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NORTH CAROLINA SHERIFFS' ASSOCIATION

Final Legislative Report 2004

The 2004 Session of the General Assembly adjourned at 6:14 a.m. on Sunday, July 18, 2004 after being in session for over 19 continuous hours to wind-up all of its business. This year, there were 416 bills filed in the Senate and 466 bills filed in the House, for a total of 882 bills. Of the 882 bills filed this Session and some eligible bills remaining from last session, 216 bills were enacted into law. Of those, 171 were enacted in the last three weeks of the Session.

Although the primary purpose of the Short Session is to fine tune the budget, there were many other legislative bills introduced and debated during the Short Session. Many of the bills were noncontroversial or were local bills that had been agreed to by all parties involved. However, there were some notable pieces of controversial legislation passed. The school start date bill, the billboard compensation bill, the stormwater rules bill and various bills regarding economic development all were discussed, debated, voted on and approved during this legislative session. Notable issues that were not approved this Session include: tort reform legislation; a state lottery; legislation to ban or to regulate video poker machines; and legislation to repeal the motorcycle helmet law.

The House and Senate adjourned almost three weeks after their declared deadline, but still completed the Session in less than 3 months. It seems that the Co-Speakership in the House has created an environment where the House and Senate must work together to agree on scheduling and final legislation. This delicate balance of power between the Speakers and between the House and Senate may change after the election in November.

We have included in this Final Legislative Report bills of interest to Association members that were enacted into law this Session, a summary of the final budget bill and some important bills that were not enacted into law.

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

INCREASE SERVICE OF PROCESS FEE

HOUSE BILL 918, Increase Service of Process Fee, tripled the fee for service of civil process from \$5.00 to \$15.00, effective September 1, 2004. At least one-half of the fees must be used by the county to ensure timely service of process, including the hiring of additional law enforcement officers upon the recommendation of the Sheriff. Enactment of this bill was a priority for the North Carolina Sheriffs' Association. Effective: September 1, 2004.

SHERIFF'S SUPPLEMENTAL PENSION FUND

In 2003, at the request of the North Carolina Sheriffs' Association, the Attorney General's Office funded an actuarial study of the Sheriffs' Supplemental Pension Fund (SSPF). This study was conducted because benefits from the fund for many retired Sheriffs' have decreased as much as \$500 per month over the last several years. The actuarial study showed that the 75 cents of court costs currently going into the fund should be increased by 25 cents to provide enough funding to restore the retired sheriffs' monthly benefits to their prior levels.

The actuarial study was received by the Association on April 21, 2004. On June 7th, the NCSA Executive Committee met with representatives of the Department of Justice and the actuary who conducted the study to review the study. Then, on June 15th NCSA leaders met with General Assembly leadership to discuss the possibility of getting funding for the needed increase in the SSPF during the 2004 Session.

Initially, there were plans for the General Assembly to enact a bill that included several court costs increases. The 25 cents court cost increase for the SSPF was to be included in this legislation. Later, a decision was made by the General Assembly leadership not to increase any court costs this year. This decision ended any possibility of a court costs increase for the SSPF. We also talked to General Assembly leadership about the possibility of a General Fund appropriation for one year to increase the SSPF benefit, but were told that it was too late in the budget process for that to be included in 2004.

We have received assurances from both House and Senate leaders that they will assist the North Carolina Sheriffs' Association in obtaining adequate funding for the Sheriffs' Supplemental Pension Fund during the 2005 Session of the General Assembly.

VIDEO POKER LEGISLATION

SENATE BILL 6, Strengthen Law Enforcement Vs. Video Poker. Senate Bill 6 was originally approved in 2003 by the Senate to outlaw video poker machines in North Carolina. It was amended in the House Finance Committee and the provisions outlawing video poker were replaced with new provisions that would transfer registration of video poker machines from Sheriffs to the Alcohol Law Enforcement Division (ALE) and make other changes to the video poker laws as follows:

- 1. Shift registration of video gaming machines from Sheriffs' Offices to the Alcohol Law Enforcement Division (ALE) of the Department of Crime Control and Public Safety, effective October 1, 2004.
- 2. Repeal the provision in current law that requires a machine owner to report to the Department of Revenue the amount of gross receipts for each machine, the number of machines at each location, and the total value of prizes and merchandise awarded to players of each machine at each location.
- 3. Repeal the current provision in the law that prohibits warehousing of video gaming machines.
- 4. Repeal the provision in the current law that allows cities and counties to adopt local ordinances that are more restrictive than state law in regulating video gaming machines.
- 5. Require a judge to release a video gaming machine to its owner when the machine had been confiscated by a law enforcement agency because illegal cash payouts were made to players of the machine. If the machine itself were unlawful to possess, the court could order the destruction of the machine. But if the machine itself is lawful, but it was used in an unlawful manner, the court would be required to return the machine to its owner when it was no longer needed as evidence in a criminal case.
- 6. Establish a privilege tax on each video gaming machine of \$125 per quarter (total of \$500 per year). This money would go to ALE for enforcing the video gaming laws and other criminal laws.
- 7. Prohibit cities and counties from imposing a license or permit tax on video gaming machines.
- 8. Make it a Class G felony for any person to "knowingly" own or possess a machine which was not eligible to be registered with a Sheriff's office on October 1, 2000.
- 9. Allow ALE to register video gaming machines if they were <u>eligible</u> to be registered by a Sheriff on October 1, 2000. This would allow the registration of machines that were eligible for registration in 2000, but that were not actually registered in 2000. This would likely increase the number of video gaming machines in North Carolina.
- 10. Require each video gaming machine to have a serial number permanently affixed to the machine.
- 11. Allow ALE agents to enter the premises and inspect video gaming machines in businesses where machines are operated or housed.

On Wednesday, June 30th Senate Bill 6 was discussed in the House Finance Committee and three representatives from the North Carolina Amusement Machine Association spoke on behalf of the bill. Sheriff Tommy Allen from Anson County spoke against the bill as a representative of the North Carolina Sheriff's Association. Sheriff Allen stated that the North Carolina Sheriff's Association supported a complete ban of all video poker machines and that enforcement under the new scheme with ALE was impossible. The North Carolina Family Policy Council and the North Carolina Association of County Commissioners also spoke against the bill. Nevertheless, the bill was approved by the House Finance Committee by a vote of 19 to 11.

A new version of <u>Senate Bill 6</u> was presented to the House Appropriations Committee. While some minor changes were made in the legislation, it still would have transferred the registration of video poker machines from Sheriffs to ALE and still contained many of the provisions from the last version that would weaken the ability of law enforcement officers in North Carolina to enforce the video gaming laws. In the House Appropriations Committee, an amendment was adopted to put back into the bill the provision (that had been removed in this version) requiring video poker machine owners to report the amount of money collected and paid out on each individual machine to the North Carolina Department of Revenue.

North Carolina Sheriffs' Association Second Vice President, Sheriff Ronald Hewett, spoke to the Committee and told them that the NCSA continued to support a total ban of video poker machines in North Carolina. Sheriff Hewett also told the Committee that the Sheriffs' Association opposed this version of the legislation because it weakened the existing laws regulating video poker machines in North Carolina. When it was time to vote on this legislation in Committee, an attempt was made to require a recorded vote indicating which members voted for the legislation and which members voted against. A recorded voted was not allowed and the Committee Chairman ruled that the bill passed the Committee after a voice vote.

There was a bipartisan effort between both Democrats and Republicans to support the North Carolina Sheriffs' Association position to defeat this legislation and to enact a total ban on video poker machines in North Carolina. However, the majority of House members who support their Sheriffs were being subjected to an intense amount of pressure from other House members and from the video poker industry and its lobbyists. The video poker industry had six registered lobbyists working on their behalf on this issue and ten to fifteen of their association members in attendance at the General Assembly for every meeting where this legislation was discussed.

