

# North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



May 16, 2008

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On Tuesday, May 13<sup>th</sup> at 12 noon the 2008 Session of the North Carolina General Assembly convened in Raleigh, just one week after the state-wide primary elections. One new House member began her term of office replacing a member who had been expelled, one member was in attendance with her newborn child only 11 days after giving birth and there was much discussion about the elections since a good number of legislators won their primary election and are running for a higher state-wide office.

The good news is that the revenue projections show that North Carolina, contrary to much of the country, will have some increase in tax collections. The bad news is that the requests for new money greatly exceed the amount of the new revenue. Governor Mike Easley presented his proposed annual budget which recommends some tax increases, some cuts to current spending and some new spending. The budget committees began meeting this week to review Governor Easley's proposed budget, and then the Legislature will quickly focus on developing their own version of the budget.

As always, the first week of the Session included much talk about the General Assembly adopting a budget before the new fiscal year begins on July 1<sup>st</sup> and then trying to adjourn this "short session" as soon thereafter as possible. Only time will tell whether or not they can meet these two goals.

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

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## GOVERNOR'S BUDGET RECOMMENDATION

The proposed budget submitted by Governor Mike Easley for the 2008 - 2009 fiscal year contains various proposals of interest to Sheriffs, other law enforcement officers and the entire criminal justice community, to include:

1. Would appropriate \$121,402 for two positions to restore funding for the Clerks of Superior Court Conference.
2. Would appropriate \$500,000 for DNA evidence storage.
3. Would appropriate \$401,289 for five positions to restore funding for the Conference of District Attorneys.

4. Would appropriate \$273,793 for three additional positions in the SBI Crime Laboratory Firearms Section for forensic firearms analysts.
5. Would appropriate approximately \$200,000 for three positions in the Department of Justice to support the North Carolina Justice Academy, Criminal Justice Standards Division and Sheriffs' Standards Division in providing annual in-service training required for law enforcement officers across North Carolina.
6. Would appropriate \$22.6 million to restore funding for the Juvenile Crime Prevention Council (JCPC) Program across the state that provides a wide variety of programs and services aimed at reducing and preventing juvenile crime.
7. Would appropriate \$9.1 million to restore Criminal Justice Partnership Program (CJPP) funding to support community-based programs aimed at reducing recidivism, probation revocations, alcoholism and other drug dependency.
8. Would appropriate \$2.2 million for additional chief probation/parole officers.
9. Would appropriate \$1.8 million to improve case management and supervision of offenders on probation, parole and post-release supervision.
10. Would appropriate \$260,000 to continue the expansion of the GangNet internet based law enforcement intelligence sharing database containing information about known gang members.
11. Would appropriate \$600,000 so that victims of rape will no longer be required to pay the cost associated with a sexual assault forensic examination.
12. Recommends almost \$1.8 million for planning and design of a new State Highway Patrol Training Academy.
13. Would appropriate almost \$1.8 million for the construction of an addition between building 17 and 18 of the SBI.

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### **BILLS OF INTEREST**

HOUSE BILL 2074, Funding for Juvenile Crime Prevention Program, would appropriate \$660,624 to Juvenile Crime Prevention Councils serving Franklin, Granville, Person, and Vance Counties. **Introduced by Representative Allen.**

HOUSE BILL 2093, ATV use in Various Municipalities, would authorize the use of all-terrain vehicles in the Town of Lowell by law enforcement officers and employees of the town on highways with posted speed limits of 35 miles per hour or less. **Introduced by Representatives Neumann, Current and Clary.**

HOUSE BILL 2095, Regulation of Golf Carts in Pinehurst, would allow the Town of Pinehurst to adopt ordinances regulating the use of golf carts. **Introduced by Representative Boylan.**

HOUSE BILL 2096, Moore County in Eastern Deer Season, would provide that the Eastern Deer Season established by the Wildlife Resources Commission would apply to all of Moore County for the establishment of a single county-wide deer hunting season. **Introduced by Representative Boylan.**

HOUSE BILL 2101, [Locust and Oakboro to Regulate Golf Carts](#), would authorize the Towns of Oakboro and Locust to regulate golf carts being operated in their jurisdiction. **Introduced by Representative Furr.**

