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# FINAL LEGISLATIVE REPORT

2008

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## North Carolina Sheriffs' Association



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The 2008 Session of the General Assembly adjourned on July 18, 2008. During the 2007-2008 legislative Session, 4,979 legislative bills were introduced for consideration.

The 2009-2010 Session of the General Assembly will convene on Wednesday, January 28, 2009 at 12 noon.

In keeping with the General Assembly's usual custom, the last few days of the Session included remarks from and on behalf of departing legislators who will not be returning for the 2009 Session. Notable among that group is Representative Joe Kiser of Lincoln County, a former Lincoln County Sheriff who has served many years in the General Assembly and who decided to retire and not run for re-election this year. Sheriff Kiser has been a tremendous advocate on behalf of North Carolina's Sheriffs and the entire criminal justice system during his tenure in the General Assembly. His dedication, common sense, wit, tenacity, knack for cross-examining speakers in committee and his friendship will be missed by all of us who have had the privilege of working with him.

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: (1) relevant bills enacted into law this Session; (2) relevant provisions of the 2007-2008 State Budget Bill; and (3) important legislation that was not enacted into law this year.

For 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 world wide website: [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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**STATE BUDGET BILL  
(HOUSE BILL 2436 as amended by House Bill 2438)**

**IMPORTANT JUSTICE AND PUBLIC SAFETY PROVISIONS**

1. Adds \$1.00 to court costs, including criminal court costs under G.S. 7A-304. This additional \$1.00 will be placed in the Court Technology Fund and will be used “to upgrade, maintain, and operate the judicial and county courthouse phone systems.” This increase in court costs applies to costs assessed or collected on or after July 20, 2008. (Note: This bill repeals the change to G.S. 7A-302 made during the 2007 session of the General Assembly that would have shifted the responsibility for telephone systems to the counties. The repeal was effective July 1, 2008.)

House Bill 2438, the 2008 budget technical corrections bill, amended House Bill 2436 to clarify that a person may pay the old court costs amount if he or she was charged prior to the effective date of the \$1.00 increase and is disposing of the offense by waiver after the effective date of the increase.

2. Amends G.S. 20-20.1 (limited driving privilege for certain revocations) and G.S. 7A-305 (costs in civil actions) to clarify that while the \$100 limited driving privilege processing fee is assessed upon the issuance of any Chapter 20 limited driving privilege, civil filing fees are assessed only for certain limited driving privileges. Specifically, the court should assess civil filing fees: (i) when the defendant is requesting a limited driving privilege under G.S. 20-20.1, which is the new Driving While License Revoked (DWLR) limited driving privilege; or (ii) when the conviction resulting in the revocation occurred outside the county in which the defendant is petitioning (such as when the defendant is seeking a limited driving privilege for an out-of-state conviction.) See House Bill 2438.
3. Provides \$6 million recurring funding and \$9 million one-time funding to The University of North Carolina (UNC) Board of Governors to implement recommendations of The University of North Carolina (UNC) Campus Safety Task Force.
4. Provides funding for three positions in the Criminal Records Check Unit of the Department of Health and Human Services (DHHS) to help implement new types of record checks and ensure processing times do not increase for existing checks.
5. Funding is provided for two new positions, an Investigator and Secretary, for the Innocence Inquiry Commission.
6. Agreed to continue funding the Conference of District Attorneys.
7. Agreed to continue funding the Clerks of Superior Court Conference.
8. In addition to the 58 new Assistant District Attorney (ADA) positions approved in 2007 that are to be funded after July 1, 2008, three new ADA positions were funded:

- one each in the judicial districts for: (1) Wake; (2) Mecklenburg; and (3) Harnett, Johnston and Lee.
9. Allows Mecklenburg County to hire eight Assistant District Attorneys using county or city funds.
  10. In addition to the 9 new District Court Judges funded in the 2007 budget, three new district court judge positions were funded: one each in the judicial districts for: (1) Wake; (2) Mecklenburg; and (3) Harnett, Johnston and Lee, plus a district court judicial assistant for each new judge.
  11. In addition to the 147 new Deputy Clerk of Court positions approved in 2007 that are to be funded after July 1, 2008, four new Deputy Clerk positions were funded.
  12. In addition to the 42 new Magistrate positions approved in 2007 that are to be funded after July 1, 2008, ten new magistrate positions were funded: four in Mecklenburg, two in Wake and one each in Durham, Gaston, Forsyth and Guilford counties.
  13. Funding for two non-sworn Forensic Firearm Analysts for the State Bureau of Investigation (SBI): one in the Raleigh crime lab and one in the Asheville crime lab.
  14. Funding in the amount of \$174,321 for the State Bureau of Investigation (SBI) to purchase new crime lab equipment.
  15. Funding for a Senior Research and Policy staff position for the Sentencing and Policy Advisory Commission.
  16. Eliminates a vacant Special Superior Court Judge's position and two judicial assistant positions.
  17. Funding for a new Program Assistant staff position for the North Carolina Justice Academy to support the law enforcement in-service training program. **This provision was supported by the North Carolina Sheriffs' Association.**
  18. Funding for a new substance abuse treatment program for female inmates at Black Mountain Correctional Center for Women.
  19. Funding for 10 additional male prison inmates to receive intensive drug and alcohol addiction treatment.
  20. Directs the Administrative Office of the Courts to use current funds available to connect its computer system to the probation/parole system of the Department of Correction – Offender Population Unified System (OPUS) - so that probation/parole officers have access to the most recent information on arrests and pending charges against probationers.

21. Agreed to continue funding of the Criminal Justice Partnership Program (CJPP) and expands the program by \$257,729.
22. Provides \$260,000 to enhance GangNet, an internet based law enforcement intelligence sharing database that contains information about known gang members. This enhancement will include gang data on prison inmates collected in the OPUS computer system of the Department of Correction.
23. Provides \$160,000 for warehouse rental for the Law Enforcement Support Services (LESS) surplus property program of the Department of Crime Control and Public Safety. **This provision was supported by the North Carolina Sheriffs' Association.**
24. Provides \$200,000 for hazardous material (HAZMAT) regional response teams.
25. Provides \$200,000 to the Governor's Crime Commission to study expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include 16 and 17 years olds, including costs to the State, cost benefit analysis, practical issues and creation of a specific plan of action that is necessary to implement the expansion of the Department's jurisdiction.
26. Provides \$600,000 to the Governor's Crime Commission to contract with the North Carolina Sheriffs' Association to provide North Carolina's Sheriffs with technical assistance and training associated with immigration enforcement. **This provision was supported by the North Carolina Sheriffs' Association.**

No later than March 1, 2009, the North Carolina Sheriffs' Association shall submit a report to the General Assembly on the operations and effectiveness of the Illegal Immigration Project. The report shall include all of the following: (1) an overview of the program; (2) the program budget; and (3) a summary of work done with funds received, which shall include the following information: (a) the total number of law enforcement agencies that received funding from the program for officer training; (b) the total number of officers trained; (c) the total number of training sessions administered; (d) copies of educational/informational materials distributed; and (4) recommendations on ways that federal, State, and local resources can be used to further improve the effectiveness of the Illegal Immigration Project and other immigration enforcement initiatives.

27. Provides \$250,000 to the Governor's Crime Commission to award grants of up to \$25,000 to Sheriffs' offices to assist with the enforcement of the State's sex offender laws. **This provision was supported by the North Carolina Sheriffs' Association.**
28. Provides \$10 million to the Governor's Crime Commission to award grants for gang prevention and intervention.
29. Agreed to continue funding of the Tar Heel Challenge Academy and to provide an additional \$193,000 to increase the number of graduates from 220 to 250 annually.

30. Provides \$1,078,078 to support the Rape Victim Assistance Program to pay the insurance co-pays of rape victims with insurance and to pay 100 percent of the forensic exam costs for rape victims without insurance.
31. Provides funding for two new State Capitol Police Officers.
32. Provides \$1 million to the Sexual Assault and Rape Crisis Center Fund for sexual assault and rape crisis services.
33. Increases, by over \$1 million, the funds available for educational scholarships for children of military veterans who are killed or disabled.
34. Raises the court filing fee for a divorce from \$55 to \$75. The additional \$20 is dedicated to the Domestic Violence Center Fund for domestic violence shelters.
35. Provides \$5 million to begin the development and implementation of a Criminal Justice Data Integration pilot program to integrate and ensure the real time availability of critical information for law enforcement and the judicial system. It establishes the Advisory Committee to the Criminal Justice Data Integration Pilot program which includes as members the following Wake County officials: Sheriff, District Attorney, Senior Resident Superior Court Judge, Clerk of Superior Court, a Magistrate, Judicial District Manager for the Division of Community Corrections, Chief Court Counselor, as well as the President of Duke University and Chancellor of The University of North Carolina (UNC) or their designees.
36. Authorizes the Office of Indigent Defense Services (IDS) to establish “one or more pilot programs of alternative scheduling in district or superior court that would reduce defense attorney wait time and State expense.” Prior to establishing such a pilot, IDS must receive the consent of the Senior Resident Superior Court Judge, Chief District Court Judge and the District Attorney.
37. Provides \$1,792,000 for constructing an addition to State Bureau of Investigation (SBI) buildings 17 and 18 on the Garner Road Complex to house the Department's information technology group.
38. Provides for purchase of the Administrative Office of the Courts headquarters in Raleigh, which it currently leases.
39. Provides for construction of a healthcare and mental health facility for the North Carolina Correctional Institution for Women.
40. Provides for construction of a 252 bed minimum custody addition to Scotland Correctional Institution.
41. Provides for construction of a 504 bed medium custody addition to Bertie Correctional Institution.

