county for an indefinite term and at the judge's pleasure.

Effective: June 12, 2013

SENATE BILL 222, [Revise Controlled Substances Reporting](#), amends the definition of a "dispenser" under the controlled substances reporting system in G.S. 90-113.72 to include a licensed veterinarian effective January 1, 2014.

The law also amends G.S. 90-113.73, effective January 1, 2014, to require a dispenser to report the delivery of a prescription within three business days although they are encouraged to report it within 24 hours. A dispenser is not required to report a quantity that does not exceed a 48-hour supply.

Effective June 19, 2013, the Department of Health and Human Services (DHHS) may inform a practitioner that a patient may have obtained prescriptions for controlled substances that could

represent abuse, diversion of controlled substances or an increased risk of harm to the patient. The DHHS may also report to the licensing agency information about the prescribing practices of a practitioner.

Effective June 19, 2013, the DHHS is required to release data in the reporting system to a sheriff, police chief, or their designated deputy or police investigator who is assigned to investigate the diversion and illegal use of Schedule II through V controlled substances, and who is engaged in a specific investigation concerning licit drugs, pursuant to a lawful court order specifically issued for that purpose. Previously, DHHS only released the information to the State Bureau of Investigation's Diversion and Environmental Crimes Unit and to a court upon a court order. The civil penalty of illegally obtaining or attempting to obtain data from the system is raised from \$5,000 to \$10,000 for each violation. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: June 19, 2013

SENATE BILL 234, Hunter Education/Apprentice Permit, amends G.S. 113-270.1A to require a hunter education certificate of competence before a person can obtain a hunting license after July 1, 2013. If the person does not have the certificate, the person may be issued a North Carolina hunting heritage apprentice permit. This permit allows the person to hunt when accompanied by a licensed hunter who is at least 18 years old and who will monitor the activities of the permittee. Monitoring requires the hunter to remain within sight and hearing distance of the apprentice at all times, without the use of electronic devices. Persons under age 16 may hunt or trap without a license, except for the falconry license, when accompanied by a licensed hunter who is at least 18 years old and monitors the activities of the young hunter in the manner set forth for apprentice licensees. A disabled hunter is also exempt from the hunter education certificate of competence, if accompanied by a licensed hunter who is at least 18 years old and who monitors the activities of the disabled hunter in the same manner.

Effective: July 1, 2013

SENATE BILL 252, Increase Penalty/Controlled Substance, amends G.S. 90-108(b) to raise the punishment from a Class I felony to a Class G felony for embezzlement of controlled substances by an employee of a registrant or practitioner (doctor, dentist, pharmacy, etc.).

Effective: December 1, 2013

SENATE BILL 264, Abate Nuisances/Drug Sales from Stores, amends G.S. 19-1 (defines nuisances) to provide that the activity sought to be abated need not be the sole purpose of the building, or place, in order for it to constitute a nuisance. In other words, a nuisance abatement action may be brought, even when part of the building is used for legitimate purposes. A nuisance action may not be brought against a place or business which is subject to regulation under Chapter 18B of the General Statutes (ABC laws) when the basis for the action constitutes a violation of the laws or regulations pertaining to the possession or sale of alcoholic beverages.

Effective: July 3, 2013

SENATE BILL 285, DWI Cases/No ILAC Required, amends G.S. 20-139.1 to eliminate the requirement that a laboratory providing chemical analyses under G.S. 20-139.1 be accredited by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation

(ILAC) Mutual Recognition Arrangement. It also clarifies that the results of a chemical analysis of blood or urine from all hospital laboratories in North Carolina, that are approved by the Department of Health and Human Services (DHHS), are admissible as evidence.

Effective: June 26, 2013

SENATE BILL 306, Capital Punishment/Amendments, adds a new G.S. 15-188.1 which prohibits a licensing board from taking disciplinary or corrective action against any licensed health care professional, including, but not limited to, physicians, nurses, and pharmacists for providing assistance with an execution of a prisoner. The law further states that the administration, or assistance in administration, of a lethal substance to inflict the death penalty is not the practice of medicine, surgery or nursing.

G.S. 15-188 was amended to delete the specific type of lethal injection to be used. The law will now provide that the convict be given a "substance or substances in a lethal quantity sufficient to cause death" and that the Secretary of the Department of Public Safety (DPS) will establish this procedure in compliance with the federal and State constitutions. G.S. 15-190 is amended to require the warden to report to the Joint Legislative Oversight Committee on Justice and Public Safety by April 1, 2014, and thereafter annually on October 1, on the status of the people designated by the warden to execute death sentences. The report must confirm that the required people are properly trained and ready to serve as an execution team. The chairs of this committee may modify the reporting dates set out above.

The law also amends G.S. 15-194 to provide that the Attorney General of North Carolina must provide written notification to the Secretary of the DPS not more than 90 days from the occurrence of certain events (such as court rulings) which clear the way for an execution. The Secretary of DPS must then schedule a date for execution not less than 15 days or more than 120 days from the date of receiving notification from the Attorney General. The Attorney General must submit a written report to the Joint Legislative Oversight Committee on Justice and Public Safety by April 1, 2014, and thereafter annually on October 1, on the status of all pending post conviction capital cases. The chairs of this committee may modify these dates.