The preliminary vote in the House was 60 to 53 in favor of the amended bill which transfers the responsibility for registration of video poker machines to the Alcohol Law Enforcement Division (ALE). The final vote in the House was 59 to 52 to approve the bill. The Senate received the bill, but held it instead of assigning it to a committee. The Senate Leadership, including President Pro Tempore Marc Basnight, Senator Tony Rand and Senator Charlie Albertson made it clear that the Senate supported the Sheriffs' position of a total ban on video poker machines and would not consider the amended bill proposed by the House. The legislation "died" and the current law regarding video poker remains in place, except as explained below.

VIDEO POKER CHANGES ENACTED

A provision in <u>Senate Bill 1225, 2004 Technical Corrections</u>, was enacted into law and will modify the law (G.S. 14-298) regarding the seizure of illegal gaming machines to conform to the recent appeals court ruling regarding due process. This provision allows Sheriffs and law enforcement officers to seize the machines and then requires law enforcement agencies in possession of the machines to retain them pending a disposition order from a district or superior court judge. If the court determines that the machine is unlawful to possess, then the court will order the machine released to the law enforcement agency for destruction or for training purposes. If the court determines that the machine: (1) is not unlawful to possess; and (2) will not be used in violation of the law, then the machine will be released to the owner.

BILLS ENACTED INTO LAW

SENATE BILL 52, Clarification Regarding Mediation, includes provisions from House Bill 1139, Rapist Parental Rights/Open File Criminal Discovery, and requires open file discovery in all felony cases. Several recent court cases that received considerable publicity caused this year's General Assembly to discuss possible changes in the discovery procedures used in felony court cases. Numerous meetings were held on this issue involving a small group from the North Carolina Conference of District Attorneys, the Special Prosecutions Section of the Attorney General's Office and the North Carolina Academy of Trial Lawyers. Once these groups agreed to changes in the criminal court case discovery statutes, they were added to House Bill 1139 and then transferred to Senate Bill 52 to allow the bill to be approved before the end of session.

Sections 1 and 2 of this bill deal with personnel matters and mediation rules. Sections 3 through 12 of this bill deal with the issue of "Open Criminal Discovery." Highlights of the various provisions related to the open file discovery are included below:

- (a) This legislation applies to all felony criminal cases.
- (b) It requires the complete files of all law enforcement and prosecutorial agencies to <u>be available</u> for inspection by the defendant's attorney. The file documents that must be available include the investigating officers' notes.
- (c) An investigating officer is required, upon request, to provide that officer's entire file to the District Attorney. This does not require that all felony criminal files be provided to the District Attorney. It only requires the investigating officer to "make available" the files to the District Attorney. Therefore, it appears that an officer would not need to turn over the officer's file unless requested to do so by the District Attorney.
- (d) The District Attorney, upon motion of the defendant, is required to "make available" to the defendant the complete files of all law enforcement and prosecutorial agencies involved in the investigation of the crimes for which the defendant is charged. This does not require the District Attorney to give

the law enforcement and prosecutorial files to the defendant's attorney. It does require the District Attorney to make these files available, most likely in the District Attorney's office, for inspection and copying by the defendant's attorney. There is no requirement that the District Attorney or law enforcement agency make a complete copy of their file and give it to the defendant's attorney. The only requirement is for the District Attorney to "make available" the law enforcement and prosecutorial files for review by the defense attorney, and to allow the defense attorney to make copies of any reports or items in the file. It does not require the District Attorney to allow the defense attorney to remove the files from the District Attorney's office.

- (e) If there are materials in the file that should remain confidential and not be disclosed to the defendant's attorney, the District Attorney can make a motion and have a hearing before a Judge to have those documents sealed. The Judge can seal documents in the file if the Judge finds good cause that there is a "substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment." The District Attorney can file for an ex parte order, meaning that it can be issued after a hearing held by the Judge with the District Attorney that does not include the presence of the defendant's attorney. If the ex parte order is granted, the defendant's attorney will be notified that the order was issued, but will not be notified of the subject matter of the order. This provision can be used to prohibit the discovery of the names, addresses, etc. of witnesses who may be intimidated prior to trial or information that might prove embarrassing for innocent parties that is not necessary for the prosecution or defense of the criminal case.
- (f) Once the defense attorney requests that law enforcement or prosecutorial files be disclosed, there is a continuing duty until the trial is concluded for the law enforcement agencies to "make available" to the district attorney and for district attorney's office to "make available" to the defendant's attorney any new documents or information.

Negotiations on the exact language of this legislation were conducted by the North Carolina Conference of District Attorneys and the Special Prosecutions Section of the Attorney General's Office in an effort to adopt a fair and balanced discovery process. Other provisions in the bill require the defendant's attorney to share certain information with the District Attorney, in an effort to avoid trial by ambush. It has been reported that the procedures outlined in this legislation have been followed for many years in the District Attorney's Office for Wake County, Cumberland County and Mecklenburg County, and have not prevented those District Attorneys from successfully prosecuting felony criminal cases. Effective: Open Criminal Discovery rules will apply to cases set for trial on or after October 1, 2004, unless it is vetoed.

SENATE BILL 64, 2004 Appointments Bill, appoints persons to various public offices, boards and commissions upon the recommendation of the President Pro Tempore of the Senate and the Co-Speakers of the House of Representatives. The 2004 appointments of interest to association

members are listed below and will be effective when signed by the Governor, unless the bill is vetoed.

Wade Anders of Cumberland County, Terry Waterfield of Pasquotank County, Robert C. Lewis of Wake County and Bonnie Boyette of Nash County are reappointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2005.

Michael Robertson of Lee County is reappointed to the North Carolina Sheriff's Education and Training Standards Commission for a term expiring on June 30, 2005.

T. Craig Wright of Columbus County is appointed to the Criminal Justice Information Network (CJIN) Governing Board for a term expiring on June 30, 2005.

The Honorable Jane Gray of Wake County and James E. Godfrey of Lenoir County are appointed to the Criminal Justice Information Network (CJIN) Governing Board for terms expiring on June 30, 2007 and Leslie Stanfield of New Hanover County is appointed to the Criminal Justice Information Network (CJIN) Governing Board for a term expiring on June 30, 2005 to fill the unexpired term of Roy Holler.

Richard Allen of Anson County, Keith Shannon of Mecklenburg County, and Mack Donaldson of Guilford County are reappointed to the Private Protective Services Board for terms expiring on June 30, 2006. Sheriff Rodney Midgett of Dare County is appointed to the Private Protective Services Board for a term expiring on June 30, 2006, to fill the unexpired term of Sheriff Bert Austin.

John D. Greco of Guilford County is reappointed to the Private Protective Services Board for a term expiring on June 30, 2006.

Barbara Arnold of Wayne County, Jan Capps of Durham County, Dr. Deborah Weismann of Orange County, and Lynn Bryant of Dare County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2005.

Sharon Hunt of Robeson County, Senator Ellie Kinnaird of Orange County, Sergeant John Guard of Pitt County, The Honorable Colon Willoughby, Jr. of Wake County, and The Honorable Dina Foster of Cleveland County are appointed to the Domestic Violence Commission for terms effective September 1, 2004 and expiring on August 31, 2006.

Representative Marian McLawhorn of Pitt County, Mary Jo Morris of Moore County, David Mark Hullender of Cleveland County, Sheriff Phil Redmond of Iredell County, Aaron Alton Cox of Bladen County, Michael Turner of Forsyth County, and Julia Freeman of Haywood County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2006.

Belinda Gurkins of Pitt County, Leigh Horner of Orange County, and James R. Montgomery of Catawba County are appointed to the Wireless 911 Board for terms expiring on June 30, 2006.