42. Provides for construction of a 252 bed minimum custody addition to Tabor Correctional Institution.
  43. Provides for construction of a 504 bed medium custody addition to Lanesboro Correctional Institution.
  44. The Office of State Personnel, in conjunction with the Department of Correction, is required to conduct a compensation study of probation parole officers, including the identification and assessment of other positions in the labor market for which: (1) the job duties are similar; and (2) the education and experience requirements are similar. This report must be filed with the General Assembly by March 1, 2009.
  45. The Department of Crime Control and Public Safety, in consultation with the Department of Administration, is required to study suitable locations all across this state and outside of Raleigh for a possible relocation of the State Highway Patrol's Garner Road Complex, and shall report its findings to the General Assembly no later than February 1, 2009.
  46. Eliminates the State Advisory Council on Juvenile Justice and Delinquency Prevention.
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## HOUSE BILLS

HOUSE BILL 44, Domestic Violence Orders/Repeat Violators, reduces the required number of prior convictions for violations of Chapter 50B from three to two for a violator of a valid protective order to be guilty of a Class H felony.

Effective: December 1, 2008, and offenses committed before that date count in determining the total prior offenses.

HOUSE BILL 133, ATV for Beach Driving, allows a person age 16 or older to operate an ATV on the beach without wearing eye protection and a safety helmet as required by G.S. 20-171.19(a).

Effective: July 11, 2008

HOUSE BILL 274, Street Gang Suppression, makes numerous changes to address the issue of gangs as follows: (a) creates a Class E felony to discharge a weapon from inside an enclosure, including a motor vehicle, toward a person outside the enclosure as part of gang activity; (b) creates a Class H felony for any person to participate in a pattern of street gang activity as defined in this bill except that a person who is an organizer, supervisor, or acts in any other position of management with regard to the criminal street gang, shall be guilty of a Class F felony; (c) creates a Class H felony to encourage a person age 16 or older to participate in street gang activity and a Class F felony if the person encouraged is under age 16; (d) creates a Class H felony to threaten a person to prevent the person from withdrawing from a street gang or to

punish a person who has withdrawn from a gang; (e) provides that a person convicted of a misdemeanor offense for the benefit of or at the direction of a street gang shall be punished at the next higher misdemeanor level and a Class A1 misdemeanor shall be punished as a Class I felony; (f) property obtained through gang activity is considered contraband and subject to forfeiture; (g) deferred prosecution is allowed for first offenders under age 18; (h) expunction of a record is allowed for first offenders under the new gang law; (i) bail is restricted for street gang members who commit an offense while on pretrial release if they had a previous gang related conviction; and (j) an enhanced punishment for possession of a firearm is expanded to include not only a firearm but also any deadly weapon.

Effective: December 1, 2008

HOUSE BILL 545, Clarify and Amend Various Provisions, allows each dormitory in a county detention facility (i.e. jail) to house up to 56 inmates if certain criteria are met. This bill only applies to counties with a population in excess of 600,000 based upon the most recent federal census (Wake & Mecklenburg Counties only). This provision will assist Wake County in moving forward with the construction of an additional jail facility.

This bill also allows the Retirement Systems Division of the Department of State Treasurer to release the name and mailing address of former local governmental employees to North Carolina non-profit organizations representing 2,000 or more active or retired State government, local government, or public school employees. In addition, the Retirement Systems Division may release the name and mailing address of former State employees or former public school employees to North Carolina non-profit organizations representing 10,000 or more retired State government, local government or public school employees.

Effective: August 8, 2008

HOUSE BILL 887, Amend Criminal Offense of Stalking, repeals the existing law and rewrites the offense of stalking. A defendant is guilty of stalking if the defendant: (1) on more than one occasion harasses another person without legal purpose by written or oral means including text messages, e-mails, etc.; or (2) willfully engages in a course of conduct of following, monitoring, or interfering with the person's property without legal purpose and the defendant knows or should know that: (A) a person would fear for his or her own safety or the safety of his or her family or close friends; or (B) would suffer substantial emotional distress. A first offense of stalking is a Class A1 misdemeanor and if given community punishment, the defendant must be placed on supervised probation. A second offense is punished as a Class F felony. If there is a court order in place prohibiting the conduct of the defendant at the time of offense, the punishment is a Class H felony. The bill authorizes a defendant to be prosecuted in North Carolina for stalking "if any part of the offense occurred within North Carolina, including the defendant's course of conduct or the effect on the victim."

Effective: December 1, 2008

HOUSE BILL 933, Jessica Lunsford Act for North Carolina, significantly shortens the time period within which registered sex offenders are allowed to make certain notifications to the Sheriff. There are many provisions throughout the sex offender registration law that require a sex offender to give notice to the Sheriff within a 10 day time period and this bill reduces that time period from "10 days" to "three business days." This bill also creates new offenses and punishments for sexual offenses against children under age 13 including a minimum of 25 years



for rape of a child under age 13 and life time satellite monitoring of offenders. Punishments are increased for sexual exploitation of a minor and prostitution involving a minor.

The bill makes it unlawful for a registered sex offender to be on the premises of schools, children museums, child care centers or playgrounds or other places where minors gather for regularly scheduled educational, recreational or social events. Information about juveniles who must register as sex offenders is not public information but can be released to law enforcement and local boards of education. The licensee for each licensed day care center and the principal of each elementary school, middle school, and high school is required to register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the licensed day care center or school. Local school boards must annually check the national and State sex offender registries to determine if any contractors who come in contact with students are listed. Sex offenders who are on probation or parole for offenses that now require registration must be denied bond if they are arrested for a probation or parole violation.

This bill requires that the North Carolina Department of Justice “study the guidelines issued by the United States Attorney for the federal Sex Offender Registration and Notification Act (SORNA) to determine whether North Carolina is in compliance with those guidelines” and “identify any areas in which the State fails to comply with SORNA and the action required for compliance.”

Effective: December 1, 2008

HOUSE BILL 946, [Vandalism Damages More Than \\$5,000/Felony](#), raises the punishment from a Class 2 misdemeanor to a Class I felony for vandalism under G.S. 14-144, if it results in damage of more than \$5,000. If damage is \$5,000 or less, then the offense remains a Class 2 misdemeanor.

Effective: December 1, 2008

HOUSE BILL 1003, [Probation Violation Changes](#), adds as an aggravating factor for felony sentencing that the defendant has, during the 10 years prior to the offense, been found by a state court or the Post-Release Supervision and Parole Commission to be in willful violation of the conditions of probation or parole or post-release supervision. This legislation also allows a period of probation to be modified or extended after the period of probation has expired, if certain conditions are met, including a requirement that a probation violation report be filed with the Clerk of Court before the period of probation expires.

Effective: December 1, 2008

HOUSE BILL 1113, [State Tort Claims/Public Duty Doctrine](#), limits the use of the public duty doctrine as an affirmative defense in civil lawsuit claims against State agencies. This bill provides that the public duty doctrine is an affirmative defense on the part of the State department, institution, or agency against which a claim is asserted only if the claimant’s injury is the result of: (1) the alleged negligent failure of a law enforcement officer, including correctional officers and certain fire fighters, to protect the claimant from the action of others or from an act of God; or (2) the alleged negligent failure of an officer, employee, involuntary servant or agent of the State to perform a health or safety inspection that is required by statute. The bill specifies that the public duty doctrine may not be used as an affirmative defense in the

following instances: (1) where there is a special relationship between the claimant and the officer, employee, involuntary servant or agent of the State; (2) when the State has created a special duty owed to the claimant, and the injury suffered by the claimant is causally related to the public duty; or (3) where there is a statutory requirement to perform a health and safety inspection and the alleged failure to perform the inspection was the result of gross negligence. **At the request of the North Carolina Sheriffs' Association and others**, language was added to this bill to make it clear that this statute does not limit the right of a unit of local government or its officers to assert the public duty doctrine as a defense to protect law enforcement officers and other local employees in a civil lawsuit.

Effective: October 1, 2008

HOUSE BILL 1230, Nonprofit & Tourism ABC Law Changes, allows the issuance of a special one-time ABC permit for non-profit organizations to sell mixed beverages. Current law already allows issuance of a permit to sell beer and wine.

Effective: August 3, 2008

HOUSE BILL 1624, Frequency of Parole Reviews, provides that the Parole Commission may review cases no more frequently than once every third year where the prisoner was convicted of first or second degree murder. Previously, these cases could be reviewed every year. The Commission may give more frequent parole consideration if it finds that exigent circumstances or the interests of justice demand it. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: October 1, 2008

HOUSE BILL 2093, ATV use in Various Municipalities, adds the towns of Lowell and Manteo to the list of municipalities authorized by G.S. 20-171.24(f) to allow municipal employees to operate ATVs on streets with a posted speed limit of 35 m.p.h. or less.