HOUSE BILL 2105, [Compensation for Erroneously Convicted](#), would increase the compensation provided to persons erroneously convicted of felonies who receive pardons of innocence. The amount of compensation would be increased from \$20,000 to \$40,000 yearly, and the maximum compensation would be increased from \$500,000 to \$700,000. **Introduced by Representatives Glazier, Ross, Blue and Harrison.**

HOUSE BILL 2106, [Pamlico/Tar River Foundation Special Plate](#), would authorize the Division of Motor Vehicles to issue a special registration plate for the Pamlico/Tar River Foundation upon receipt of 300 or more applications. **Introduced by Representatives McLawhorn and Warren.**

HOUSE BILL 2107, [Cleveland Correctional Dormitory Funds](#), would appropriate almost \$14 million for the construction of a 250 bed dormitory, kitchen, administration building and gatehouse at the Cleveland Correctional Center. **Introduced by Representatives Moore, Clary and England.**

HOUSE BILL 2117, [28-Year State Law Enforcement Retirement](#), would allow state law enforcement officers to retire with unreduced benefits after 28 years of creditable service. **Introduced by Representative Sutton.**

HOUSE BILL 2121, [Jackson Road Hunting](#), would prohibit hunting from the right-of-way of a public road or highway in Jackson County with certain exceptions. **Introduced by Representative Haire.**

HOUSE BILL 2122, [Jackson/No Shining Light on Deer](#), would prohibit the intentional shining of lights on deer. **Introduced by Representative Haire.**

HOUSE BILL 2123, [Alamance Fox and Coyote Trapping](#), would establish an open-season for taking foxes and coyotes in Alamance County "from June 1 - February 28 of each year." **Introduced by Representative Allred and Bordsen.**

HOUSE BILL 2135, [Special Plates Recognizing Military Services](#), would authorize the Division of Motor Vehicles to issue special motor vehicle registration plates recognizing the several branches of the United States Armed Forces. **Introduced by Representative Tarleton.**

HOUSE BILL 2136, [Oppose Real ID Act of 2005](#), would prohibit all state agencies from complying with the new federal REAL ID Act which imposes specific federal driver's licensing standards on the state. **Introduced by Representative Cole.**

HOUSE BILL 2139, [Study Mandatory Boating Safety Education](#), would authorize the Legislative Research Commission to study the feasibility of mandatory boating education. **Introduced by Representative Wray.**

HOUSE BILL 2150, Remove Restrictions of Sunday Boat Transport, would allow the towing of certain boats on any day with a proper permit and would allow the towing of boats of a certain width on any days including holidays, weekends and at night. **Introduced by Representative Stiller, Love, McElraft and Yongue.**

HOUSE BILL 2152, New Trooper Position in Brunswick County, would fund an additional State Highway Patrol trooper to be assigned in Brunswick County. **Introduced by Representative Stiller.**

HOUSE BILL 2160, Robeson Correctional Chapel Funds, would appropriate \$41,540 to expand the capacity of the Chapel at Robeson Correctional Unit. **Introduced by Representative Sutton.**

HOUSE BILL 2163, Pitt County Sheriff/Access DHHS Drug Database, is identical to Senate Bill 1605 discussed below in this report. **Introduced by Representative McLawhorn.**

HOUSE BILL 2165, Special Plate for Arts NC, is identical to Senate Bill 1604 discussed below in this report. **Introduced by Representative Carney.**

HOUSE BILL 2167, Towing of Recreational Boats/Exemption, would allow the towing of certain boats and boat trailers on any day of the week at any time without a permit and would allow the towing of boat trailers of a certain width any time including holidays, weekends and at night. **Introduced by Representative Williams.**

HOUSE BILL 2189, DV Victim Assistance, is identical to Senate Bill 1586 discussed below in this report. **Introduced by Representative McLawhorn.**