The Racial Justice Act, enacted in 2009, is repealed. The act provided a procedure for a defendant to allege race was a significant factor in decisions to seek or to impose a death sentence. The repeal of the act is retroactive (other than for a defendant already resentenced, see below) and voids any motion for appropriate relief filed before the effective date of the repeal. The repeal does not apply to a court order which resentenced a defendant to life imprisonment without parole before the effective date of repeal, if the order is affirmed on appellate review and becomes a final order. However, the repeal is applicable if the order is vacated on appellate review.

Effective: June 19, 2013

SENATE BILL 316, Pretrial Release/Rebuttable Presumption, amends G.S. 15A-533 to provide that there is a rebuttable presumption that no condition of release will reasonably assure the appearance of a defendant and the community's safety for certain crimes. Pretrial release should be denied if a judicial official finds reasonable cause to believe the defendant committed a felony or Class A1 misdemeanor involving the illegal use, possession, or discharge of a firearm, and the

offense was committed while the defendant was on pretrial release for another felony or Class A1 misdemeanor involving the illegal use, possession, or discharge of a firearm, or the defendant has been convicted of such a felony or Class A1 misdemeanor within five years of the date of conviction or the defendant's release for the offense, whichever is later. A defendant who falls under this rebuttable presumption may only be released by a district or superior court judge, and the judge must find there is a reasonable assurance that the person will appear for trial and that release does not pose an unreasonable risk of harm to the community.

In other cases where a defendant has failed to appear on charges, G.S. 15A-534(d1) is amended to raise from \$500 to \$1,000, the minimum amount of secured bond required, if no other bond had yet been required for the charges. A new G.S. 15A-534(d3) provides that when pretrial release conditions are being determined for a defendant who is charged with an offense, and the defendant is currently on pretrial release for a prior offense, the judicial official must require a secured appearance bond in an amount at least double the amount of the most recent bond, or, if no bond has yet been required for the charges, in the amount of \$1,000. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: December 1, 2013

SENATE BILL 321, Inmate Costs/Court Appointment/Notaries, effective September 1, 2013, amends G.S. 153A-225.2 to provide that counties shall reimburse providers and facilities providing requested or emergency medical care outside of the local confinement facility the lesser amount of 70% of the provider's then-current prevailing charge, or two times the then-current Medicaid rate for any given service. Each county shall have the right to audit any provider from whom the county has received a bill for services, but only to the extent necessary to determine the actual prevailing charge. A county can still contract with a provider for services at rates that provide greater documentable cost avoidance for the county than the above referenced rates, or at rates that are less favorable to the county but that will ensure continued access to care. The county must make reasonable efforts to equitably distribute prisoners among all hospitals located within the same county, based upon the licensed acute care bed capacity at each of the hospitals. Counties with more than one hospital, or other appropriate health care facility, shall provide semiannual reports on the county's web site that detail compliance with this law.

Effective July 1, 2013, each local government that operates a local confinement facility may utilize Medicaid coverage for inpatient hospitalization, or for any other Medicaid services allowable for eligible prisoners. However, the facilities' medical care plan must include a reimbursement process which pays to the State the State portion of the costs, including the costs of the services provided and any administrative costs directly related to the services to be reimbursed.

Effective: August 23, 2013

SENATE BILL 344, Vintage Auto Inspections, amends G.S. 20-53(e) to require inspection of vintage (35 model years old or older), or specially constructed motor vehicles, by the License and Theft Bureau of DMV to be completed 15 days of receiving a request for inspection and verification. If the inspection is not completed within this time, the motor vehicle will be deemed to have passed the inspection and the title shall be issued within 15 days thereafter,

unless the inspector has probable cause to believe the ownership documents or vehicle identification number presented do not match the vehicle examined. If an inspection is timely performed and the motor vehicle passes inspection, then title shall be issued to the owner within 15 days of the date of the inspection.

Effective: July 23, 2013

SENATE BILL 353, Health and Safety Law Changes, primarily involves abortion law amendments. However, it also amends the punishment provisions of G.S. 20-154 (unsafe movement). A person who commits an unsafe movement that results in a crash causing property damage in excess of \$5,000 or serious bodily injury to a motorcycle operator or passenger, commits an infraction and must be assessed a fine not less than \$750. The violation is treated as a failure to yield the right-of-way to a motorcycle for purposes of assessing points under G.S. 20-16(c). A judge may, but is not required to, order a drivers license suspension for not more than 30 days, with the option of granting a limited driving privilege under the conditions in G.S. 20-16.1.

Effective: October 1, 2013

SENATE BILL 368, County/Sheriff Fee Changes/Felony Escape, amends G.S. 153A-225(a) to allow a county jail to charge no more than \$10 as a fee for a 30-day supply or less of prescription drugs.

G.S. 14-404 is modified to clarify that the sheriff will charge \$5 for each pistol purchase permit requested (previously the fee was only charged upon issuance of a permit).