Effective: July 15, 2008

HOUSE BILL 2105, Compensation for Erroneously Convicted, increases the compensation to be paid by the State from \$20,000 to \$50,000 for each year a person who was wrongfully convicted serves in prison. The total compensation cannot exceed \$750,000. Free job training for one year or tuition free education at a community college or State university may also be awarded. Persons who received a pardon of innocence by the Governor on January 1, 2004 or after are eligible.

Effective: August 4, 2008

HOUSE BILL 2121, Jackson Road Hunting, makes it a Class 3 misdemeanor for a first offense and a Class 2 misdemeanor for second or subsequent offenses: (1) to kill any wild animal or wild bird with the use of a firearm; or (2) to discharge a firearm from, on, or across the right-of-way of an improved State-maintained road, street, or highway in Jackson County. The owner or lessee of land adjoining the road is exempt.

Effective: October 1, 2008

HOUSE BILL 2122, Jackson/No Shining Light on Deer, makes it a Class 3 misdemeanor for a first offense and a Class 2 misdemeanor for a second or subsequent offense to: (1) shine a light intentionally upon a deer; or (2) sweep a light in search of deer between the hours of one-half

hour after sunset and one-half hour before sunrise in Jackson County. The bill specifically allows: (1) lawful hunting of raccoon or opossum during open season with artificial lights designed or commonly used in taking raccoon and opossum at night; (2) necessary shining of lights by landholders on their own lands; (3) necessary shining of lights by hunters in search of lost hunting dogs; (4) shining of lights necessary to normal travel by motor vehicles on roads or highways; and (5) use of lights by campers and others who are legitimately in these areas for other reasons and who are not attempting to attract or to immobilize deer by the use of lights.

Effective: October 1, 2008

HOUSE BILL 2123, Alamance Fox and Coyote Trapping, allows an open season in Alamance County for taking foxes and coyotes with rubber cleat traps from June 1 through February 28 of each year. The Wildlife Resources Commission must provide for the sale of foxes taken lawfully.

Effective: July 3, 2008

HOUSE BILL 2155, Holden Beach/Oak Island No-Wake Zone, makes it unlawful to operate a vessel at greater than a no-wake speed in the Intracoastal Waterway adjacent to the Town of Holden Beach and the Town of Oak Island within 1,000 feet of the center of the intersection of the inlet at the Lockwood Folly River. No-wake speed is idle speed or a slow speed creating no appreciable wake. A violation of the no-wake zone is a Class 3 misdemeanor. It is enforced in accordance with G.S. 75A-17, the same as other boating laws which allow all State and local law enforcement officers to stop boats and enforce this provision. This law cannot be enforced until no-wake markers, buoys and signs are in place.

Effective: July 15, 2008

HOUSE BILL 2167, Towing of Recreational Boats/Exemption, provides that boats or boat trailers that are 120 inches (10 feet) or more wide may only be towed after obtaining a permit and may only be towed during daylight hours. Boats or boat trailers that are 114 inches (9.5 feet) but less than 120 inches (10 feet) wide may be towed without a permit any day of the week, (including weekends and holidays), but only from sun up to sun down. Boats or boat trailers that are 102 inches (8.5 feet) wide but less than 114 inches (9.5 feet) wide may be towed without a permit any day of the week (including weekends and holidays), day or night. Boats or boat trailers that are in excess of 102 inches (8.5 feet) wide must have two amber lights at the widest part of the boat or trailer.

Note: This bill was enacted by the General Assembly and then vetoed by Governor Easley. The General Assembly then reconvened and voted to override the Governor's veto, thereby allowing this legislation to be enacted into law.

Effective: August 27, 2008

HOUSE BILL 2189, Domestic Violence Victim Assistance, adds an additional requirement for the law enforcement agency investigating a domestic violence case to provide the domestic violence victim, within 72 hours, the Administrative Office of the Courts information sheet (AOC-CV-323T) with information about agencies and services for victims of domestic violence. Prior to enactment of this law, the form was only provided to the victim when the domestic violence protective order was issued.

The bill also requires the North Carolina Domestic Violence Commission, in consultation with the North Carolina Coalition Against Domestic Violence, the Attorney General's Office, and the Governor's Crime Commission, to study the adoption of a statewide automated victim notification system for persons who have received a domestic violence protective order under Chapter 50B and to make recommendations to the General Assembly on or before January 1, 2009.

Effective: July 1, 2008

HOUSE BILL 2265, School Bus Exempt from Duplicate Inspection, exempts school buses from safety and emissions inspections because they are already required to be inspected every 30 days by G.S. 115C-248(a).

Effective: August 4, 2008

HOUSE BILL 2287, Service of Process/Electronic or Fax Receipt, allows a facsimile or electronic delivery receipt from a delivery service authorized by Federal law to serve process to be attached to the attorney's affidavit to establish proof of service of process in a civil case. It does not allow service of process by facsimile but does allow the delivery service to fax or e-mail the delivery receipt to the attorney. The bill specifically prohibits service of process by electronic mail.

Effective: October 1, 2008

HOUSE BILL 2308, CDL/Federal Compliance, clarifies that certain offenses which result in a disqualification to drive a commercial motor vehicle apply not only when operating a commercial motor vehicle but also apply to a holder of a CDL when operating a non-commercial vehicle. The bill also requires a minimum 30 day revocation of the privilege of operating a commercial motor vehicle and until an assessment and treatment is completed, when a CDL driver has a positive alcohol or drug test.

Effective: December 1, 2008

HOUSE BILL 2338, Hospital Report Child Injuries, requires a hospital or doctor to report to the appropriate law enforcement agency (city police if located within a city or the Sheriff if located in the county, but not within the city) recurrent illness or serious physical injury to any child under the age of 18 where the illness or injury appears, in the physician's professional judgment, to be the result of non-accidental trauma. This requirement is in addition to the duty already contained in G.S. 7B-301 to report child abuse, neglect, dependence, or a death of a juvenile.

Effective: December 1, 2008

HOUSE BILL 2340, Transporting Children in Open Bed of Vehicle, raises the minimum age for unsupervised children in an open pickup truck bed from age 12 to age 16. It also deletes the previous exception in this law for counties that have no incorporated area with a population in excess of 3,500, so now this law applies statewide. The person who violates this section is guilty of an infraction and must pay a penalty of not more than \$25 and no court costs, no matter how many underage children were in the pickup truck bed.

Effective: October 1, 2008

HOUSE BILL 2341, Child Passenger Safety Technician Liability, enacts a new law to protect a "certified child passenger safety technician" or a "sponsoring organization" from civil liability

for the “inspection, installation, or adjustment of a child safety seat or in providing education regarding the installation or adjustment of a child safety seat if: (1) the service is provided without fee or charge other than reimbursement for expenses; and (2) the child passenger safety technician or sponsoring organization acts in good faith and within the scope of training for which the technician is currently certified.” The certified child passenger safety technician or sponsoring organization is not protected from civil liability for “willful or wanton misconduct or gross negligence” or if the inspection installation or adjustment of the child safety seat or the education is in conjunction with the for-profit sale of a child safety seat.

Effective: October 1, 2008

HOUSE BILL 2391, No Automatic Revocation/Driver’s License/Incompetent Person, provides that the Commissioner of Motor Vehicles must make a determination of whether or not persons adjudged to be incompetent should have their driver’s license revoked. The Commissioner must consider the clerk of court’s recommendation regarding whether the incompetent person should be allowed to retain his or her driving privilege. If there is a revocation, the person has a right to a hearing before the Division of Motor Vehicles (DMV).

Effective: October 1, 2008

HOUSE BILL 2431, Studies Act of 2008, authorizes the following studies:

The Legislative Research Commission may study the following issues. The legislative bill shown in parenthesis may be considered in determining the nature, scope and aspects of the study.

- a. Prohibit Execution/Severe Mental Disability (House Bill 553)
- b. Felony Murder Rule (House Bill 787)
- c. Report Denial of Some Pistol Permits (House Bill 1287)
- d. Mandatory Boating Safety Education (House Bill 2139)
- e. Capital Murder Statute (House Bill 1526) issues related to streamlining and making more cost effective the determination of whether a first degree murder case may be tried as a capital case.
- f. Youthful Offender Expunction (House Bill 898) issues related to expunction of youthful offenders' criminal records, but still allowing the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission access to the records of expunction.
- g. Expiration of Concealed Handgun Permits issues concerning the time required for renewing a concealed handgun permit, including whether there should be a time limit for sheriffs to complete their review of renewal applications so that permits do not expire before the review process is complete.

The Joint Legislative Transportation Oversight Committee may study Wrecker Service Rules (House Bill 2789) of the State Highway Patrol.

The Joint Legislative Education Oversight Committee may study the impacts of raising the compulsory attendance age for public schools from 16 to 17 or to 18.

The Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee may study:

- a. expanding access to the Department of Health and Human Services (DHHS) Prescription Drug Database to include Sheriffs And Deputy Sheriffs (House Bill 2163 and House Bill 2292) and under what circumstances the prescription drug database maintained by the DHHS should be accessible to Sheriffs and Deputy Sheriffs.
- b. Inmate access to education, training, and work release programs (Senate Bill 1499) for: (i) increasing inmates' access to educational and vocational training opportunities at all State prison facilities; and (ii) increasing the number of work release slots at minimum security prisons.

The Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities and Substance Abuse Services may study the involuntary mental commitment statutes (House Bill 2202).

The Division of Emergency Management, in consultation with the North Carolina Association of County Commissioners, shall study ways and develop plans to increase the capabilities of counties to plan for, respond to, and manage disasters at the local level, including: (1) mandating, if determined necessary, the establishment and maintenance of emergency management agencies at the county level; (2) increasing the number of counties employing full-time emergency management coordinators, such that every county in the State, either individually or pursuant to a joint effort between two or more counties, has a full-time local emergency management coordinator available; (3) implementing an emergency management certification requirement for all local emergency management coordinators and other essential local emergency management personnel; (4) developing a model registry for use by the counties in identifying functionally and medically fragile persons in need of assistance during a disaster and in allocating resources to meet those needs; and (5) establishing a registry program for functionally and medically fragile persons in all counties.

The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery shall study, among other items, pandemic flu preparation and coordination between State departments of public health, crime control and public safety and agriculture, hurricane preparedness and response, energy security, bioterrorism preparedness and response and flood and natural disaster preparedness and response.

The Joint Legislative Study Committee on Civil Commitment of Sexual Predators Who Are Determined to be Incapable of Proceeding to Trial, shall study the State's current laws regarding defendants who are determined to be incapable of proceeding to trial and the State's current laws regarding involuntary commitment, and whether these laws adequately and appropriately address the public safety issues raised by certain defendants who are: (i) charged with committing a sex offense against a child; (ii) found incapable of proceeding to trial; and (iii) do not meet the criteria for involuntary commitment.

Effective: August 4, 2008

HOUSE BILL 2432, Study/Local Disaster Management Capability, is identical to the same study required by House Bill 2431. This bill also includes a new position of deputy adjutant general of the North Carolina National Guard.

Effective: August 3, 2008

HOUSE BILL 2463, Regulate Mortgage Servicers, amends various statutes in the North Carolina Mortgage Lending Act to regulate “mortgage servicers.” It defines “mortgage servicing” as “engaging, whether for compensation or gain from another or on its own behalf, in the business of receiving any scheduled periodic payments from a borrower pursuant to the terms of any mortgage loan, including amounts for escrow accounts, and making the payments of principal and interest and such other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the mortgage loan, the mortgage servicing loan documents, or servicing contract.” This bill requires persons engaging in mortgage servicing to get a license to do so. Engaging in the practice of mortgage servicing without a license will be a criminal violation under G.S. 53-243.14 (mortgage lending violation criminal penalty). However, the bill amends G.S. 53-243.14 to reduce the penalty from a Class I felony to a Class 3 misdemeanor.

Effective: January 1, 2009

HOUSE BILL 2464, Martin County Road Hunting, makes it a Class 3 misdemeanor to hunt with or discharge a firearm on, from, or across the right-of-way or any highway or public road in Martin County, or to possess a loaded firearm outside the passenger compartment of a vehicle while on the roadway or right-of-way in Martin County (unless the person is the owner or lessee of adjoining property or has written permission of the owner or lessee dated within last 12 months or a concealed carry permit). The bill also repeals various local acts which had included similar prohibitions for specific roads in the county.

Effective: October 1, 2008

HOUSE BILL 2487, Change Format of Drivers Licenses/Under 21, provides for drivers licenses and special identification cards issued after October 1, 2008 for persons under the age of 21 to be printed in a vertical format that distinguishes them from the current horizontal format that will now only be issued to persons over the age of 21.

Effective: October 1, 2008

HOUSE BILL 2492, Amend Release of Juvenile Escape Information, clarifies that the Department of Juvenile Justice and Delinquency Prevention may release information about a delinquent juvenile who escapes from secure custody. This clarification does not apply to undisciplined juveniles. If a juvenile is held in custody but not yet adjudged delinquent, then the Department may only release information about the escape if the juvenile is alleged to have committed an offense that would be a felony for an adult and the juvenile poses a threat to himself or others. The Department must make a reasonable attempt to notify the juvenile’s parents or guardian prior to release of the information to the public.

Effective: October 1, 2008

HOUSE BILL 2499, Drought/Water Management Recommendations, is a lengthy bill that addresses drought preparedness and response. It enacts a new G.S. 143-355.3 providing (among other things) that during a water shortage emergency, the Secretary of the Department of Environment and Natural Resources may adopt emergency water conservation rules. A new G.S. 143-355.6 makes it a Class 1 misdemeanor to violate these emergency rules.

Effective: December 1, 2008.

HOUSE BILL 2523, Autism Committee Recommendations, removes the age limitation for issuing a Silver Alert for a missing person who is believed to be suffering from dementia or other cognitive impairment. Previously the Center for Missing Persons could only issue such an alert if the person was age 18 or older, and now an alert can be issued regardless of the person's age.  
Effective: July 11, 2008

HOUSE BILL 2563, Parking Regulations in Richmond County, adds Richmond County to the list of cities and counties authorized to tow vehicles from private parking spaces and lots in accordance with G.S. 20-219.2.  
Effective: December 1, 2008

HOUSE BILL 2570, Create Permit for Movement of Trailer Frames, allows the Division of Motor Vehicles (DMV) to issue an annual permit for a manufacturer to move trailer frames that are fourteen feet and weigh 7,000 pounds or less to another location within three miles during daylight hours. Flags and markings on the trailer frames are required. G.S. 20-119 (special permits for vehicles of excessive size or weight; fees) is amended to impose a \$200 fee for a trailer frame permit.  
Effective: August 3, 2008

HOUSE BILL 2634, Caswell/Hunting on Private Property, clarifies that written permission to hunt or fish on private property in Caswell County that is given to a hunting club requires the club members to possess the current written permission for the hunting club from the landowner or lessee and a current membership card from the hunting club.  
Effective: October 1, 2008

HOUSE BILL 2666, Ashe Hospital Police/Limited Traffic Direction, allows a company police officer who is under contract with the Ashe County Hospital, who is certified by Chapter 74E, to direct traffic on highways that adjoin the hospital property in Ashe County but only when assisting in the arrival and departure of helicopters from the hospital. This authorization becomes effective if the hospital's chief executive officer and the Sheriff enter into a written agreement.  
Effective: July 10, 2008

HOUSE BILL 2689, Extend Vehicle Registration Fee Increase, allows the City of Durham to continue to charge up to a \$5.00 additional vehicle tax until June 30, 2009.  
Effective: June 30, 2008

HOUSE BILL 2760, Stokes Fox Season, allows open hunting season in Stokes County "from the first Saturday in January through the last Saturday in January of each year for taking foxes with weapons and by trapping, with no bag limit and tagging requirements prior to or after sale."  
Effective: October 1, 2008

HOUSE BILL 2762, Randolph/Authorize Clerk, authorizes the Clerk of Court's office in Randolph County to "accept payment of the fee charged by the county sheriff for offenders ordered to participate in pretrial electronic monitoring, for the purpose of remitting payment to



the county to support the operation of the pretrial electronic monitoring program.” This bill applies to Randolph County only.

Effective: June 26, 2008

HOUSE BILL 2768, Orange/Hunting on Private Property, provides that when permission to hunt on private property in Orange County is given to a hunt club, a member of the hunt club must carry a copy of the written permission from the landowner and a valid club membership. In addition, this bill also specifies that the Disabled Sportsman Program fee for the entire State is \$10.00 per event.

Effective: Orange County hunting is effective October 1, 2008 and the increased fee is effective July 1, 2008.

HOUSE BILL 2771, Joint Jurisdiction Bertie-Martin Jail/Execute Process, allows the Sheriff of Martin County and Martin County Deputy Sheriffs to execute process on an inmate who is in the custody of and on the premises of the Bertie-Martin Regional Jail, even though it is located in Bertie County.

Effective: July 10, 2008

HOUSE BILL 2788, provides for the following appointments to become effective September 1, 2008:

Recommended by the Speaker of the House:

- a. Sheriff Richard H. Webster of Chatham County is appointed to the Domestic Violence Commission for a term expiring on August 31, 2010.
- b. Steve O. Hunt of Catawba County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on August 31, 2010.

Recommended by the President Pro Tempore of the Senate:

- a. Sergeant John H. Guard of the Pitt County Sheriff's Office is appointed to the Domestic Violence Commission for a term expiring on August 31, 2010.

Effective: July 17, 2008

## **SENATE BILLS**

SENATE BILL 36, Orange County Local Act. By December 1, 2008, the Administrative Office of the Courts, in consultation with the North Carolina Department of Justice, the North Carolina Department of Correction, and the North Carolina Sheriffs' Association, shall develop procedures to ensure timely notification of the Division of Criminal Information (DCI) and Sheriffs about any person subject to registration as a sex offender who does not receive an active term of imprisonment.

SENATE BILL 132, Protect Children from Sexual Predators Act, makes exposure of the genitals a sexual act as it relates to displaying or disseminating materials harmful to minors. It also raises the felony punishment level by one class for First, Second and Third degree exploitation of a

minor (the same amendment was made by House Bill 933). Sex offenders are banned from using social networking web sites and this bill makes social networking web sites civilly liable for failing to make reasonable efforts to prevent sex offenders from using their sites. Sex offenders are also banned from changing their names.