SENATE BILL 1586, DV Victim Assistance, would expand the duties of a law enforcement officer investigating a domestic violence case to require that the officer, in cases where the victim has a personal relationship with the accused, must provide the victim within 72 hours with an informational sheet providing certain information to the victim. This bill would also require the North Carolina Domestic Violence Commission, in consultation with the North Carolina Coalition Against Domestic Violence, the North Carolina Attorney General's Office and the Governor's Crime Commission to study the adoption of a state-wide automated victim notification system for persons who have received a domestic violence protective order. **Introduced by Senator Boseman.**

SENATE BILL 1589, Boat Towing-Holidays/Sundays, would allow the towing of certain boats and boat trailers on highways at any time, including holidays and Sundays when the motorist has the appropriate permit. This bill would also allow the towing of boats and trailers in excess of 120 inches in width on primary highways, also during any day of the week during daylight hours. **Introduced by Senator Boseman.**

SENATE BILL 1592, Special License Plate for "Old Baldy", would create a new state license tag for the Bald Head Island Lighthouse also known as "Old Baldy." Three hundred or more applications would be required prior to issuance of this new vehicle registration. **Introduced by Senator Soles.**

SENATE BILL 1596, NC Citizen Protection Act, is a multipart bill concerning illegal aliens in North Carolina. Among other provisions, the bill would: (1) make transportation of an illegal alien

under certain circumstances a felony; (2) make it a felony to commit identity theft for the purpose of fraudulently obtaining employment; (3) require the Secretary of Crime Control and Public Safety to designate law enforcement officers to be trained to enforce federal immigration and customs laws; (4) to prevent local governments from restricting their employees from cooperating with federal officials regarding immigration status; (5) authorizes licensing boards to revoke licenses issued to persons who have violated the federal immigration laws; and (6) various other related provisions. **Introduced by Senator Pittenger.**

SENATE BILL 1598, Allow Town of Hobgood to Regulate Golf Carts, would allow the Town of Hobgood to operate golf carts within its town limits. **Introduced by Senator Jones.**

SENATE BILL 1600, Increase Fee/Drivers License Restoration, would increase from \$100 to \$125 the fee for obtaining the return of a revoked driver's license that is revoked because of a refusal to submit to chemical analysis. Of that fee, \$25 would go to the county for reimbursement of jail expenses incurred due to enforcement of the impaired driving laws. **Introduced by Senator Jones.**

SENATE BILL 1604, Special Plate for Arts NC/Combat Veterans, would authorize the Division of Motor Vehicles to issue a special vehicle registration plate for Arts North Carolina, Inc. and to members of the military receiving certain specified awards. **Introduced by Senator Rand.**

SENATE BILL 1605, Pitt County Sheriff/Access DHHS Drug Database, would authorize the Sheriff and his specified deputies to access information in the prescription drug database maintained by the Department of Health and Human Services when the Sheriff or the Deputy Sheriff is engaged in a bonafide investigation relating to the regulation of illegal drugs. **Introduced by Senator Jenkins.**

SENATE BILL 1610, Recommendations of MH/DD/SA Oversight Committee, would amend the law to require that every state facility must report the death of any client of the facility, regardless of the manner of death, and the report must be made to the medical examiner of the county in which the body is found. **Introduced by Senator Nesbitt.**

SENATE BILL 1617, Special Plate for the Given Memorial Library, would authorize the Division of Motor Vehicles to issue a "Home of American Golf" special registration plate for the Given Memorial Library. **Introduced by Senator Blake.**

SENATE BILL 1622, Locust and Oakboro to Regulate Golf Carts, is identical to House Bill 2101 discussed above in this report. **Introduced by Representative Purcell.**

SENATE BILL 1626, Special Plate for Curesearch, would authorize the Division of Motor Vehicles to issue a special motor vehicle registration plate for the National Childhood Cancer Foundation, upon the receipt of 300 applications for issuance of the registration plate. **Introduced by Representative Purcell.**

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's World Wide Web site: [www.ncleg.net](http://www.ncleg.net).

You may also receive one copy of as many bills as you are interested in, free of charge, by calling the General Assembly's Printed Bills office at 919/733-5648. They will need to know if it is a House bill or Senate bill and the bill number. (For example, Senate Bill 8).

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