SENATE BILL 74, North Carolina Vineyard Amendments, changes the definitions for fortified wine and unfortified wine to make wine between 16% and 24% alcohol by volume fortified and less than 16% alcohol by volume unfortified. The bill also allows the holder of an unfortified winery permit to sell unfortified wine produced inside or outside of North Carolina at the winery. Effective: October 1, 2004, unless it is vetoed.

<u>SENATE BILL 464</u>, <u>NRA Special Plate</u>, authorizes the Division of Motor Vehicles to issue a National Rifle Association (NRA) special registration plate, if at least 300 vehicle owners apply. <u>Effective</u>: When signed by the Governor, unless it is vetoed.

<u>SENATE BILL 577</u>, <u>Adjust Court Jurisdiction/Adjust Magistrate Term</u>, includes a variety of changes in the jurisdiction of district court magistrates and clerks and some minor changes in the criminal justice system. This bill was proposed for the first time on Friday, July 16th and was approved on Sunday, July 18th by both the House and Senate. The bill makes the following changes:

- Raises the limit on civil claims that can be brought in small claims court before a magistrate from \$4,000 to \$5,000. An appeal for a new trial from the magistrate would still be to District Court.
- Clarifies that Superior Court will have exclusive jurisdiction over all hearings where a defendant is facing the revocation of probation from a felony conviction except that the District Court may have jurisdiction to hear these cases when the District Attorney's Office and the defendant have consented.
- Adds drug treatment court programs to the list of intermediate punishments that a court may use when sentencing a defendant. The drug treatment court program may include court supervision, drug testing and drug or alcohol treatment programs.
- Removes the parental rights of any person who is convicted of first or second degree rape for the child conceived as a result of the rape. The rights to custody, inheritance and the rights to notice of adoption proceedings for the child would be revoked.
- Proposes a constitutional amendment to extend the term of magistrates from a two year term to an initial two year term and then a four year term. Before this change could become law, voters would have to approve the constitutional amendment in the November, 2004 election.

<u>SENATE BILL 582</u>, <u>Public Health Preparedness and Response</u>, amends the definition of "isolation authority" to permit isolation orders to be issued for persons or animals who are <u>reasonably</u>

<u>suspected</u> of being infected with a communicable disease or condition instead of the current law which permits isolation orders only if the person or animal <u>has</u> the disease or condition. The period of isolation has also been increased from 10 days to 30 days and the person isolated must be given reasonable notice of their rights to have the isolation decision reviewed.

The State Health Director is authorized to issue temporary orders requiring health care providers to report specific health information when necessary for the investigation or monitoring of a disease or condition that presents a danger to the public or a health hazard that may have been caused by a terrorist incident using nuclear, biological or chemical agents. <u>Effective</u>: July 8, 2004.

SENATE BILL 754, Stock Car Racing Theme Special Plates, allows the Division of Motor Vehicles to issue stock car racing license plates which include logos of professional stock car racing teams or professional stock car racing drivers. These plates will be issued without the normal minimum number of applicants (which is usually 300) and will cost \$30 in addition to the regular license fee. All proceeds from the extra \$30 will be transferred to the North Carolina Motor Sports Foundation, Inc. Effective: October 1, 2004, unless it is vetoed.

SENATE BILL 852, Organ Donor/Access to DMV Records, will provide Internet access to organ procurement organizations and eye banks to gather information from the Division of Motor Vehicles (DMV) records regarding organ donation. Personal information is limited to the individual's name, date of birth, address, sex, county of residence and driver's license number. The bill also increases the fee for a duplicate license from \$10 to \$10.05 with the extra funds going to establish the "License to Give Trust Fund Commission." This Commission will provide donor education and promote organ and tissue donation and health care decision making at life's end. Effective: The provisions regarding the License to Give Trust Fund Commission and the increased fee are effective November 1, 2004 and the remaining provisions regarding Internet access are effective January 1, 2005, unless it is vetoed.

SENATE BILL 916, Prevent Workplace Violence, was amended in the House Judiciary I Committee to correct many procedural issues raised by the North Carolina Sheriffs' Association. The bill allows an employer to obtain a civil no contact order, similar to a domestic violence order, protecting one of its employees if the prohibited conduct occurs at the workplace. The Sheriff will serve the no contact order by personal delivery and if not able to be served by the Sheriff, the complainant can serve the order by publication. The Clerk of Court is required to deliver to the Sheriff, on the same day, a certified copy of the civil no contact order and a copy of the order must be retained by the law enforcement agency (Sheriff's office or police department) with jurisdiction over the workplace.

An employee cannot be disciplined or fired for taking reasonable time off of work to seek a civil no contact order or a domestic violence order, but the employee must follow the employer's usual time-off policy. An employee must be consulted by the employer prior to filing the Complaint and would not face any disciplinary action based on their level of participation or cooperation. <u>Effective</u>: December 1, 2004, unless it is vetoed.

SENATE BILL 1043, Aggregate Truck Weight Limits, provides that trucks hauling soil, rock or sand from sites without a certified scale for weighing the vehicle are only required to pay one-half the normal fine if they are cited for being over the weight limit. Law enforcement officers may not issue a citation for failure to carry a permit if the officer can determine electronically (radio, in car computer, etc.) that the person actually has a valid permit. No fine would be imposed for a person failing to carry their permit if they submitted evidence of their permit to the Department of Crime Control and Public Safety within 30 days. Effective: January 1, 2005 for the law enforcement provisions and the weight provisions are effective when signed by the Governor, unless it is vetoed.

SENATE BILL 1054, Increase Methamphetamine Penalties, allows the unlawful distribution of methamphetamine to be charged as second degree murder if the distribution results in the death of a person. It is an aggravating factor to manufacture methamphetamine where a child lives or is present or if a child is endangered by exposure to the drug. The manufacture of methamphetamine is a Class C felony and the labeling or packaging of a methamphetamine container is a Class H felony. The punishment is increased from a Class H to Class F felony for possession of precursor substances for methamphetamine as well as other controlled substances. An enhanced sixty month sentence is provided if a defendant is convicted of manufacturing methamphetamine and the offense results in serious injury to a law enforcement officer or emergency medical services employee. Effective: December 1, 2004, unless it is vetoed.

SENATE BILL 1078, Vehicle Control Signs and Signals, changes the current references in the law from "stop lights" to "traffic signals" and requires that in horizontal-arranged signals, the red light must appear to the left of the yellow and green lights. The duration of the yellow light at intersections where traffic cameras are in place can be no shorter than the traffic signal plan approved by a qualified engineer. Effective: July 1, 2004, unless it is vetoed.

SENATE BILL 1083, Staggered Plates/Safety Inspection Change, provides that the 12 month period used for determining the maximum number of dealer license plates that can be issued to a dealer will begin on January 1st instead of May 1st. The Division of Motor Vehicles (DMV) may vary the expiration dates of dealer registration renewals so that some expire at the end of each month, each quarter or other time period. Fees paid by "wreckers" to DMV will be prorated monthly instead of quarterly. The bill also includes a provision that will exempt historical vehicles from the annual safety inspection requirement. Effective: January 1, 2005, unless it is vetoed.

<u>SENATE BILL 1086</u>, <u>Public Transit Deceleration Lamps</u>, allows public transit vehicles to be equipped with high mounted, flashing, amber deceleration lamps located on the rear of the vehicle. <u>Effective</u>: July 8, 2004.

SENATE BILL 1118, Special License Plates, allows the Division of Motor Vehicles to issue a Retired Highway Patrol Special plate to the surviving spouses of retired Highway Patrolmen, as well as special plates for the Daughters of the American Revolution, El Pueblo, HOMES4NC, North Carolina 4-H Development Fund, Sport Fishing, Commercial Fishing and a High School Insignia Plate. Effective: When signed by the Governor, unless it is vetoed.