Effective: The section on civil liability for social networking sites is effective May 1, 2009 and the remainder of the bill is effective December 1, 2008.

SENATE BILL 175, Interstate Wildlife Violator Compact, provides for the participation of North Carolina in the Interstate Wildlife Violator Compact. The Compact requires that a wildlife citation be issued to a nonresident in the same manner as a wildlife citation is issued to a North Carolina resident if the nonresident is from a compact-member state. When a person is convicted of a wildlife violation, fails to appear for a wildlife violation, or fails to comply with a wildlife violation, “the appropriate official” (presumably the court system) must report the conviction, failure to appear or failure to comply to the North Carolina Wildlife Resources Commission. If the defendant is an out-of-state resident, the Commission will forward this information to the defendant’s home state. The home state will then take action against the defendant as if the conviction, failure to appear or failure to comply had occurred in the home state. Similarly, the North Carolina Wildlife Resources Commission will receive conviction reports from other states regarding North Carolina residents and will take administrative action against the defendant as if the conviction had occurred in North Carolina. Each compact-member state must give reciprocal recognition to a license suspension entered in any other member state. Also, “a person who hunts, fishes, traps, possesses, or transports wildlife in this State or who purchases or possesses a license to hunt, fish, trap, possess, or transport wildlife in this State in violation of a suspension or revocation under [the compact] is guilty of a Class 1 misdemeanor.”

Effective: October 1, 2008

SENATE BILL 180, Prohibit Certain Game Promotions, makes it unlawful to conduct a server based electronic sweepstakes, which is defined to mean a system in which: (1) a database contains a pool of sweepstakes entries, with each entry associated with a prize value; (2) participants purchase a prepaid card; (3) each prepaid card provides one or more sweepstakes entries; and (4) sweepstakes entries may be revealed either: (a) at a point of sale terminal at the time of purchase or later; or (b) at a game terminal with a display that simulates a game ordinarily played on a slot machine or video gaming machine. Possessing such a game terminal for the purpose of a server-based electronic sweepstakes or to promote, operate, or conduct a server-based electronic sweepstakes on such a game terminal is illegal and the terminal is subject to seizure. Upon conviction, any ABC permit and any contract to sell lottery tickets is automatically revoked. A first violation of this law is a Class 1 misdemeanor, under G.S. 14-309(a), except that possession of five or more machines is Class G felony. The new law does not apply “to the form of Class III gaming legally conducted on Indian lands . . . if conducted in accordance with an approved Class III Tribal-State Gaming Compact applicable to that tribe.”

**This bill was supported by the North Carolina Sheriffs’ Association.**

Effective: December 1, 2008

SENATE BILL 212, Local Park and Recreation Participant Records, provides that information about minors and parents or guardians of the minor participating in park or recreational programs sponsored by a local government is not a public record. The county, municipality and zip code of such participants are public records. But, the following information is NOT public record: (1)

name; (2) address; (3) age; (4) date of birth; (5) telephone number; (6) name and address of parent or guardian; or (7) any other identifying information.

Effective: July 28, 2008

SENATE BILL 236, Regulation of Professional House Moving, amends the law which governs professional house moving by changing definitions for “house mover,” “Secretary” and “unsafe practices.” The new law requires that a person seeking licensure as a house mover must be at least 21 years of age (as opposed to 18, as under current law). The law specifies the manner of proving prior house moving experience and expands the prior experience requirement from two years to five years. The law provides a licensure grace period for persons with two years of prior house moving experience as of the effective date of the bill. This bill includes mailboxes among the obstructions that a house mover must temporarily remove and prohibits a house mover from removing an obstruction that is not in the highway right-of-way unless the owner of the obstruction approves of the removal. A violation is a Class 1 misdemeanor (as opposed to a Class 3 misdemeanor, as under current law). The law enacts a new statute to provide for the revocation of a house moving license, permit or authorization due to “unsafe practices” (as defined in the bill) and provides a review procedure for a person whose house moving license, permit or authorization has been revoked.

Effective: December 1, 2008

SENATE BILL 685, Up Penalties Cross Burn/Illegal to Hang Noose, prohibits cross burning “in any public place.” Previously the law applied only to public streets and highways. Includes a noose within the term “exhibit” found in the law which makes it unlawful to place an “exhibit” of any kind whatsoever, while masked or unmasked, with the intention of intimidating any person. A violation of any of these offenses is increased from a Class I to Class H felony. The bill also requires the Legislative Research Commission to “study the impact of recent cross burnings and noose hangings within the State and determine if any modifications should be made to existing statutes to lawfully deter this type of conduct.”

Effective: December 1, 2008

SENATE BILL 942, Prohibit Restricting Newspaper Distribution, prohibits a local government from enacting or enforcing any ordinance that prohibits distribution of newspapers on the non-traveled portion of any street or highway except when the distribution impedes the normal movement of traffic on the street or highway.

Effective: August 17, 2008

SENATE BILL 944, Change Penalty for Hit and Run Violations, raises the punishment for leaving the scene of a crash involving death or serious bodily injury (previously was death or injury) from a Class H felony to a Class F felony. The bill creates a new offense of leaving the scene of a crash involving injury and makes it a Class H felony. It also provides for a one year revocation of a driver’s license for commission of either offense unless the court determines a longer revocation is appropriate. A person who is convicted of the new offense of hit and run involving injury is eligible for a limited driving privilege.

The bill also abolishes the common law distinction that provides that personal property that has become affixed to real property is not subject to a charge of larceny. Any person who removes or

takes and carries away any property that is affixed to real property, with the intent to steal the property, is guilty of larceny.

Effective: December 1, 2008

SENATE BILL 1100, State Highway Patrol Funeral Expenses, allows the Secretary of Crime Control and Public Safety to use State Highway Patrol funds to pay up to \$10,000 for funeral expenses of a member of the State Highway Patrol who is killed in the line of duty. The Secretary is to study and report to the 2009 legislature on whether funeral expenses should be paid for all State law enforcement officers killed in the line of duty and, if so, the amount and whether an additional appropriation is needed.

Effective: June 1, 2008 and expires June 1, 2009

SENATE BILL 1214, Amend Interstate Compact/Adult Offenders, changes the size and composition of the membership of the North Carolina State Council for Interstate Adult Offender Supervision to include a district court judge appointed by the Chief Justice of the Supreme Court of North Carolina, a district attorney and a sheriff appointed by the Governor. The Governor, in consultation with the legislature and the judiciary, shall appoint a member of the Council to be the Compact Administrator, who shall also serve as North Carolina's Commissioner on the Interstate Compact Commission. A \$150 fee is required of persons who apply to transfer to another state pursuant to the compact. A parolee or probationer in North Carolina pursuant to this compact who violates his terms of release may be taken into custody and held without bail for up to 15 days prior to a hearing by the Compact Administrator. If re-incarceration is recommended, the parolee or probationer can be held until the sending state can arrange to obtain custody.

Effective: August 7, 2008

SENATE BILL 1263, Election Law Amendments, addresses a number of election-related issues, including a new Joint Legislative Elections Oversight Committee, new elections for multi-seat offices, instant runoff voting in local government elections, appeals of final decisions of the State Board of Elections in election protest matters, voter qualification and registration, the definition of "political committee," proving that an entity acted to support or oppose the nomination or election of a candidate, campaign contributions, the Public Campaign Fund for appellate court elections, the Voter-Owned Elections Fund for Council of State elections, the sale of goods and services by political party executive committees, campaign reports, the commingling of campaign funds with other funds, the nomination of candidates by "new" political parties, and electioneering communications. Note: This bill makes numerous changes in election laws and creates numerous criminal penalties. Review the actual bill for specifics.

Effective: August 2, 2008

SENATE BILL 1314, Amend Massage and Bodywork Therapy Act, amends various provisions of the North Carolina Massage and Bodywork Therapy Practice Act. Among the changes is an amendment making it a Class 3 misdemeanor "for an individual, association, partnership, corporation, or other entity to open, operate, or advertise a massage and bodywork therapy school without first having obtained the approval [of the North Carolina Board of Massage and Bodywork Therapy]." Other violations of the Act remain Class 1 misdemeanors.

Effective: December 1, 2008

SENATE BILL 1358, Street Gang/Prevention and Intervention, expands the legislative intent for community-based programs and strategies to prevent juvenile delinquency to include gang prevention. Under current law, the county Juvenile Crime Prevention Councils (JCPC) are the planning bodies for community-based programs serving juveniles and their families. The bill directs each County Council to assess the needs and resources available for juveniles regarding involvement or risk of involvement with gangs and to develop intervention strategies for juveniles. This bill expands the powers and duties of the State Juvenile Crime Prevention Council to include a focus on gang prevention and to require a review of the level of gang activity statewide and an assessment of the progress of the State, and of local governments, in gang prevention and addressing the needs of juveniles identified as being associated with gang activity.

The Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention are required to report to the General Assembly, by December 1, 2008, regarding school violence and gang activity, and effective practices for reducing violence and gang activity. It also requires the Department of Crime Control and Public Safety to report to the General Assembly, by December 1, 2008, on the protocols and procedures used to enter identifying information of juveniles in the GangNet database system.