Effective December 1, 2013, G.S. 14-256 is amended to make it a Class H felony if a person who is charged with a felony escapes from a county or municipal confinement facility. Previously, the charge applied only if the person had been convicted of a felony. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: August 23, 2013

SENATE BILL 369, Name Change Requirements for Minors, amends G.S. 101-2(d) to allow an application for a name change of a minor to be filed without the consent of both living parents based on abandonment by one parent. It also allows a parent to file an application on behalf of the minor without the consent of the other parent when the other has been convicted of: child abuse; indecent liberties with a minor; rape or any other sexual offense; incest; assault; communicating a threat; or any other crime of violence against the minor.

G.S. 101-5(a)(2) is amended to require applicants for name changes to submit to state and national criminal history record checks conducted within 90 days by the State Bureau of Investigation, the Federal Bureau of Investigation, or a Channeler approved by the Federal Bureau of Investigation. This criminal record check does not apply to an application to change the name of a minor less than 16 years of age. G.S. 101-5(e)(1) is also amended to provide that, if the name change is not a public record (for example, the applicant is a participant in address confidentiality or is a victim of domestic violence), the clerk must notify the State Registrar, but



the State Registrar must not notify the register of deeds in the applicant's county of birth or the registration office of the state of birth.

Effective: October 1, 2013

SENATE BILL 377, Suspend Truck Inspection/Severe Weather, amends G.S. 166A-19.70 to allow the Governor, upon recommendation of the Commissioner of Agriculture, to suspend weighing of commercial motor vehicles used to transport livestock, poultry or crops from designated counties in a disaster area, if there is an imminent threat of severe economic loss of such commodities. This law does not allow vehicles to exceed the weight limits of bridges or to be operated when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety.

Effective: July 3, 2013

SENATE BILL 381, State to Convey Gates Correctional Facility, conveys to the Gates County Board of Commissioners, for consideration of one dollar (\$1), all its right, title, and interest in the property used for the former Gates County Correctional Facility.

Effective: July 29, 2013

SENATE BILL 387, Forest Service Changes/Bedding Law Right of Entry, changes the name of the Division of Forest Services within the Department of Agriculture and Consumer Services (DACS) to the North Carolina Forest Service. It also allows specially commissioned forest law-enforcement officers of the North Carolina Forest Service to enforce G.S. 77-13 (obstructing streams a misdemeanor) and G.S. 77-14 (obstructions in streams and drainage ditches). The authority to establish speed limits, traffic control signs and parking in State forests is transferred from the Department of Environment and Natural Resources to the DACS.

Effective: July 1, 2013

SENATE BILL 399, Criminal Defendant May Waive Jury Trial, proposes an amendment to Article I, Section 24 of the North Carolina Constitution to allow a defendant in a non-capital criminal case to waive a jury trial. The waiver must be in writing or on the record, and have the consent of the trial judge, subject to procedures prescribed by the General Assembly. This proposed constitutional amendment will be on the ballot of the November 4, 2014 election. If it passes, the amendment would become effective December 1, 2014, and apply to criminal offenses arraigned in superior court on or after that date. If the amendment is approved, G.S. 15A-1201 would be changed in the same manner as the constitutional amendment and effective on the same date.

Effective: July 18, 2013

SENATE BILL 407, Electronic Vehicle Lien/Title, provides that, no later than July 1, 2014, the DMV shall implement a statewide electronic lien system to process the notification, release, and maintenance of security interests and certificate of title data where a lien is notated.

Effective: July 23, 2013

SENATE BILL 443, Disposition of Abandoned Firearms, amends G.S. 15-11.1(b1) to only allow a court to order the destruction of a firearm no longer needed as evidence if "the firearm

does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification."

This law also amends G.S. 15-11.2 to establish a procedure for the head of the law enforcement agency which finds or receives a firearm, other than as evidence, to dispose of the firearm without the necessity of obtaining a court order. If the firearm remains unclaimed for a period of 180 days, the agency must publish at least one notice in a newspaper published in the county. If the firearm is not claimed within 30 days of published notice, the head of the agency shall dispose of the firearm by: (i) destroying it if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification; (ii) sale, trade or exchange with a federally licensed firearms dealer or auctioning it off at a public auction to licensed firearms collectors, dealers, importers, or manufacturers (the proceeds of any sale are retained by the agency for law enforcement purposes); or (iii) maintaining the firearm for training or experimental purposes or transferring the firearm to a museum or historical society. Even a firearm without a legible, unique identification number or that is deemed unsafe for use because of wear, damage, age, or modification may be disposed of in accordance with (iii) above.

The ability of a person who found the firearm to claim it, if the true owner was not located, is repealed. Disposition must be in one of the three ways mentioned. A record of the disposition must be maintained.

Finally, the law amends G.S. 14-269.1 which governs disposal of deadly weapons when a person is convicted of violating the concealed weapons law, or other statutes involving the use of a deadly weapon. G.S. 14-269.1(4) is amended to only allow a court to order destruction of a firearm "if the firearm does not have a legible, unique identification number or is unsafe for use because of wear, damage, age, or modification."