<u>SENATE BILL 1125</u>, <u>Johnston Coroner Abolished</u>, abolishes the office of Coroner in Johnston County. Effective: June 24, 2004.

<u>SENATE BILL 1128</u>, <u>Locksmith Criminal History Record Check Fees</u>, allows the North Carolina Locksmith Licensing Board to charge each locksmith license applicant or apprentice applicant for a criminal history record check. The fee will be sent to the Department of Justice. <u>Effective</u>: When signed by the Governor, unless it is vetoed.

<u>SENATE BILL 1144</u>, "In God We Trust" Special Plates, allows the Division of Motor Vehicles to issue an "In God We Trust" special registration plate with the proceeds going to the Aubrey McLellan Soldier and Airman Assistance Fund for families of deployed North Carolina National Guardsmen. <u>Effective</u>: When signed by the Governor, unless it is vetoed.

<u>SENATE BILL 1152</u>, <u>Studies Act 2004</u>, is a bill which provides for the study of various topics and issues that are of interest to Legislators. Many of the topics were included in bills that were filed this Session and needed further study or review. Although all of these studies and issues are to be completed prior to the next session which begins in January, 2005, it is likely that many of these studies will not be completed or even started. The studies will be done by the Legislative Research Commission, unless stated otherwise, and the topic of each study is stated below:

es will not be completed or even started. The studies will be done by the Legislative Research mission, unless stated otherwise, and the topic of each study is stated below:		
_	Fire safety in local confinement facilities;	
_	Regulate ticket brokers;	
	Alcoholic beverage control;	
_	Commercial driver's license requirements and emergency situations;	
_	Towing laws, salvage laws and lien holder notification when vehicles are abandoned or seized;	
	Review of sentencing guidelines;	
_	Judicial approval for pleas in certain cases;	
	Reclassify statutory rape;	
_	Amend habitual felon law;	
_	Restructure prior criminal record points;	
_	Sentence lengths;	
	Adjust penalties for B1 to E offenses:	

	Drug trafficking laws;
	Trafficking of persons;
	Youthful offenders;
	Street gang terrorism prevention;
	Giving notice of right to contest mechanic's lien storage charges of vehicles seized under the DWI forfeiture laws.
	Optional graduated 25-Year retirement plan for local governments;
	Casino nights for nonprofit organizations;
	Charitable bingo/beach bingo;
	Availability of health insurance for small businesses and trade associations;
	Pawnbrokers and those non-regulated retail outlets engaged in similar businesses and acting as pawn brokers;
	Availability and delivery of government services to the State's increasing Hispanic population with a particular focus on services in education, health and public safety;
_	Comprehensive first and second responder statewide communications planning that includes law enforcement, fire, medical, utilities and emergency management agencies;
	Funding/budgeting of occupational licensing boards;
	Abatement and recycling program for junked and abandoned automobiles;
_	Various state agencies will jointly study ways to promote government efficiency and savings in State spending, including increasing the use of public defenders and providing DMV/NCDL registration extensions;

— Arson offenses;

- The Joint Legislative Transportation Oversight Committee may study the registration and regulation of all-terrain vehicles;
- The Joint Legislative Transportation Oversight Committee may study whether any motor vehicle that is declared a total loss shall have the registration card and back of the title marked total loss claim vehicle;
- The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee may study the federal structured sentencing system and compare it with the State's current system of structured sentencing;
- The North Carolina Sentencing and Policy Advisory Commission will study North Carolina sentencing guidelines in light of the United States Supreme Court decision which required all issues of fact to be determined by a jury and not a judge, including issues of sentencing;
- The Study Commission on State Boards Commissions and Councils is created to examine the organization, powers, duties, functions and funding of State boards, commissions and councils. The Commission will review a variety of issues regarding boards and commissions, including the possible elimination of some Boards and Commissions, number of members, frequency of meetings, funding, productivity and effectiveness. The Commission will submit a final report to the 2005 General Assembly.
- The Office of State Personnel will conduct a reclassification study of all sworn law enforcement officers employed in the Division of Parks and Recreation of the Department of Environment and Natural Resources.
- The Environmental Review Commission may study whether the State should modify the current highway use tax so that all or a portion of the highway tax is paid based upon the fuel efficiency rating of the vehicle and whether the State should modify the current vehicle registration fee so that all or a portion of the annual fee is based on the miles traveled by the vehicle.

SENATE BILL 1167, Condo and Planned Community Clarifications/Secret Peeping Law, includes a provision that amends the secret peeping law that was approved last year. The amendment provides that any person who secretly peeps underneath or through the clothing of another person using a mirror or other device without the other person's consent is guilty of a Class 1 misdemeanor. This offense is also included under sex offenses that are "reportable convictions" if the court issues an order requiring such registration. Effective: December 1, 2004.

<u>SENATE BILL 1178</u>, <u>Abolish Wilkes County Coroner</u>, abolishes the office of Coroner in Wilkes County. <u>Effective</u>: Upon the expiration of the term of the current Coroner in Wilkes County.

<u>SENATE BILL 1201</u>, <u>Robeson/No Hunting Or Fishing From Roadways</u>, prohibits all hunting from the roadway or right-of-way of any public road, street or highway in Robeson County. A violation is a Class 3 misdemeanor with a fine of up to \$300 and subsequent violations could result in the loss of hunting privileges for 12 months. <u>Effective</u>: October 1, 2004.

<u>SENATE BILL 1205</u>, <u>Rutherfordton ABC Distributions</u>, changes the Charter of the Town of Rutherfordton to allow the net profits from the Alcohol Beverage Control Board to be distributed according to the Town Council. The law previously provided a very specific distribution of profits to be used for different town services, including 25% for law enforcement through the Town Police Department. <u>Effective</u>: July 13, 2004.

<u>SENATE BILL 1218</u>, <u>Child Restraint System Modified</u>, requires a child less than eight years of age and less than 80 pounds to be properly secured in a weight appropriate child passenger restraint system. The previous law was less than five years and forty pounds. A violation continues to be punished by a fine of \$25. <u>Effective</u>: January 1, 2005, unless it is vetoed.

SENATE BILL 1225, 2004 Technical Corrections Act, is a bill that tries to make changes and corrections to a variety of laws that can be as simple as punctuation or can change the entire meaning of the law. The changes of interest in the Technical Corrections Act are as follows:

- Clarifies that a person who commits an assault that inflicts serious injury in the presence of a minor is guilty of a Class A1 misdemeanor and if sentenced to community punishment will be placed on supervised probation.
- Allows Tourism ABC establishments, which include restaurants or hotels within 1.5 miles of a ramp on the Blue Ridge Parkway, to sell on-premises fortified wine and mixed beverages.
- Requires an establishment to be located within one-quarter mile of a hotel with 70 or more rooms to qualify for an ABC permit for certain establishments located within a mile of an interstate highway and within a mile of a residential private club or sports club.
- Allows a district court judge instead of a resident superior court judge, to issue limited driving privileges to those who have a license suspended in North Carolina for an outof-state speeding violation.

- Adds Pitt County to those municipalities that allow open season on fox hunting with weapons between December 1st and January 1st of each year and open season on fox hunting by trapping between January 2nd and January 31st of each year.
- Amends a local act to allow the motor vehicle laws to be enforced in the Martin's Point subdivision in Dare County.
- Requires local jails to submit an invoice for housing Department of Correction inmates within 90 days of the date of commitment.
- Amends <u>House Bill 951</u>, <u>Create Civil No-Contact Order</u> by deleting the definition of sexual penetration. Without a definition, the case law definition will apply.
- Clarifies a provision in the budget which requires passenger vehicles (<u>not tow trucks</u>) towing other vehicles to keep right. The provision clarifies that on any highway having four or more lanes, the vehicle shall not be driven in the left most lane of the right half of the highway, except when overtaking and passing another vehicle, preparing for a left turn or when the right lanes are obstructed or impassable.
- Clarifies that <u>Senate Bill 916</u>, <u>Prevent Workplace Violence</u>, does not alter any existing duties of employers to provide a safe workplace.
- Changes the effective date for exempting historic vehicles from the safety inspection to October 1, 2004. The Department of Transportation needs to make computer programing changes to implement the exemption.