The Governor's Crime Commission is to develop criteria for eligibility for funds appropriated for gang prevention and intervention. The Governor's Crime Commission must also identify cities and towns without full time parks and recreation staff and provide targeted outreach information to public and private agencies in those cities and towns who are eligible for these funds.

Effective: July 6, 2008

SENATE BILL 1407, Resale of Tickets via Internet, allows for the resale of tickets on the Internet for events at a price higher than the face price of the ticket. In others words, resellers of tickets on the internet cannot be charged with a criminal law violation for scalping if they comply with this new law. The venue selling the ticket can prohibit resale at a higher price by posting a notice prohibiting this on its webpage and with the Secretary of State. The reseller must guarantee a full refund to the ticket buyer: (1) if the event is cancelled, but a handling fee need not be refunded; (2) the buyer was denied admission to the event by reason of the ticket; and (3) the tickets are not delivered to the purchaser in a timely manner. Any ticket reseller must file a monthly report with the Department of Revenue listing the gross amount of receipts, purchases and sales price of all tickets, the venue, name and address of persons from whom each ticket was purchased and to whom the ticket was sold and any other information required by the Secretary of Revenue. Ticket purchasing software is prohibited. This law does not apply to student tickets to sporting events at institutions of higher education in North Carolina.

Effective: August 3, 2008 and expires June 30, 2009

SENATE BILL 1480, Medical Release for Ill and Disabled Inmates, allows the Department of Correction to refer inmates to the Post-Release Supervision and Parole Commission for early release when the inmate does not pose a public safety risk and is: (1) permanently and totally disabled; (2) terminally ill and is likely to die within six months; or (3) age 65 or older and suffers from a chronic disease or infirmity related to age. Inmates released will be provided a treatment plan and are to be supervised by the Division of Community Corrections. This bill

does not apply to an inmate convicted of a capital felony or a Class A, B1, or B2 felony or any inmate who must register as a sex offender. If the inmate's medical condition improves, the inmate's release can be revoked.

Effective: June 10, 2008

SENATE BILL 1598, Regulation of Golf Carts Various Localities, allows New Hanover County in unincorporated areas and the Cities of Locust, Wilmington, Beulaville, Butner, Erwin, Hobgood, Mayodan (after a public hearing), Mount Olive, Oakboro, Oriental, Pineville and the Village of Pinehurst to regulate the operation of golf carts on public streets and government property, including the registration and operation of the golf carts.

Effective: July 10, 2008

SENATE BILL 1632, 2008 Technical Corrections Act. G.S. 14-71(b) makes it a Class H felony for a person who "knowingly receives or possesses property in the custody of a law enforcement agency that was explicitly represented to the person by an agent of the law enforcement agency as stolen." This bill amends that statute to make it also apply when the representation was made by "a person authorized to act on behalf of a law enforcement agency."

G.S. 14-86.6 makes it a Class H felony for a person to engage in "organized retail theft" by conspiring "with another person to commit theft of retail property from a retail establishment, with a value exceeding one thousand five hundred dollars (\$1,500) aggregated over a 90-day period, with the intent to sell that retail property for monetary or other gain, and who takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration." This statute is amended to make it clear that when a person steals retail property from multiple retail establishments, the value of all of the property stolen can be counted together to determine if it meets the \$1,500 dollar amount over the 90-day period.

The Governor's Crime Commission shall review the level of gang activity throughout the State and assess the progress and accomplishments of the State, and of local governments, in preventing the proliferation of gangs and addressing the needs of juveniles who have been identified as being associated with gang activity. The Governor's Crime Commission shall develop recommendations concerning the establishment of priorities and needed improvements with respect to gang prevention to the General Assembly on or before March 1 of each year

Effective: August 7, 2008

SENATE BILL 1651, Anatomical Gifts. The previous version of this law required law enforcement officers, firefighters, paramedics and other emergency rescuers to make a reasonable search of an individual who was believed to be dead or near death for a document indicating that the person is an organ donor or was an individual who refused to be an organ donor. This bill rewrites that statute to authorize, but not require, the search to be conducted by the law enforcement officer, firefighter, paramedic or other official emergency rescuer. If a search is conducted and such information is located, the information should be sent to the hospital where the person is transported. This legislation requires that a search be conducted by the hospital for organ donor information of an individual who the hospital reasonably believes is dead or near death, as soon as practical after the individual arrives at the hospital.

This bill also reduces from 17 to 16 the minimum age to donate blood without the consent of a parent, but leaves at 18 the age for the sale of blood. **This bill was supported by the North Carolina Sheriffs' Association.**

Effective: August 2, 2008

SENATE BILL 1669, Community Colleges/Tobacco Free, allows a local community college board of trustees to implement and enforce a written policy prohibiting at all times the use of any tobacco on campus, in its property or vehicles, including prohibiting the use of tobacco by persons attending community college sponsored events.

Effective: July 11, 2008

SENATE BILL 1681, Smoke-Free Motor Fleet, prohibits smoking in State owned vehicles and requires a No Smoking sign to be conspicuously posted in all State-owned vehicles. This bill also allows local governments to prohibit smoking in local government vehicles.

Effective: January 1, 2009

SENATE BILL 1695, Vehicle Size and Weight Changes, makes several changes to the motor vehicle laws related to vehicle size and weight, including:

1. Expands G.S. 20-7 (issuance and renewal of drivers licenses) to provide that the holder of a Class C driver's license may also operate "[a] combination of non-commercial motor vehicles that have a GVWR of more than 10,000 pounds but less than 26,001 pounds." The bill provides that this new provision does not apply to a Class C license holder who is less than 18 years of age.
2. Amends G.S. 20-88 (property-hauling vehicles) to provide that license plates issued at the farm rate "shall be placed upon trucks and truck-tractors that are operated for the primary purpose of carrying or transporting the applicant's farm products, raised or produced on the applicant's farm, and farm supplies." The statute will continue to prohibit the use of these plates on vehicles "operated in hauling for hire."
3. Amends G.S. 20-115.1 (limitations on tandem trailers and semitrailers on certain North Carolina highways) to allow the North Carolina Department of Transportation (NC DOT), under certain conditions, to designate State highway system roads for use by vehicle combinations. Under current law, the NC DOT may not extend such a designation to a portion of the State highway system within the corporate limits of a municipality unless the municipality's governing body concurs. This bill repeals the requirement to get local government concurrence.
4. Provides that motor vehicle combinations consisting of a semitrailer of not more than 53 feet in length and a truck tractor "may be operated on all primary highway routes of North Carolina provided the motor vehicle combination meets the requirements of [G.S. 20-115.1(b)]." (Under current law, these motor vehicle combinations "may be operated on the interstate highways . . . and federal-aid primary system highways designated by the United States Secretary of Transportation" provided the combination meets the requirements of G.S. 20-115.1(b).)

5. The bill authorizes the NC DOT to, “at any time, prohibit motor vehicle combinations on portions of any route on the State highway system.” If the DOT does prohibit a motor vehicle combination on a route, it must “submit a written report to the Joint Legislative Transportation Oversight Committee within six months of the prohibition clearly documenting through traffic engineering studies that the operation of a motor vehicle combination on that route cannot be safely accommodated and that the route does not have sufficient capacity to handle the vehicle combination.”
6. Amends G.S. 20-116 (size of vehicles and loads) to provide that the total length limit of 60 feet for combinations of vehicles may be exceeded by “[m]otor vehicle combinations of one semitrailer of not more than 53 feet in length [current law is 48 feet] and a truck tractor.”
7. Also: (i) allows “the operation of self-propelled grain combines or other farm equipment self-propelled, pulled, or otherwise, not exceeding 25 feet in width [current law is 18 feet] on any highway, except a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways”; and (ii) amends the conditions that apply to the operation of combines exceeding 10 feet in width.
8. Further amends G.S. 20-118 (weight of vehicles and load) to revise the weight limit exception for crop-hauling vehicles so that it will apply to a vehicle that: (i) “[i]s hauling agricultural crops from the farm where the crop is grown to the closest market;” (ii) “[d]oes not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products”; and (iii) “[d]oes not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.”
9. Amends the cotton-hauling exception in G.S. 20-118 so that it applies to “a vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin . . . with a tandem-axle weight not exceeding 50,000 pounds [current law is 44,000 pounds].”
10. The wood-hauling exception in G.S. 20-118 is expanded so that it also applies to vehicles or vehicle combinations “hauling raw logs to first market.”

Effective: September 1, 2008

SENATE BILL 1736, Sex Offender/Register E-mail Address, amends the definition of sexually violent offense to include when a parent or caretaker permits or commits an act of prostitution with or by a juvenile and allowing or committing a sexual act upon a juvenile by a parent or guardian effective December 1, 2008. Requires a person registering for the sex offender registry to provide any online identifier that the person uses or intends to use and the person must report any changes to the Sheriff within 10 days of the change and must verify the online identifier during semiannual verifications. Failure to do so is a Class F felony. The Sheriff must forward any new information to the Division of Criminal Information (DCI) of the Department of Justice. DCI is authorized to release the online identifiers to entities providing online communication or remote computer services. An entity providing these online services which receives a complaint



that a minor was solicited by a user or that a user posted or transmitted material that contains a visual representation of a minor engaged in sexual activity must report this information and the online identifier information to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report to an appropriate law enforcement official in this State.