Effective: September 1, 2013

SENATE BILL 455, Increased Penalty/Seed Law Violations, amends G.S. 106-277.24 to change the punishment for the Class 3 misdemeanor of violating a provision of Article 31 (agricultural and vegetable seeds) of G.S. Chapter 106. The fine for this offense is raised to no more than \$10,000 (was \$500). The fine does not apply to a retailer when the seed sold by a retailer was acquired in a sealed container or package, or the retailer did not have reasonable knowledge that the seed sold was in violation of the Article. In determining the amount of the fine, the court must consider the retail value of the seed sold in violation of the law. In cases involving the unlawful sale of seed protected under federal law, the court must order the payment of restitution to any injured party for any losses incurred as a result of the unlawful sale. A person's license to sell seeds can be revoked for violating the seed law.

Effective: December 1, 2013

SENATE BILL 461, Commercial Drivers License Changes, amends G.S. 20-37.13 to require the DMV to allow a third party to administer a skills test for driving a commercial motor vehicle any day of the week. G.S. 20-7(f)(5) is amended to provide that the DMV is to issue a temporary driving certification for a commercial drivers license that is valid for 60n days. The temporary driving certificate for a regular drivers license is valid for 20 days. The temporary driving

certificate is the document DMV issues to a driver who is applying for, or renewing, a drivers license and allows the person to drive while DMV verifies the identity of the applicant. The certification is not valid for identification purposes.

Effective: July 1, 2013

SENATE BILL 465, Prohibit Use of Tax Zapper Software, adds a new G.S. 14-118.7 and makes it unlawful to knowingly sell, purchase, install, transfer, possess, use, or access any automated sales suppression device, zapper, or phantom-ware. An automated sales suppression device or zapper is a software program that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including transaction data and transaction reports. Phantom-ware is defined in the statute as “a hidden programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a second set of records or may eliminate or manipulate transaction records which may or may not be preserved in digital formats, to represent the true or manipulated record of transactions in the electronic cash register.” Any person convicted of a violation of this section is guilty of a Class H felony, which carries a fine of up to \$10,000. The person will also be liable for taxes and interest, and forfeit any profits as a penalty. An automated sales suppression device, zapper, or phantom-ware, or any device containing such device or software, is contraband and can be seized.

Effective: December 1, 2013

SENATE BILL 470, No Beer/Wine if Permit Revoked or Suspended, amends G.S. 18B-300 to make it unlawful to consume, or for a permittee or his agent or employee to allow the consumption of, malt beverages or unfortified wine on the premises of any business while its on-premises permits have been suspended or revoked by the ABC Commission. This prohibition does not apply if the business ceases to operate in the permitted location and the owner of the property is not the permittee, provided that the permittee is not engaged in any other business or other activity on the premises during the period of suspension or revocation.

Effective: December 1, 2013

SENATE BILL 480, UNC Capital Improvement Projects, provides appropriations for capital improvements for various institutions of The University of North Carolina. One such appropriation is the Bowman Gray Stadium & Civitan Park Acquisition by Winston-Salem State University, if the property continues to be made available for racing and racing-related events. The property has "NASCAR's longest-running weekly race track" located within Bowman Gray Stadium. G.S. 18B-1006 is amended to allow for ABC permits to be issued to any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the institutions, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the institutions.

Effective: August 23, 2013

SENATE BILL 488, Amend Nursing Home Administrator Act/Fees, makes numerous amendments to the nursing home laws. It authorizes the State Board of Examiners for Nursing Home Administrators to require, in its discretion, a criminal history record check of an applicant for license renewal as a nursing home administrator. G.S. 90-288.01(b).

Effective: July 23, 2013

SENATE BILL 494, Community Service/Post-Release Supervision, amends G.S. 15A-1368.4 to allow the Post-Release Supervision and Parole Commission to impose community service as a condition of post release supervision for a person sentenced as a Class F through I felon who failed to fully satisfy any order for restitution, reparation, or costs. The Commission may not impose such a condition of community service if the Commission determines that the person lacks the financial resources to satisfy the order. Prior to this change, community service was prohibited as a condition of post release supervision. The bill also amends G.S. 143B-721(d) to provide that a three-member panel of the Commission may set the terms and conditions for a post-release supervisee under G.S. 15A-1368.4, and may decide questions of violations thereunder, including the issuance of warrants. In the event of a tie in a vote by the full Commission, the chair is given an additional vote in order to break the tie.

Effective: June 26, 2013

SENATE BILL 528, Clarify Petit Juror Oath, clarifies the oath of a juror in G.S. 9-14 and 11-11. The oath of the petit juror will be to swear or affirm “to support and maintain the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith” and will “truthfully and without prejudice or partiality try all issues in civil or criminal actions that come before you and give true verdicts according to the evidence, so help you, God.”

Effective: October 1, 2013

SENATE BILL 530, Prohibit E-Cigarette Sales to Minors, amends G.S. 14-313 which prohibits the sale or distribution of tobacco products to a person under the age of 18. The term “tobacco product” is amended to include not only tobacco, but also tobacco-derived product, vapor product, or components of vapor product. The term tobacco-derived product means any noncombustible product derived from tobacco that contains nicotine and is intended for human consumption, whether chewed, absorbed, dissolved, ingested, or by other means. The term vapor product means any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe. Vending machines distributing tobacco-derived products, vapor products, or components of vapor products in establishments where minors could access them, must be removed prior to August 1, 2013. A person engaged in the distribution of tobacco products through the Internet or other remote sales methods must perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process to establish that the individual ordering the tobacco products is 18 years of age or older.