SENATE BILL 1254, Respiratory Care Board/Background Checks/Fees, authorizes the Department of Justice to provide criminal record checks to the Respiratory Care Board for its applicants and to charge a fee for conducting the checks. The applicant's fingerprints will be forwarded to the State Bureau of Investigation (SBI) for the State's Criminal History Record File and to the Federal Bureau of Investigation (FBI) for a National Criminal History Check. Effective: July 1, 2004, unless it is vetoed.

<u>SENATE BILL 1312</u>, <u>Local Government Employees/457 Plan</u>, authorizes employees of counties, cities, community college systems or any other subdivision of the State to participate in a 457 Plan (deferred compensation program) adopted by the State if approved by the governing board where the employee is employed. <u>Effective</u>: January 1, 2005, unless it is vetoed.

<u>SENATE BILL 1347</u>, <u>Kannapolis ABC Store Election</u>, allows the City of Kannapolis to hold a referendum to decide whether ABC Stores should be established in Kannapolis. If ABC Stores are approved for Kannapolis, the Rowan County ABC Board would be renamed the Rowan/Kannapolis ABC Board. <u>Effective</u>: July 13, 2004.

HOUSE BILL 26, Camera Defeating License Covers Illegal, makes it illegal to willfully cover a vehicle's registration plate with any device designed to prevent or interfere with the taking of a photograph from a traffic camera. The bill does not prohibit the use of transparent covers that are not intended to prevent the taking of photographs. Effective: October 1, 2004.

<u>HOUSE BILL 257</u>, <u>Unauthorized Use of CB Equipment</u>, makes it unlawful for any person to knowingly use citizen band (CB) radio equipment that has not been authorized by the Federal Communications Commission (FCC). A violation is a Class 3 misdemeanor. <u>Effective</u>: December 1, 2004.

HOUSE BILL 281, 2003 Technical Corrections Act. Every year a Technical Correction bill is filed to fix mistakes found in legislation. This bill was filed last year to be the technical corrections act for 2003. The bill was still pending when both the House and the Senate adjourned abruptly last year and was never passed into law, so it was enacted in 2004. The changes in the 2003 Technical Corrections Act are as follows:

- Clarifies that the law forbidding school personnel to take indecent liberties with a student also apply to situations where the student is present for a school related or school sponsored activity at another school.
- A provision regarding the due process requirements for the seizure and destruction of illegal video poker machines was inadvertently placed in this bill. With the assistance of the legislative staff and Senator Dan Clodfelter, this provision has been deleted by Senate Bill 1225, 2004 Technical Corrections, and has been replaced with the correct provision which is contained in the explanation of Senate Bill 6, summarized above in this Final Legislative Report.
- Provides that the names of person who are designated to carry out a death penalty execution are confidential and are not subject to discovery or to the public records law.
- Requires the Department of Correction to reimburse local jails for housing those with criminal sentences of 30 days or more. Local jails will not be paid for those being confined for civil sentences or for criminal sentences less than 30 days. Local jails must submit their invoices within 90 days of the date of commitment.
- Clarifies the ability of a judge to order the disposal of firearms in certain circumstances.
- Clarifies that a violation of the faulty speedometer statute, which is a lesser included offense under a speeding violation, will not result in driver's license or insurance points.
- The statute that prohibited fortune-telling, palm reading or clairvoyance in 61 counties is repealed as a violation of the State Constitution, so now these activities are allowed.

- Limits ABC township elections to malt beverages, unfortified wine and mixed beverage propositions and would not allow townships to hold ABC store elections. The statute that allowed the recreation district in Swain County and the economic development zones in Halifax County to receive ABC permits without election are repealed.
- Redefines "historic ABC establishment" to include a restaurant or hotel located within a State historic district, along with the other requirements.
- Provides that any revocation of an ABC permit based solely on failure to pay a registration or inspection fee will not prohibit a person from obtaining a subsequent permit within three years of the revocation.
- Allows a brewery that meets specific quantity limitations to sell malt beverages at three additional locations within the State if they have received the appropriate permits. The brewery will also be required to offer a reasonable selection of competitive malt beverages at its retail locations.
- Allows Calabash to adopt ordinances regulating swimming, surfing, personal water craft operation and littering in the Atlantic Ocean and other waterways adjacent to or within its boundaries.
- Repeals the authority of the Alcohol Beverage Control Commission to issue permits for the sale of alcoholic beverages within the Lumberton Economic Development and Tourist District without an election.
- Substitutes the term "service animal" for "assistance dog" to conform to the Federal Americans With Disabilities Act and adds a "person with a seizure disorder" to the list of persons who are allowed to have a service animal accompany them in a public facility or accommodation.
- Allows military personnel who are called to active duty to have their occupational licenses extended for up to 90 days.

HOUSE BILL 354, Amend Disability Laws, changes the definition of disability in the State Disability Income Plan by adding a provision for "mental incapacity" for the further performance of duty. Long term disability benefits are restricted to those who are unable to perform any occupation which is in keeping with the participant's education, training or experience, which is available in the same commuting area and which the participant can be expected to earn not less than 65% of that participant's pre-disability earnings. Effective: Retroactively with respect to the addition of "mental incapacity" and the change in definition for long-term disability is effective August 1, 2005.

<u>HOUSE BILL 817, Gun Sale Legal With Concealed Handgun Permit</u>, allows those who hold a valid North Carolina concealed handgun permit to purchase a pistol without a pistol purchase permit. <u>Effective</u>: When signed by the Governor, unless it is vetoed.

<u>HOUSE BILL 831</u>, <u>Saltwater Fishing Fund/Holdover Appointments</u>, creates a saltwater fishing license that will cost \$15 per year or \$1 for each seven day period. Law enforcement officers will not be permitted to verify the licensure of a person fishing from a charterboat or headboat until the vessel has returned to shore and the person has disembarked from the charterboat or headboat. <u>Effective</u>: January 1, 2006, unless it is vetoed.

HOUSE BILL 951, Create Civil No-Contact Protective Orders, was modified to correct procedural issues raised by the North Carolina Sheriffs' Association. The bill as amended allows no-contact protective orders to be issued for persons who are victims of certain specified unlawful conduct when they do not have a domestic relationship with the other person. The protective order is similar to a domestic violence order. To comply with federal law, no court filing fees or Sheriffs' service of process fees may be charged for persons filing this type of action. Service is required to be made by the Sheriff by personal service or the complainant may serve by publication if the Sheriff is unable to serve the respondent. Copies of all no-contact protective orders will be retained by the law enforcement agency (Sheriff's office or police department) where the victim's residence is located. Effective: December 1, 2004, unless it is vetoed.

HOUSE BILL 965, Failure to Yield Causing Death or Injuries, requires vehicles turning right on red to yield when pedestrians are <u>near</u> an intersection. The court could assess a \$100 to \$500 penalty for failure to yield to a pedestrian when turning right. Failure to yield the right-of-way to a pedestrian, bicycle, motor scooter or motorcycle is four (4) driver's license points and five (5) points for the driver of a commercial vehicle. If a driver did not yield the right-of-way and serious bodily injury occurred, the driver would be required to pay a \$500 fine and would receive a 90 day suspension of their driver's license. The bill also encourages the Department of Transportation and local governments to issue public service announcements informing the public of their obligation to yield to pedestrians. <u>Effective</u>: December 1, 2004, unless it is vetoed.

