

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 06, 2011

As anticipated, the House passed their version of the proposed budget this week and it has now been sent to the Senate for their consideration. We anticipate that the Senate will accept parts of the House budget and make various changes as well over the next few weeks.

In a precedent setting move, the Senate cancelled all of their meetings on Thursday and the Senate majority caucus (i.e. Republicans) met in a closed session for most of the day. The meeting was held to review the House version of the budget bill and to get input and analysis from the General Assembly staff. Whether the Senate has a few changes or a lot of changes to the proposed House budget remains to be seen, but we anticipate that the Senate committees will begin their analysis next week.

The House and Senate both have now delayed the “cross over” deadline to Thursday, June 9th. This was extended from the original date of May 12th (next Thursday) and will give the committees an extra month to get their bills considered and acted upon.

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

BILLS OF INTEREST

HOUSE BILL 880, *New Driver Decals for Vehicles*, would require all drivers with a limited permit or limited provisional license to have a decal placed on both the front and rear of the vehicle to show to the motoring public that the driver is a “new driver.” **Introduced by Representative Brandon, and referred to the House Committee on Transportation.**

HOUSE BILL 882, *ATV & Motorcycles Off-Road Fund*, would require all-terrain vehicles and motorcycles meeting certain criteria to be registered with the Wildlife Resources Commission and to pay a registration fee that would go into a special fund to use for the acquisition, construction, maintenance and operation of trails for all-terrain vehicles and motorcycles. **Introduced by Representative Crawford, and referred to the House Committee on Transportation.**

HOUSE BILL 889, *Amend Locksmith Licensing Act/Increase Fees*, would make it unlawful for any person to possess any locksmith tools unless the person is a licensed locksmith. This bill would make various other changes in the statutes that create the North Carolina Locksmith Licensing Board. **Introduced by Representatives Collins, Burr, Lewis and Steen, and referred to the House Committee on Finance.**

HOUSE BILL 895, Butner Fire & Police District Modifications, would require the Secretary of Crime Control and Public Safety and the Town Council of Butner to create an “authority” to contract with the State of North Carolina to provide fire and police protection to the portions of the Butner Reservation that are outside the corporate limits of the Town of Butner and would direct the authority to contract with the Town of Butner to provide fire and police protection within the corporate limits of the Town of Butner. **Introduced by Representative Crawford, and referred to the House Committee on Finance.**

HOUSE BILL 900, Courts Commission Study, would require the North Carolina Courts Commission to study the organization of the General Court of Justice. **Introduced by Representative Haire, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 905, Impose Fee/Voluntary Dismissal/50B Orders, would impose a \$100 fee when a voluntary dismissal is taken of a domestic violence protective order, unless the judge waives the fee by making written findings of fact. **Introduced by Representatives Stevens and Ingle, and referred to the House Committee on Judiciary Subcommittee B.**

HOUSE BILL 911, Increase Criminal Court Costs/Victim's Comp, would increase criminal court costs in district and superior court by \$10 each to provide additional funding for the Victim's Compensation Fund. **Introduced by Representative LaRoque, and referred to the House Committee on Finance.**

BILL STATUS

HOUSE BILL 215, Unborn Victims of Violence Act/Ethen's Law, has been signed by Governor Bev Perdue and becomes effective December 1, 2011.

HOUSE BILL 219, Sex Offender Registry Amendments, has been signed by Governor Bev Perdue and becomes effective December 1, 2011.

HOUSE BILL 270, Amend Conditions of Probation, has been signed by Governor Bev Perdue and becomes effective December 1, 2011.

HOUSE BILL 316, Modify NCGA Police Powers, has been enacted into law effective May 3, 2011.

HOUSE BILL 483, DNA Samples/Additional Felonies, was tentatively approved on Monday and was amended on Thursday to add adequate funding for the State Bureau of Investigation and the Administrative Office of the Courts for administration of the additional DNA tests. The bill is scheduled for a final vote in the House next Monday before going to the Senate for further consideration.

HOUSE BILL 642, Justice Reinvestment Act, makes various recommendations for changes in probation and post-release supervision as well as creating a new “breaking and entering habitual felon” status. In addition, it contains language requiring additional misdemeanants to serve their sentences in the county jail. Currently, misdemeanants with a sentence of one to 90 days serve their sentence in the county jail and misdemeanants with a sentence of 91 to 180 days serve their sentence in the state prisons. This legislation proposes that misdemeanants with sentences of less than six months (180 days) would all serve their sentence in a county jail.

We are working closely with legislative leaders, legislative staff, the North Carolina Association of County Commissioners and the Department of Correction on this issue. The North Carolina Sheriffs' Association and the North Carolina Association of County Commissioners are opposed to any efforts to force these additional misdemeanor prisoners on county jails. However, our discussions with all interested parties are focused on a method of alleviating some of the misdemeanor burden on the state prisons without forcing any prisoners on county jails. We are hopeful that a resolution to this issue will be reached in the next few weeks and that the resolution will be satisfactory to all parties involved in the discussion.

SENATE BILL 49, Increase Fine for Speeding/School Zones, has been signed by Governor Bev Perdue and becomes effective August 25, 2011.

SENATE BILL 135, Allow Juvenile Record/Risk Determination/Bond, has passed the Senate and will now go to the House for further consideration.

SENATE BILL 311, Pretrial Release Violation/Arrest, has passed the Senate, and been referred to the House Judiciary Subcommittee B.

SENATE BILL 756, Amend Bail Law/Pretrial Release Programs, amends the laws establishing the conditions for bail and pretrial release and makes various changes in pretrial release programs. A number of sheriffs who have pretrial release programs in their county have been contacted by staff of their local pretrial release program regarding their concerns with this legislation. We are in discussions with the advocates for this legislation and have shared a number of concerns about the legislation with them. We anticipate that significant changes will be made to this legislation before it is considered in committee.

The North Carolina Sheriffs' Association has not yet adopted a position on this legislation pending a final determination of what will and what will not be included in the bill when it is scheduled for a committee hearing. It has been erroneously reported by some news media that this bill will eliminate “electronic monitoring” as a potential pretrial release condition, but that is incorrect. The opponents of this legislation have indicated that it will cause a significant number of persons to be denied pretrial release and be incarcerated in the county jail, but until a final decision is made on the actual contents of this legislation when it is considered in committee, its impact cannot be determined.

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's World Wide Web site: www.ncleg.net or by calling the General Assembly's Printed Bills office at 919/733-5748.

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