Effective: August 1, 2013

SENATE BILL 539, Jury List/Date of Birth Information, amends G.S. 9-4(b) to make a juror's date of birth as maintained by boards of elections confidential and not subject to disclosure except upon order of the court.

Effective: June 19, 2013

SENATE BILL 542, Drug Testing For Long Term Care Applicants & Employees, allows for drug testing of applicants for employment and employees of long term care facilities and nursing homes.

Effective: October 1, 2013

SENATE BILL 568, Bioptic Lenses for Drivers License Tests, allows a person to use bioptic lenses to meet the vision requirements in order to obtain a regular Class C drivers license. Bioptic Telescopic Lenses are vision-enhancement lenses with extreme magnification, used to improve distance vision for those with severely impaired eyesight. They may take the form of head-mounted eyeglasses similar in appearance to goggles and binoculars. The driver using these lenses will be limited to driving between the period beginning one-half hour after sunrise and ending one-half hour before sunset.

Effective: July 3, 2013

SENATE BILL 571, Authorize Various Special Plates, amends G.S. 20-79.4 to authorize numerous special motor vehicle registration plates. Among these plates are plates for any municipality, National Law Enforcement Officers Memorial and Volunteers in Law Enforcement. At least 300 applications must be received by DMV and a portion of the proceeds will be paid to the organization.

Effective: July 29, 2013

SENATE BILL 583, Metal Theft Statute Amendments, amends G.S. 66-420 by clarifying the definition of a cash card system. The new definition reads: "A system of payment that provides payment in cash or in a form other than cash and that when providing payment in the form of cash: (i) captures a photograph of the seller at the time payment is received and (ii) uses an automated cash dispenser, including, but not limited to, an automated teller machine."

Copper is now defined as: "Nonferrous metals, including, but not limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, copper tubing and pipe fittings, and insulated copper wire. The term shall not include brass alloys, bronze alloys, lead, nickel, zinc, or items not containing a significant quantity of copper." Conforming changes to the definition of "Nonferrous metals" was also made.

Effective: June 19, 2013

SENATE BILL 584, Amend False Liens Law, amends G.S. 14-118.6, which makes it unlawful for a person to file a false claim or lien against the real or personal property of a public official or employee, by including the spouse or child of a public officer or employee under the protection of the statute. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: December 1, 2013

SENATE BILL 626, Recodify Animal Shelter Law, adds a new G.S. 14-363.3 which provides that any animal control officer, animal cruelty investigator appointed under G.S. 19A-45, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by any reasonable means under the

circumstances after making a reasonable effort to locate the owner or other person responsible for the animal. This bill does not apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.

New G.S. 19A-32.1 is added to provide that all animals received by a shelter must be held for a minimum period of 72 hours (or longer minimum period established by a board of county commissioners) prior to being euthanized or otherwise disposed of.

Before an animal is euthanized or disposed of, the animal must be made available for adoption. The animal does not have to be made available for adoption if it is: (i) unadoptable due to injury or temperament; (ii) seriously ill or injured; or (iii) held as evidence in a criminal trial. Persons seeking a lost pet at a shelter are entitled to view every animal at the shelter at least four hours a day, three days a week. Those animals subjected to the minimum hold period described above can be held in foster care, at an approved rescue organization or by the person who found the animal. If possession of the animal is transferred, the shelter must keep a photograph of the head and face of the animal displayed at the shelter.

An animal surrendered to the shelter by its owner, and not reclaimed during the minimum hold period, may be: (i) returned to the owner; (ii) adopted by a new owner; or (iii) euthanized in accordance with rules adopted by the Department of Agriculture and Consumer Services, American Veterinary Medical Association, Humane Society of the United States, or the American Humane Association. If waived by the owner, the animal can be disposed of prior to the expiration of this minimum hold period. An owner who surrenders a dog must state whether the dog has bitten anyone in the previous ten days.

Persons to whom an animal is released must show a valid drivers license, State identification card, military identification card, or passport. Records of all animals kept at the shelter must be retained for three years and must be available for inspection.

G.S. 19A-64 was modified to provide that the reimbursement amount paid to eligible cities and counties from the Spay/Neuter account is limited to 150% of the average reimbursement during the prior calendar year.

Effective: July 29, 2013

SENATE BILL 630, Evidence & DNA Expunction Laws, amends G.S. 20-139.1 by adding a new subsection (h) which provides that a blood or urine sample subject to a chemical analysis for alcohol or drugs may be destroyed by the analyzing agency 12 months after the case is filed or after the case is concluded in the trial court and not under appeal, whichever is later, without further notice to the parties. However, if a Motion to Preserve the evidence has been filed by the State or the defendant, the evidence is required to remain in the custody of the analyzing agency or the agency that collected the sample until a dispositive order of a court is entered.

The bill also amends, effective December 1, 2013, G.S. 8-58.20(f), 8-58(g)(5), 20-139.1(c1), 20-139.1(c3), 20-19.1(e1), 90-95(g), and 90-95(g1), which deal with the use of affidavits of analysis or chain of custody. The amendments to these statutes state that the affidavit of analysis or chain of custody "shall" be admitted if the defendant or his attorney fails to object to the affidavit as

required by statute. These laws previously authorized the court to admit the affidavits but did not require it.