<u>HOUSE BILL 1046</u>, <u>Aggressive Driving</u>, creates a new violation of aggressive driving that is defined as driving recklessly and speeding. A driver is considered to be reckless if at least two of the following have been committed: (1) run through a red light; (2) run through a stop sign; (3) passed illegally; (4) followed too closely; or (5) failed to yield the right of way. A violation of aggressive driving is a Class 1 misdemeanor and a conviction of aggressive driving will place six (6) driver's license points on a driver's record. <u>Effective</u>: December 1, 2004, unless it is vetoed.

HOUSE BILL 1345, Special Officers Authority/DOT Technical Corrections, allows the Division of Motor Vehicles, License and Theft Bureau, and the State Highway Patrol Motor Carrier Enforcement Division to have additional authority to enforce criminal laws under the following conditions: (1) if they have probable cause to believe that a person has committed a criminal act in their presence and at the time of the violation they are engaged in the enforcement of laws in their

jurisdiction; or (2) if they are asked to provide temporary assistance by the head of a state or local law enforcement agency and the request is within the scope of the agency's jurisdiction. The bill specifically provides that authority is not expanded to initiate or conduct an independent investigation into violations of criminal laws outside the scope of their jurisdiction. The Division of Motor Vehicles, License and Theft Bureau, will have the authority to investigate driver's license fraud and identity thefts related to driver's license fraud and to make arrests for those offenses. Effective: When signed by the Governor, unless it is vetoed.

HOUSE BILL 1349, Columbus Fox Hunting/Trapping, permits fox hunting with weapons from December 1st through January 1st of each year and trapping foxes from January 2nd through January 31st of each year in Columbus County. Effective: October 1, 2004.

<u>HOUSE BILL 1354</u>, <u>Strengthen Domestic Violence Laws</u>. This bill is the result of a comprehensive review of domestic violence laws by the House Select Committee on Domestic Violence. The bill includes over 22 provisions to curb domestic violence. The provisions regarding law enforcement are as follows:

- (1) domestic violence offenders are required to complete an abuser treatment program which is now a regular condition of probation instead of a special condition of probation;
- (2) the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission are required to establish minimum standards of education, training and response to and investigation of domestic violence cases as well as training in evidence based prosecutions. Any new training established will be available no later than March 1, 2005. The original provision in the bill, which was deleted, required 16 hours of education and training for domestic violence and two hours of in-service training every two years.
- (3) existing felony aggravating factors are clarified to state that a domestic relationship is also a position of trust or confidence;
- (4) a new Class H felony is created for assault by strangulation inflicting physical injury unless the conduct is covered under some other provision of the law providing greater punishment;
- (5) the habitual misdemeanor assault statute would be amended so that it would be a Class H felony for a third assault conviction, when the assault causes physical injury, but only if the previous convictions occurred in the last fifteen years. A conviction under this section could not be used as a prior conviction for any other habitual offense statute:
- (6) a system of tracking domestic violence cases is established by requiring the Judge to determine whether a personal relationship existed and whether the offense was domestic violence;
- (7) the North Carolina Sentencing and Policy Advisory Commission is directed to study the classification of misdemeanor offenses;
- (8) a warrantless arrest for a violation of a pretrial release order is authorized;
- (9) the state firearms law is changed to conform to federal law which provides that it is unlawful for any person who has been convicted of a felony to purchase, own, possess

- or have in his custody, care or control any firearm. Current State law allows a person to possess a firearm within his own home or on his lawful place of business even with a felony conviction; and
- (10) a magistrate or judicial officer is prohibited from refusing to issue a warrant for arrest solely because a prior warrant has been issued for a person involved in the same matter.

The bill also provides that no employer will discharge, demote or deny a promotion or discipline an employee because the employee took time off of work to obtain a domestic violence order. The employee must follow the employer's usual time-off policy or procedures, unless an emergency prevents the employee from doing so. An employer may require documentation of any emergency that prevented the employee from complying with the employer's usual time-off policy. The Commissioner of Labor will enforce the provisions regarding employment discrimination. Effective: December 1, 2004 for the criminal law provisions and October 1, 2004 for the employment discrimination provision, unless it is vetoed.

HOUSE BILL 1356, Increase Fees/Qualifications for DWI Assessments, states specifically the individuals who are authorized to conduct substance abuse assessments for DWI cases. This includes persons licensed by the North Carolina Medical Board or a physician certified by the American Society of Addiction Medicine (ASAM). The fee paid to the assessing agency for obtaining a certificate of completion for a substance abuse assessment is increased from \$50 to \$100. Effective: The fee increase is effective October 1, 2004 and the authorization for assessments is effective October 1, 2005, unless it is vetoed.

<u>HOUSE BILL 1363</u>, <u>Lake Toxaway Motor Vehicle Regulation</u>, allows North Carolina traffic laws to apply to the streets owned by the Lake Toxaway Property Owners Association in Transylvania County, with the exception of any provisions prohibiting or regulating the operation of private golf carts. Effective: June 29, 2004.

<u>HOUSE BILL 1364, Transylvania Land Acquisition/Conveyance</u>. allows the Town of Windsor to buy property and transfer it to the State of North Carolina for use as a correctional facility. <u>Effective</u>: June 28, 2004.

<u>HOUSE 1366, Involuntary Commitment Warrant Clarification</u>, specifically provides that a custody order issued by a clerk of court, magistrate or a court for an involuntary commitment is valid throughout the State. <u>Effective</u>: June 25, 2004.

HOUSE BILL 1373, Increase Penalty-Transit Operator Assault, increases the penalty for an assault on any public transit operator whether they are government employees or private employees if they are discharging or attempting to discharge their duties. An assault on any transit operator is a Class A1 misdemeanor. Effective: December 1, 2004.

HOUSE BILL 1422, Mint Hill/All-Terrain Vehicles, allows law enforcement officers in Mint Hill and municipal employees and law enforcement officers in the City of Kings Mountain to operate all-terrain vehicles on public highways with speed limits of 35 miles per hour or less. Effective: When signed by the Governor, unless it is vetoed.

HOUSE BILL 1425, Morganton/Burke/Broughton Mutual Aid/WPCC, allows the Broughton Police Department (the "joint security force" for Broughton Hospital) to be considered a law enforcement agency so that it is eligible to enter into Mutual Aid Agreements with the City of Morganton and the Burke County Sheriff's Office. The Broughton Police Department may also be allowed to exercise jurisdiction at Western Piedmont Community College. Effective: June 28, 2004.

HOUSE BILL 1447, City of Greenville–Abandoned/Junked Vehicles, changes the definition of a junked motor vehicle to a vehicle that appears to be worth less than \$500 instead of the current amount of \$100. The bill only applies to the cities of Greenville and Henderson and the Town of Waynesville. Effective: June 28, 2004.

<u>HOUSE BILL 1453</u>, <u>Discharging Firearm on School Property</u>, makes the willful discharge of a firearm on educational property a Class F felony, unless used for hunting purposes with the permission of the school. <u>Effective</u>: December 1, 2004, unless it is vetoed.

<u>HOUSE BILL 1462</u>, <u>Seven Devils-Regulate Golf Carts/Utility Vehicles</u>, allows the Town of Seven Devils to adopt ordinances that regulate golf carts and utility vehicles on any public street or road within the town. <u>Effective</u>: July 7, 2004.

<u>HOUSE BILL 1475</u>, <u>Badin Satellite Annexation</u>, annexes the Albemarle Correctional Institution into the Town of Badin. <u>Effective</u>: June 30, 2004.