By December 1, 2008, the Administrative Office of the Courts (AOC), Department of Justice (DOJ), Department of Correction (DOC) and the North Carolina Sheriffs' Association are to develop procedures to ensure timely notification of DCI and Sheriffs about any person subject to registration as a sex offender who does not receive an active term of imprisonment. The Governor's Crime Commission is appropriated \$250,000 for grants of up to \$25,000 each to enhance and support law enforcement efforts by Sheriffs to do the following: (i) process and conduct in-person sex offender registrations; (ii) monitor compliance of sex offenders; and (iii) conduct activities to investigate and apprehend persons who commit reportable offenses. Eligible Sheriffs' offices are required to provide non-State matching funds equal to fifty percent (50%) of the grant amount awarded under this section, one-half of which may be in-kind contributions.

Effective: The appropriation of funds and the requirement to study procedures for notification of sex offenders who do not receive jail time are effective August 16, 2008. Except as otherwise indicated, all other provisions are effective May 1, 2009.

SENATE BILL 1770, Expand Medical Examiner Jurisdiction/Study, requires all State facilities for the mentally ill, developmentally disabled and substance abusers to report all deaths to the county medical examiner. The county medical examiner has jurisdiction over any deaths in these State facilities. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services is required to study the current death reporting requirements, assess the need for any additional reporting requirements or modifications to existing rules or procedures and report findings to the legislature.

Effective: July 28, 2008

SENATE BILL 1787, Vehicle Registration/Inspection Changes, allows an unregistered vehicle or a vehicle purchased at a private sale to be registered if it has received a passing inspection within the last 12 months (was 30 days). This bill also allows the Division of Motor Vehicles (DMV) to issue a three-day trip permit (was a one way permit) that allows an insured vehicle with an expired inspection to be driven only from the place the vehicle is parked to an inspection station, repair shop or DMV or contract agent registration office. This bill changed the 10-day temporary permit to limit it to a vehicle that fails to pass an emission inspection. It no longer allows a 10-day permit for a safety inspection failure; that driver must obtain the three-day trip permit.

Effective: October 1, 2008

SENATE BILL 1800, Motor Vehicle Definitions/Federal Compliance/ATV Use, makes technical changes to the definitions of hazardous materials that require a vehicle to be placarded and to the term "State" in the Motor Vehicle Code related to the commercial drivers license law so they are both consistent with federal law. This bill also allows natural gas utility employees and contractors to operate ATVs on public highways and rights of way. The ATV operator must carry company identification and is subject to all other laws relating to ATVs.

Effective: August 3, 2008

SENATE BILL 1860, Amend Child Abuse/Child Fatality Task Force, raises the punishment for misdemeanor child abuse from a Class 1 misdemeanor to a Class A1 misdemeanor. The bill creates two new felony child abuse crimes. A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life and results in “serious bodily injury” to the child is guilty of a Class E felony.

If actions result in “serious physical injury” to the child, the person is guilty of a Class H felony. “Serious bodily injury” is defined to be bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization. “Serious physical injury” means physical injury that causes great pain and suffering and includes serious mental injury.

Effective: December 1, 2008

SENATE BILL 1895, Johnston Courthouse Renovation, allows the Johnston County Board of Commissioners to award the contract for renovations of the Johnston County Courthouse without complying with all of the general requirements for constructing public buildings. Other requirements are imposed for this project.

Effective: July 3, 2008

SENATE BILL 1955, Limited Release from Prison for Deportation, allows the conditional release of prison inmates for deportation, at the discretion of the Post-Release Supervision and Parole Commission. This bill provides that United States Immigration and Customs Enforcement (ICE) may take custody and control of an inmate if: (1) the North Carolina Department of Correction has received a final order of removal; (2) the inmate was convicted of a nonviolent offense, as defined, and is incarcerated for that offense (if more than one offense is at issue, then all crimes must be nonviolent); (3) the inmate has served at least half of the imposed minimum sentence, or in the case of an impaired driving offense, the inmate has met parole eligibility requirements; (4) the inmate was not convicted of an impaired driving offense resulting in death or serious injury; and (5) the inmate agrees not to reenter the United States unlawfully. If ICE fails to deport, the prisoner is returned to the Department of Correction to serve out the remainder of the inmate’s sentence. The bill makes illegal reentry into the United States a violation of the conditions for early release, causing the inmate to be subject to arrest and re-imprisonment for the maximum original sentence, minus time served, and prohibits any other early release from confinement, other than post-release supervision.

Effective: August 8, 2008

SENATE BILL 1957, NCGA Police Powers, expands the jurisdiction of the North Carolina General Assembly Special Police to include while performing advance work and providing security for the protection of legislative members, staff, and the public for any meeting of a study, standing, select, or joint select committee, or any commission meeting of the General Assembly, or any state, regional, or national meetings of legislative bodies or organizations representing legislative bodies, and while accompanying a member of the General Assembly to or from any event listed.

Effective: August 2, 2008

SENATE BILL 1989, Craven Fox Trapping Season, allows a no limit open season for trapping foxes in Craven County only from January 2 until February 28 of each year. The Wildlife Resources Commission is instructed to provide for the sale of these foxes.

Effective: June 24, 2008

SENATE BILL 2056, Court Fee Exemption, exempts local governments from advancing court costs when filing child abuse, child support and other actions by the Department of Social Services.

Effective: August 8, 2008

SENATE BILL 2081, NICS Reporting/Restoration, requires that the involuntary commitment of an individual to inpatient or outpatient mental health treatment when the person is found to be a danger to himself or others or when an individual is found not guilty by reason of insanity or incompetent to proceed to trial in a criminal case must be reported by the clerk of superior court to the National Instant Criminal Background Check System (NICS) used for determining if a person can purchase a firearm. A person who seeks to be removed from NICS may file a petition with a district court judge upon the expiration of any current inpatient or outpatient commitment. An individual who has been found not guilty by reason of insanity may not petition a court for restoration under this section. The burden is on the petitioner to establish by a preponderance of the evidence that the petitioner no longer suffers from the condition that resulted in commitment and no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms. The district attorney is required to represent the State and present all relevant information. Any appeal is to superior court for a trial de novo.

Effective: December 1, 2008

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### **IMPORTANT LEGISLATION NOT ENACTED INTO LAW**

HOUSE BILL 389, Criminal Offense/False Statement to SBI Agent, would make it a felony to provide materially false information in response to an official inquiry by a sworn agent of the State Bureau of Investigation. This bill was not enacted into law.

HOUSE BILL 492, Juvenile Jurisdiction to Age 18 Years, would define a delinquent juvenile as a juvenile who is between 6 years of age and 18 years of age and who commits a crime or infraction other than a violation of the motor vehicle law. It would also establish a Task Force for Juvenile Justice Administration which would be composed of seventeen members. There is no requirement that any of the appointees to the Task Force have any experience in law enforcement, although there are three appointees each from the Speaker of the House and the President Pro Tempore of the Senate, and these six appointees could be used to include some law enforcement representatives. The increase in the age from 16 to 18 years would have been effective for offenses committed on or after December 1, 2009 and the Task Force would have had until January 15, 2009 to determine how to implement this change, and how to pay for it.

**This legislation was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

HOUSE BILL 898, Expunge Nonviolent Felony/Youthful Offender, was amended in the House so that it would be similar to the most current version of Senate Bill 677, which was its companion bill in the Senate. As amended, it would allow the expungement of criminal records of crimes committed by 16 and 17 year olds and would allow the expungement of almost 300 various Class H and I felonies. In the House, amendments were adopted to provide that the following offenses cannot be expunged: (1) possession of heroin or cocaine with the intent to sell or deliver; (2) knowingly contaminating food or drinks with a controlled substance [the date-rape drug]; and (3) stalking. The original version of the bill provided that a petition for expunction of a felony could not be filed for two years after conviction or the end of other court supervision and that was extended to four years. **This bill was opposed by the North Carolina Sheriffs' Association.** This bill was approved by the House in 2007 and was sent to the Senate, but was not enacted into law.

HOUSE BILL 980, Law Enforcement Officer Discipline, is identical to Senate Bill 980, and would implement a form of the Peace Officers' Bill of Rights. This bill would require all state and local law enforcement agencies to establish formal disciplinary procedures that must be followed when disciplining law enforcement officers, including the right to be represented by a lawyer, a union representative, or any other person. As introduced, this bill would not apply to Sheriffs' deputies. Previous versions of similar legislation introduced in prior legislative sessions included many more expansive provisions and would have included Sheriffs' deputies. If this legislation is ever enacted, it is likely that the proponents of this legislation will seek to expand its requirements and to make it apply to Sheriffs' deputies in future legislative sessions.

In 2007, this bill was amended in the House Judiciary I Committee to delete state law enforcement agencies from coverage by the bill. This bill was narrowly approved by the Committee and was then scheduled to be considered by the full House. It was eventually withdrawn from the House agenda and re-referred back to the House Judiciary I Committee where it remained. It was not considered in 2008 and was not enacted into law. **This bill was opposed by the North Carolina Sheriffs' Association.**

HOUSE BILL 1287, Report Denial of Some Pistol Permits, would require Sheriffs who deny a pistol purchase permit application to report the denial via DCI to the State Bureau of Investigation. The Sheriff would be required to enter the following information: (1) a statement that the permit was denied; (2) the date of denial; (3) the reason for the denial; (4) the county in which the permit was denied; and (5) sufficient information to identify the applicant. The bill would allow a Sheriff who has denied an applicant's pistol purchase permit request to later remove the denial from the SBI database if the Sheriff subsequently issues a permit to the same applicant.