Also, effective December 1, 2013, the bill gives the State Crime Laboratory 90 days (was 30 days) to respond to a request to expunge a DNA record or destroy a DNA sample.

Effective: June 19, 2013

SENATE BILL 634, Increase Penalties/Utilities Theft, amends G.S. 14-151 (interfering with gas, electric, and water meters or lines) to increase the punishment from a Class 2 misdemeanor to a Class 1 misdemeanor. It makes a second or subsequent violation a Class H felony. A violation that results in “significant property damage” or “public endangerment” (these terms are not defined) is a Class F felony. A violation that results in the death of another is a Class D felony, unless the conduct is covered under some other provision providing greater punishment. The bill makes clear that water meters and connections are covered by the statute.

Effective: December 1, 2013

SENATE BILL 659, MAP 21 Conforming Revisions, brings North Carolina law into compliance with the federal standards found in the federal transportation bill entitled Moving Ahead for Progress in the 21st Century (MAP 21). As a result, 5% of the federal highway construction funds were required to be used for highway safety projects. G.S. 20-17.8 was amended to make it clear that DMV may not issue a drivers license to a person required to have an ignition interlock until shown proof of the installation of the interlock device. DMV must cancel the license if the person sells the car, registers another without an installed ignition interlock device or removes the ignition interlock device other than to change interlock providers. The financial hardship exception to the ignition interlock law was modified to require DMV to consider financial hardship on a case by case basis, as is required by NHTSA regulations. The medical exception to the ignition interlock requirement is now limited to a person with a DWI conviction and an alcohol concentration of 0.15 or more. Previously, a person with a medical condition which prevented the use of an interlock system could also be denied if the person had a prior DWI conviction within seven years or had been sentenced as an aggravated Level 1 offender. The exception does not apply to second or subsequent offenses or to persons punished at an aggravated Level 1 punishment.

Level 2 punishment for a DWI conviction was modified during the 2012 legislative session to allow the use of continuous alcohol monitoring in lieu of jail time. This change does not comply with federal regulations which require active jail time or community service if the defendant has a prior DWI conviction within the last five years. The bill therefore provides that in such a case, if the judge suspends all active terms of imprisonment and imposes a continuous alcohol monitory system, then the judge must also require the defendant to complete 240 hours of community service.

Federal law also requires at least ten days in jail for an offender with at least two prior DWI convictions. The NHTSA was concerned that the community service parole statute would allow a Level 1 DWI offender to avoid the minimum jail time. Therefore, G.S. 15A-1371(h) was amended to make it clear that the Level 1 offender must serve at least ten days in jail.

Finally, the NHTSA said our open container law did not comply with federal law because it exempted mopeds from coverage. G.S. 20-138.7(a3) was therefore amended to change the definition of "motor vehicle" for purposes of the open container law. This bill amends G.S. 20-138.7(a1) so that it is unlawful to possess an open container of alcoholic beverage or consume alcohol on a highway right of way in the passenger area of "any vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways and includes mopeds."

Effective: October 1, 2013

SENATE BILL 683, Safe Harbor/Victims of Human Trafficking, amends G.S. 14-43.11 (Human trafficking) to provide that a person commits a human trafficking offense when they: (i) knowingly or in reckless disregard of the consequences of the action, recruit, entice, harbor, transport, provide, or obtain by any means, another person with the intent that the other person be held in involuntary servitude or sexual servitude (previously, offense committed only when elements were knowingly committed); or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude (previously, there was not a separate element for minors). Punishment is a Class F felony if the victim is an adult. If the victim is a minor the punishment is a Class C felony. A mistake of age or consent of a minor is not a defense to prosecution.

This bill amends G.S. 14-43.12 to expand the definition of involuntary servitude. A person will now commit the offense of involuntary servitude when that person either knowingly and willfully or "in reckless disregard of the consequences of the action" holds another in involuntary servitude. Punishment is a Class F felony if the victim is an adult. If the victim is a minor the punishment is a Class C felony. Mistake of age or consent of a minor is not a defense to prosecution.

G.S. 14-43.13 (Sexual servitude) is also amended to provide that a person commits the offense of sexual servitude when that person either knowingly "or in reckless disregard for the consequences of the action" subjects or maintains another in sexual servitude. Punishment is raised from a Class F felony to a Class D felony if the victim is an adult. If the victim is a minor the punishment remains a Class C felony. Mistake of age or consent of a minor is not a defense to prosecution.

The bill repeals G.S. 14-190.18, (Promoting prostitution of a minor), G.S. 14-190.19 (Promoting prostitution of a minor), G.S. 14-204 (Prostitution and various acts abetting prostitution), G.S. 14-204.1 (Loitering for the purpose of engaging in prostitution), G.S. 14-205 (Prosecution; in what courts), G.S. 14-207 (Degrees of guilt) and G.S. 14-208 (Punishment; probation; parole).

The bill rewrites Article 27 (Prostitution) of Chapter 14 by adding multiple new sections.