<u>HOUSE BILL 1513</u>, <u>Increase Local Government Death Benefit</u>, increases the maximum death benefit for members of the Local Governmental Employees Retirement System from the current maximum of \$20,000 to a minimum of \$25,000 and a maximum of \$50,000. This change conforms the death benefit for the Local Governmental System to the Teachers' and State Employees' Retirement System. <u>Effective</u>: July 1, 2004, unless it is vetoed.

<u>HOUSE BILL 1518</u>, <u>Require Payment of Restitution For Expunction</u>, requires that all outstanding restitution orders be paid prior to an expunction of the person's criminal record. <u>Effective</u>: September 1, 2004, unless it is vetoed.

<u>HOUSE BILL 1519</u>, <u>Crime Victim Financial Recovery Assistance Act</u>, prevents criminals from profiting from their crimes by providing better opportunities for crime victims to satisfy restitution orders and civil judgments entered against their offenders. <u>Effective</u>: October 1, 2004, unless it is vetoed.

<u>HOUSE BILL 1543</u>, <u>Asheville ABC Board Membership Increased</u>, increases the membership on the City of Asheville Board of Alcoholic Control from three members to five members with rotating appointments. <u>Effective</u>: June 29, 2004.

HOUSE BILL 1555, Tag Agents Title Transaction Fee, increases the fee by \$1 for any transaction involving a certificate of title that is completed at a Tag Agent's Office. This \$1 increase will be used for division technology improvements. The bill also requires the Joint Legislative Transportation Oversight Committee to study the issue of customer service at the Division of Motor Vehicles (DMV) license offices. The study will include a review of procedures and policies implemented by the Division and how they impact customer friendly services and interactions with citizens. The study will also review whether staffing is adequate to maintain a high level of customer friendly service to the public. The Committee will report to the General Assembly on the results of the study on the first day of the 2005 regular session. Effective: The increased fees are effective October 1, 2004 and the study is effective July 8, 2004.

<u>HOUSE BILL 1613</u>, <u>Chowan Hunting Laws</u>, amends the hunting laws in Chowan County to prohibit the transportation of an unloaded center-file rifle on the land of another without written permission of the owner. The bill also adds Chowan and Anson Counties to those counties where it is unlawful to intentionally remove or destroy an electronic dog collar. A violation is a Class 3 misdemeanor and a subsequent violation is a Class 2 misdemeanor. <u>Effective</u>: The trespassing provision is effective July 7, 2004 and the dog collar provision is effective October 1, 2004.

<u>HOUSE BILL 1614</u>, <u>Lenoir ABC Profit Distributions to be Annual</u>, changes the distribution of the gross receipts to the city or county for which the board is established from quarterly to annually. <u>Effective</u>: July 7, 2004.

<u>HOUSE BILL 1619</u>, <u>Elizabethtown Charter Amendments</u>, amends the Charter of the Town of Elizabethtown by removing the Town Constable and the Treasurer as officers of the Town. <u>Effective</u>: June 28, 2004.

HOUSE BILL 1624, Increase Retirees' Contributory Death Benefit, provides a lump-sum death benefit of \$9,000 to retired members of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System if the retiree has made the required contributions for at least 24 months prior to death. Effective: July 1, 2004, unless it is vetoed.

HOUSE BILL 1649, Wake Impaired Hunting Regulation, allows Wake County to regulate or prohibit persons from hunting with firearms who are under the influence of alcohol or other impairing substances. Effective: July 9, 2004.

<u>HOUSE BILL 1659</u>, <u>Perquimans Hunting Stand Amendment</u>, amends the current hunting laws in Perquimans County by decreasing the minimum height from 8 to 5 feet for a hunting stand where it is lawful to hunt with a center-fired rifle. <u>Effective</u>: October 1, 2004.

<u>HOUSE BILL 1662</u>, <u>Cherokee/Clay/Shooting From Right-of-Way</u>, prohibits all hunting or shooting with a firearm on or across a right-of-way of a public road, street, or highway in Cherokee and Clay Counties. <u>Effective</u>: October 1, 2004.

<u>HOUSE BILL 1684</u>, <u>Vance Fox Seasons</u>, allows fox hunting with weapons in Vance County from October 1st through January 31st and trapping foxes from October 1st through January 31st. <u>Effective</u>: October 1, 2004.

<u>HOUSE BILL 1700</u>, <u>Durham Vehicle Tax Sunset Repealed/Uses</u>, allows the Durham vehicle tax to continue for an additional four (4) years. Previously, the City of Durham could only use the tax funds for transportation purposes, but may now use the tax funds for any purpose. <u>Effective</u>: July 15, 2004.

<u>HOUSE BILL 1722</u>, <u>Currituck ABC Board Membership Increased</u>, increases the membership on the Currituck Alcoholic Beverage Control Board from three to five members. <u>Effective</u>: June 30, 2004.

<u>HOUSE BILL 1728</u>, <u>Lake Royale Police Authority</u>, allows the Lake Royale Police Department to enforce the law on the waters of Lake Royale or its shoreline area and allows them to compete for grants for the purchase of law enforcement equipment. The extension of jurisdiction includes being able to transport prisoners in custody to a court or detention facility. <u>Effective</u>: July 8, 2004.

<u>HOUSE BILL 1795</u>, <u>Modify Youth Facility Debt Authorization</u>, reduces the amount of available bond money to be used for construction of 13 youth development centers totaling 512 beds from \$6.78 million to \$4.46 million. <u>Effective</u>: July 22, 2004.

2004 BUDGET

The budget process is always a lengthy one, even when the Legislature is reviewing and updating the budget from the previous year as they do in the "Short Session." The House received the Governor's budget proposal during the first week of Session and worked quickly to approve their budget proposal on June 8, 2004. The Senate then reworked the budget and approved their version on June 24, 2004. A conference committee was appointed to negotiate the differences between the two budgets. The negotiations took about three weeks and compromises were reached about issues such as pay raises for State employees, class size funding and the amount of debt that should be used for University System building projects.

Below is a summary of all of the relevant provisions that have been approved in the 2004 budget. The budget, <u>House Bill 1414</u>, has already been signed by the Governor and is now law.

<u>Emergency Programs/Department of Agriculture</u>, includes 28 new positions in the Department of Agriculture paid for with federal grants in the following areas: Office of Emergency Management, Mental Health Contracts, North Carolina Threat Reduction Grant, Food Security, and Homeland Security.

Enrollment Growth, provides almost \$24 million to fully fund enrollment growth in the Community College System. The State will save over \$9.5 million by increasing tuition by 7% which is an increase from \$35.50 per credit hour to \$38.00 per credit hour.

Homeland Security Funding, creates five new positions in the Department of Crime Control and Public Safety with federal funding from the Department of Homeland Security. The new positions will incorporate the new requirements for Homeland Security and Domestic Preparedness into existing education and training courses provided by the Community College System. Five new positions will also be provided to the Governor's Crime Commission to respond to the increasingly specialized training requirements for law enforcement personnel in Homeland Security and Domestic Preparedness and will enable the Community College System to develop specific training for North Carolina.

<u>Program Support/Training for Multiple Response System(MRS)</u>, provides \$750,000 for counties that are participating in the Multiple Response System Pilot Program through Child Protective Services.

Methamphetamine Training for Child Protective Services, provides over \$200,000 to train Child Protective Services staff who are required to respond to reports of abuse and neglect that are linked to methamphetamine drug use.

<u>Area Mental Health Programs</u>, decreases funding to area mental health programs by \$2 million. This funding reduction is not expected to impact current service levels since funding in previous years was returned to the General Fund. (The House proposed a \$5 million reduction and the Senate did not propose any reduction in funding.)

<u>Housing Support for the Mentally III</u>, provides \$750,000 to expand housing options for persons with mental illness. This funding will assist in receiving federal matching funds of \$13 million.