The North Carolina Sheriffs' Association opposed the provision requiring the Sheriff to specify the reason for the permit denial, but otherwise had no position on the bill. This bill was approved by the House in 2007, remained pending in the Senate and was not enacted into law.

The Legislative Research Commission is authorized [by House Bill 2431, discussed above] to study the issues contained in this bill.

HOUSE BILL 1545, *Company Police Modernization*, would make various changes in the law that establishes company police agencies in North Carolina and would drastically expand the jurisdiction of these agencies. **Provisions in this bill that expand the jurisdiction of the company police were opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

HOUSE BILL 1583, *Restore Contract Rights To State /Local*, would allow payroll deduction of dues to continue for government employees' associations that engage in collective bargaining between state and local government. This bill would require collective bargaining between state and local government employers and employee associations. **This bill was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

HOUSE BILL 1584, *Public Safety Employer/Employee Cooperation Act*, would allow "public safety officers" employed by local governments to form an association or labor organization. The bill would also allow an officer whose rights have been violated to sue in civil court to obtain injunctive relief or monetary damages. "Public safety officer" is defined in this legislation as a firefighter or an emergency medical services personnel. As introduced, it did not include law enforcement officers, but if it had been enacted into law, there would likely be follow up legislation to add law enforcement officers at a later date. **This bill was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

HOUSE BILL 1716, *State to Retain Custody/Forfeited Property*, would have required that a State or local law enforcement agency that seizes property, including property seized in drug raids or other law enforcement activities to enforce the State's controlled substances law, would be required to retain custody of the property on behalf of the State. The law enforcement agency would be prohibited from asking the Drug Enforcement Administration (DEA) or any other federal agency to adopt the seizure, or to otherwise transfer the seized property to a federal agency, without specific authorization of either the Senior Resident Superior Court Judge or the Chief District Court Judge in the district where the seizure occurred. The judge would not be permitted to authorize a transfer to a federal agency of property seized unless the law enforcement agency could show to the court that the seizure was in fact pursuant to a joint local-federal enforcement action in which the federal agency took the dominant role. **This bill was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

HOUSE BILL 1787, *Expunction Information/Dismissal or Not Guilty*, would have required the Administrative Office of the Courts to provide information and application forms on the Internet for expunction of criminal records when charges are dismissed or there is a finding of not guilty. Each clerk of court would be required to post a notice in a conspicuous location, to which the public has access, in the clerk's office about the possibility of a criminal defendant being eligible to obtain expunction of their criminal records when charges are dismissed or there is a finding of not guilty. The bill would require this notice that must be posted by the clerk of court to be developed by the Administrative Office of the Courts. This bill passed the House in 2007, remained in the Senate, and was not enacted into law.

HOUSE BILL 2025, Regional Jails Evaluation Funds, would have funded \$150,000 each year to the Department of Crime Control and Public Safety and the Governor's Crime Commission to provide a grant to the North Carolina Sheriffs' Association to assist Sheriffs in North Carolina in evaluating the advisability of constructing regional jails for joint use by Sheriffs of multiple counties and to determine if regional jails are advisable and feasible. This bill was not enacted into law.

SENATE BILL 4, Sheriffs Access RX Info., would authorize Sheriffs to inspect prescription information. Access to this information would be helpful in investigating "doctor shopping" cases where drug abusers go to multiple doctors for the same alleged medical problem solely for the purpose of getting multiple prescriptions for controlled substances. Currently, only federal and state law enforcement officers whose duty it is to enforce the laws relating to controlled substances are allowed to access this information. This bill was amended in the Senate to clarify that the authority granted by this bill only applies to the constitutionally elected or appointed Sheriff. The bill was approved by the Senate in 2007, and sent to the House, but was not enacted into law. **This legislation was supported by the North Carolina Sheriffs' Association.** [This bill was amended to delete the sheriff's access to prescription information and changed to require reporting of voluntary racial and ethnic public health information. This amended bill was enacted into law.]

SENATE BILL 677, Expunge Nonviolent Felony/Youthful Offender, would allow felony defendants to have their record expunged for almost all of the 300 Class H and Class I felonies. This legislation would also require that persons eligible for expunction of their criminal record must be notified of their ability to get an expunction by their probation officer or, if no probation officer is assigned, by the court at the time of the conviction of the felony. A fee of \$100 would be required to obtain an expungement, and that fee would go into the state's General Fund and would not go directly to any state or local law enforcement agency or court agency required to expunge the records.

In 2007, this bill was amended in the Senate Judiciary II Committee to make various changes to include: (1) extend from 10 days to 30 days the period for the district attorney to object to the expungement request; (2) provide that the judge may review the applicant's juvenile record, the amount of restitution made by the applicant to the victim and any other evidence that the court considers relevant; and (3) provide that the judge may enter an expungement order if the judge believes that it is appropriate, but the judge is not required to enter the expungement order. After passing the Senate Judiciary II Committee, this bill was referred to the Senate Finance Committee but was not enacted into law. **This bill was opposed by the North Carolina Sheriffs' Association.**

SENATE BILL 970, Public Safety Employer/Employee Cooperation Act, would establish a Public Safety Employer/Employee Cooperation Act, which would allow public safety officers employed by local governments to have collective bargaining like a union. When the organization represents more than half of its members, the organization may advocate for their members and be present at the interrogations of members, meet with the employer leadership, reduce agreements to a memorandum of understanding, and enforce the memorandum in a civil action. The bill would also allow the officer who feels his rights have been violated to sue in

civil court to obtain monetary damages or other damages. **This bill was opposed by the North Carolina Sheriffs' Association.** It was not enacted into law.

SENATE BILL 1081, Expunge Nonviolent Crimes, was amended to allow the expungement of five felony criminal offenses: (1) breaking or entering a building with the intent to commit a felony or larceny therein; (2) breaking or entering motor vehicles, railroad cars, trailers, aircraft, boats, or other watercraft; (3) possessing stolen goods; (4) obtaining property by false pretenses where the value is less than \$100,000; and (5) possession of a Schedule VI controlled substance. Expungements allowed under this bill would only be allowed for first offenders and could only be obtained after ten years from the date of the conviction of the felony. The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission would have access to the file at the Administrative Office of the Courts to determine if an applicant for certification as a law enforcement officer has previously received an expungement, and those records could be used to deny law enforcement officer certification to a person who has previously received an expungement. This bill passed the Senate in 2007, remained pending in the House Finance Committee, and was not enacted into law.

SENATE BILL 1120, Company Police Modernization, would make various changes in the laws that establish company police agencies in North Carolina, and would drastically expand the jurisdiction of these agencies. **Provisions in this bill that expand the jurisdiction of the company police were opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

SENATE BILL 1271, Firefighter/EMS Payroll Deductions, would require that a public safety employer must make a payroll deduction upon the request of the employee for any membership dues of any firefighter and emergency service personnel organization that represents a majority of eligible employees in the department. This bill was amended to add law enforcement officers to the groups who are allowed to make a payroll deduction for membership dues at an officer's request for a law enforcement organization or association with at least 2,000 members statewide. In 2007, this bill passed the Senate and was sent to the House, but was not enacted into law. **This bill was opposed by the North Carolina Sheriffs' Association.**

SENATE BILL 1282, Wildlife Protectors to Enforce Criminal Laws, would expand the authority of wildlife enforcement officers to enforce criminal laws not currently within their jurisdiction. In 2007, this bill passed the Senate and was pending in the House Wildlife Resources Committee, but was not enacted into law. **This bill was opposed by the North Carolina Sheriffs' Association.**

SENATE BILL 1336, Expunge Non-Violent Crimes/Young Person, would allow for the expungement of criminal records for persons who were 17 to 21 years of age at the time of the conviction of misdemeanors and Class H and I felonies as long as the offense does not involve an assault, possession or use of a firearm, is not a drug trafficking offense, does not involve impaired driving and does not require sex offender registration. A petition for expungement cannot be filed until at least ten years after the date of the conviction or completion of a term of incarceration or post-release supervision of probation, whichever is later. The Administrative Office of the Courts would be required to keep a confidential list of all expungements that would

be available to state and local law enforcement agencies and banks and financial institutions for consideration when hiring employees. An expungement would not be allowed for a person who has previously obtained an expunction. **This bill was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

SENATE BILL 1396, Deputy Sheriff Employment Protection, would include Sheriffs' Deputies within the scope of the State Personnel Act relating to the "just cause" termination. It provides that the Deputies may be terminated only for just cause and would grant Deputies the right to appeal under the Administrative Procedure Act. **This bill was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.

SENATE BILL 1543, Collective Bargaining for Government Workers, would authorize public employees to organize for the purpose of collective bargaining and to create the Public Employee Labor Relations Commission. **This legislation was opposed by the North Carolina Sheriffs' Association.** This bill was not enacted into law.