G.S. 14-203 (Definitions) is amended to define additional terms to be used in Article 27, such as:

- Advance Prostitution – soliciting for a prostitute or keeping a place of prostitution
- Minor – a person less than 18



- Profit from Prostitution – receiving something of value for personally rendered prostitution services
- Prostitution – the performance of, offer of, or agreement to perform vaginal intercourse, any sexual act defined in G.S. 14-27.1, or any sexual contact defined in G.S. 14-27.1, for the purposes of sexual arousal or gratification for any money or other consideration.

A new G.S. 14-204 (Prostitution) provides "Any person who willfully engages in prostitution is guilty of a Class 1 misdemeanor." A first time offender will automatically receive deferred prosecution and unsupervised probation for 12 months. Conditions of probation must include:

- not violating any criminal statute of any jurisdiction;
- refraining from possessing a firearm or other dangerous weapon;
- submitting to periodic drug testing at a time and in a manner as ordered by the court, but no less than three times during the period of the probation, with the cost of the testing to be paid by the probationer;
- obtaining a vocational assessment administered by a program approved by the court; and
- attending no fewer than 10 counseling sessions administered by a program approved by the court.

The court may also include the following conditions:

- make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;
- pay a fine and costs;
- attend or reside in a facility established for the instruction or residence of defendants on probation;
- support the person's dependents; or
- refrain from having in the person's body the presence of any illicit drug prohibited by the North Carolina Controlled Substances Act, unless prescribed by a physician, and submit samples of the person's blood or urine or both for tests to determine the presence of any illicit drug.

If probation is successfully fulfilled, the court will discharge the person and dismiss the proceedings against them. When a person charged with this offense is a minor, they are immune from prosecution and instead are subject to temporary custody provisions of the juvenile code in G.S. 7B-1900, 7B-1901, and 7B-1905.

A new G.S. 14-205.1 (Solicitation of prostitution) provides that any person who solicits another for the purpose of prostitution is guilty of a Class 1 misdemeanor for a first offense and a Class H felony for a second or subsequent offense. Any person 18 years of age or older who willfully solicits a minor for the purpose of prostitution is guilty of a Class G felony. Any person who willfully solicits a person who is severely or profoundly mentally disabled for the purpose of prostitution is guilty of a Class E felony. Punishment under this section may include participation in a program devised for the education and prevention of sexual exploitation (i.e. "John School") where available. A person who violates this subsection shall not be eligible for a disposition of prayer for judgment continued under any circumstances.

A new G.S. 14-205.2 (Patronizing a prostitute) provides that any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute: (i) engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.1, or any sexual contact as defined in G.S. 14-27.1, for the purpose of sexual arousal or gratification with a prostitute; (ii) enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.1, or any sexual contact as defined in G.S. 14-27.1, for the purpose of sexual arousal or gratification. A violation is a Class 1 misdemeanor for a first offense and a Class G felony for a second or subsequent offense. Any person 18 years of age or older who willfully patronizes a minor prostitute for the purpose of prostitution is guilty of a Class G felony. Any person who willfully patronizes a prostitute who is severely or profoundly mentally disabled is guilty of a Class D felony.

A new law prohibits promoting prostitution. G.S. 14-205.3(a) makes it an offense for any person to willfully perform any of the following acts: (i) advances prostitution as defined in G.S. 14-203; or (ii) profits from prostitution by doing any of the following: (i) compelling a person to become a prostitute, (ii) arranging or offering to arrange a situation in which a person may practice prostitution, (iii) or profit by any other means. This statute does not apply to minors engaged in prostitution. Also a person cannot be convicted of promoting prostitution under this statute if the prostitution underlying the offense consists exclusively of the person's own acts of prostitution under G.S. 14-204. A violation is a Class F felony. A violation by a person with a prior conviction for a violation of this section, or a violation of G.S. 14-204 (prostitution), G.S. 14-204.1 (solicitation of prostitution), or G.S. 14-204.2 (patronizing a prostitute) is a Class E felony.

G.S. 14-205.3(b) makes it a separate offense of promoting prostitution of a minor or mentally disabled person if a person willfully: (i) advances prostitution as defined in G.S. 14-203, where the minor engaged in prostitution, or any person engaged in prostitution in the place is a minor or is severely or profoundly mentally disabled at the time of the offense; (ii) profits from prostitution by any means where the prostituted person is a minor or is severely or profoundly mentally disabled at the time of the offense; or (iii) confines a minor or a severely or profoundly mentally disabled person against the person's will by the infliction or threat of great bodily harm, permanent disability, or disfigurement or by involuntarily giving the person alcohol or drugs and compels the person to engage in prostitution, arranges a situation in where the person may practice prostitution, or profits from prostitution by the person. A violation of (i) or (ii) above is a Class D felony. A violation of (iii) above may range from a Class C felony to a Class F felony.

A new G.S. 14-205.4 allows the court to order any convicted defendant to be examined for sexually transmitted infections. If a person convicted of a crime involving prostitution receives a sentence which includes probation, and that person has a sexually transmitted infection, the period of probation may commence only upon such terms and conditions as shall ensure medical treatment and prevent the spread of the infection. Also, no female convicted of a crime involving prostitution will be placed on probation in the charge of a male probation officer.

A new G.S. 15A-1416.1 is added to allow a defendant to file a motion for appropriate relief to have a prostitution conviction vacated if the person can show he or she was a human trafficking victim. Also, a new G.S. 15A-145.6 is added to allow an expunction if the defendant was a

human trafficking victim when convicted of prostitution. A human trafficking victim is also eligible for crime victim's compensation under G.S. 15B-2. A new G.S. 14-43.20 also is added to require mandatory restitution to victims of human trafficking subjected to practices under G.S. 14-43.11, 14-43.12, or 14-43.13.

G.S. 143A-55.10 (North Carolina Human Trafficking Commission) is amended to require a representative from Legal Aid of North Carolina as a member. The Speaker of the House of Representatives will appoint a representative from the North Carolina Coalition Against Human Trafficking, a faith-based shelter or benefits organization providing services to victims of human trafficking and a district attorney. The Governor will appoint a representative from the Department of Labor, the Department of Justice, the Department of Public Safety and a health care representative.

Effective: October 1, 2013

SENATE BILL 712, ID Card for Homebound Persons, effective July 1, 2014, amends G.S. 20-37.7 to require that the special identification card issued by the DMV include a color photograph. The bill further requires the DMV, effective July 1, 2014, to adopt rules allowing a person with a physician's letter certifying that a severe disability causes the person to be homebound to obtain or renew a special photo identification card by means other than a personal appearance. No later than October 1, 2013, the DMV must report to the Chairs of the Joint Legislative Transportation Oversight Committee on the status of the implementation of a system allowing persons who are homebound to apply for or renew a special photo identification card by means other than personal appearance.

Effective: July 3, 2013

#### **BILLS NOT ENACTED, BUT ELIGIBLE FOR CONSIDERATION IN 2014**

HOUSE BILL 40, Amend Habitual DWI, would amend the current habitual DWI law from three DWI convictions in a 10 year period to two convictions within a 10 year period. This bill is currently in the Senate Judiciary I Committee.

HOUSE BILL 41, 0.00 Alcohol Restriction – All DWI, would restrict anyone with an ignition interlock system, or whose driver's license is first restored after a DWI conviction, from having any alcohol (0.00 alcohol concentration restriction) in their system while driving. Current law allows for a 0.04 alcohol concentration restriction. This bill is currently in the Committee on Rules and Operations of the Senate.

HOUSE BILL 585, Prison Rape Elimination Act Compliance, would make State prisons and local jails subject to federal standards developed in response to the Prison Rape Elimination Act (PREA) as a matter of State law. The bill passed the Senate Judiciary II Committee and was sent to the Senate Committee on Appropriations/Base Budget. The bill was amended in committee, without prior consultation with the North Carolina Sheriffs' Association, to make local confinement facilities subject to the federal PREA standards through the minimum standards for local confinement facilities. **This provision is opposed by the North Carolina Sheriffs' Association** because it incorporates federal incentive-based standards into state law. A similar provision was removed from the bill **at the request of the North Carolina Sheriffs'**

**Association** during the vote in the House. **At the request of the North Carolina Sheriffs' Association**, the bill was not scheduled for a vote in the Senate but instead sent to the Senate Committee on Appropriations/Base Budget.

HOUSE BILL 725, Young Offenders Rehabilitation Act, would raise the age of juvenile jurisdiction to include 16 and 17-year-olds who have committed misdemeanor offenses, and would establish the Juvenile Jurisdiction Advisory Committee. The bill would provide for a July 1, 2016 effective date for those under 16 at the time of the commission of the misdemeanor offense to fall under juvenile jurisdiction, and a July 1, 2017 effective date for those under 17 years of age.

The Juvenile Jurisdiction Advisory Committee's membership would include a sheriff and a chief of police, each appointed by the President Pro Tempore of the Senate. The bill would also do the following:

- provide that juveniles that are at least 16-years-old who are arrested by law enforcement may be released without the presence of the juvenile's parent, guardian, or custodian;
- make changes to the delinquency history level for a delinquent juvenile to include consideration of prior misdemeanor convictions (in addition to adjudication of a misdemeanor wrongdoing); and
- amend the duties and powers of the Department of Public Safety to provide that the Secretary is responsible for providing transportation to and from any State or local juvenile facility of any person under the jurisdiction of the juvenile court.

The bill has passed a preliminary vote in the House and is eligible for a final House vote next May. **This bill is opposed by the North Carolina Sheriffs' Association.**

HOUSE BILL 759, Require Number of Operating Brake Lights, would clarify that motor vehicles must have at least one working stop lamp on each side of the rear of the vehicle. The bill has passed the House and was assigned to the Senate Committee on Transportation.

SENATE BILL 261, Sales Tax Refund for Regional Jails, would allow regional jails to be added to the list of government entities that are entitled to a refund of sales and use taxes paid during the year on such things as building materials, supplies and equipment. This bill has passed the Senate and was assigned to the House Committee on Finance.

SENATE BILL 463, Jail Dormitory Minimum Standards, would amend the jail standards statutes to allow all counties (was counties with a population in excess of 300,000) to house 64 inmates per dormitory so long as certain minimum standards are met. This bill passed the Senate and was assigned to the Committee on Rules, Calendar, and Operations of the House.