<u>Funds for PATH Program Residence Purchase</u>, provides \$500,000 from the Trust Fund for Mental Health, Developmental Disabilities and Substance Abuse Services to provide an existing house or other residence for the PATH Program at the Murdoch Center.

Expansions at ADACT Centers, provides \$3.5 million from the Trust Fund for Mental Health, Developmental Disabilities and Substance Abuse Services for expansion of the State's Alcohol and Drug Abuse Treatment Centers (ADACT).

Mental Health Treatment Courts, establishes pilot programs in Judicial Districts 15B, 26 and 28 that serve Orange, Chatham, Mecklenburg and Buncombe Counties to add a mental health treatment program to the existing drug treatment courts. The purpose of the pilot program is to provide cooperation between the State mental health system, mental health service providers and the judicial

system to provide repeat adult offenders that need mental health services with treatment and other mental health services to improve their ability to function in the community with the goal of reducing recidivism and easing the work load of the courts.

Hospital Emergency Department Data Reporting, requires the State Health Director to develop a surveillance program for hospital emergency departments to detect and investigate public health threats that may result from a terrorist incident, an epidemic or other infectious diseases. Each hospital is required to submit electronic information as required by the Commission for Health Services. The schedule for the implementation of the reporting requirement will be established by the Commission in consultation with hospitals.

No identifying data will be reported and the data collected will not be considered a public record and will be privileged and confidential. The State Health Director may share the data with local health departments for public health purposes only. Those submitting information will be immune from liability for submitting the required documentation. A hospital under this provision is defined as a hospital that operates an emergency department on a 24-hour basis.

<u>Criminal History Record Checks for Local Child Care Centers</u>, allows the Division of Child Development to conduct criminal history record checks for local child care centers. The Division will add three temporary positions to eliminate the current backlog and keep the criminal history record checks current.

<u>Long Term Care Criminal Record Checks</u>, provides \$400,000 to start a pilot program for conducting criminal record background checks for potential employees in long-term care facilities. The Department of Justice will receive \$250,000 to upgrade the billing system currently used for criminal record checks.

The program will require the long term care facility to submit a request to the Department of Justice for a National Criminal History Record Check within five business days of making a conditional offer of employment for work at a nursing home or home care agency. The Department of Justice will return the results of the record check to the Department of Health and Human Services and the Department will provide the results to the nursing home or healthcare agency. A records check will look for relevant offenses that include misdemeanors or felonies that bear upon an individual's fitness to have responsibility for the safety and well being of an aged or disabled person.

Mental Health Services, requires the Department of Health and Human Services to work with area mental health authorities and county programs to eliminate administrative and physical barriers created by current policies and procedures in delivering community based mental health, developmental disabilities and substance abuse services.

<u>Centralize Criminal Record Check Functions</u>, requires the Department of Health and Human Services to centralize all of the activities in the Department relating to criminal records checks to better manage the information.

<u>Eliminate Vacant Position</u>, eliminates a Marine Fisheries Enforcement Officer II position that is currently vacant.

<u>Interpreters in Courtrooms</u>, provides \$1 million for constitutionally required interpreter services in court proceedings.

<u>Complete North Carolina AWARE Warrant Repository</u>, provides \$500,000 to continue work on the statewide Warrant Repository System that provides access to court information for law enforcement agencies across the State.

<u>SBI Methamphetamine Response Team</u>, provides over \$850,000 to add six sworn laboratory positions and eight sworn agent positions to the SBI to combat illegal methamphetamine lab operations in North Carolina. The funding will also allow the SBI to lease additional space at the Western Crime Laboratory.

<u>Women at Risk</u>, provides \$25,000 to Western Carolinians for Criminal Justice for the operation of the Women-at-Risk Program.

<u>Management Flexibility Reserves</u>, requires the Department of Correction to reduce their budget by over \$13 million, but allows the Department to identify their own reductions.

<u>Jail Misdemeanants</u>, provides a \$2 million reduction to the Department of Correction funds used to pay local jails for inmates sentenced to 30 days or more. According to the legislative staff, this provision will not be an actual cut in funding, but will be a reduction to match the amount of money the State was actually paying to local jails.

<u>Warren Correctional Center</u>, provides almost \$2 million to operate the new wing of the Warren Correctional Center that will house 168 maximum security beds. The funding will also be used to restart the inmate education program through Vance Community College.

<u>Maury Correctional Center</u>, provides almost \$1 million for 56 start-up positions for the Maury Correctional Center which will have 1,000 close custody beds.

<u>Bertie Correctional Center</u>, provides almost \$200,000 in start-up funds for the new 1,000 bed prison under construction in Bertie County.

<u>Convert Temporary Prison Beds to Permanent</u>, provides almost \$1 million to convert temporary beds into permanent beds by authorizing 31 new positions which will allow capacity to increase by 754 beds.

<u>Increase Prison Bed Capacity</u>, provides over \$1.7 million to double cell two of three tiers at a prison to be determined by the Secretary of Correction. The anticipated increase in capacity is 336 beds.

<u>Disaster Recovery Staff</u>, provides over \$200,000 to convert four temporary staff positions in the Hazard Mitigation and Public Assistance Section to permanent positions within the Office of Emergency Management.

<u>Crime Victims' Compensation Funds</u>, provides \$2.5 million to eliminate the backlog of approved, but unpaid claims for crime victims. This State funding will allow the program to receive an additional \$1.5 million in federal matching funds.

<u>Videoconferencing Pilot</u>, provides funding for a pilot program in Superior Court District 27B, serving Cleveland and Lincoln Counties, that will allow the State Bureau of Investigation lab analysts to provide testimony by videoconferencing. The Judicial Department in cooperation with the Department of Justice and the Administrative Office of the Courts will study the feasibility of a statewide program to allow lab analysts with the State Bureau of Investigation to provide their testimony by videoconferencing or other remote means.

Study Cost of the DCI-PIN System, requires the Office of State Budget and Management to study the costs of the DCI-PIN System, which allows state and local law enforcement agencies to access criminal information. The findings of the study will be reported to the General Assembly by March 1,2005. The study will include a review of the Division's operational, personnel and overhead costs on a per unit basis. The study will also look at the funding sources for the DCI-PIN System in other states.

Reduce Backlog of Rape Kits, provides \$250,000 to allow the Department of Justice to contract with private parties to reduce the backlog of rape kits in storage at local law enforcement agencies. The private agencies will analyze bodily fluids, DNA evidence or both from rape kits that are evidence in cases in which a suspect has not been identified. The Department of Justice will report on the number of arrests or convictions that result from analyzing the backlogged rape kits by May 1, 2005.

<u>Juvenile Recidivism</u>, requires the North Carolina Sentencing and Policy Advisory Commission to prepare biennial reports on juvenile recidivism in North Carolina.

<u>Electronic Monitoring of Juveniles</u>, requires the Department of Juvenile Justice and Delinquency Prevention to study the use of electronic monitoring of juveniles and electronic house arrest programs for juvenile offenders. The Department will provide recommendations on ways to expand the use of all electronic monitoring programs as an alternative to admitting juveniles to youth development centers.

<u>Alternatives to Juvenile Commitment</u>, requires the Juvenile Crime Prevention Council to identify alternative community programs for juvenile offenders who would otherwise be committed to youth development centers. The Department will develop a competitive grant award for these programs and will award up to 10 grants to Juvenile Crime Prevention Councils.

<u>Inmate Custody and Classification System</u>, requires the Department of Correction to review the current inmate custody and classification system in consultation with the National Institute of Corrections. The review will focus primarily on the classification used to determine inmate custody and the policies used when overriding the custody level.

<u>Nonprofit Programs</u>, requires nonprofit programs, including Harriet's House, Summit House and the Women at Risk Program to provide information on the number of clients who have been rearrested within three years of successfully completing the individual programs.

<u>Victims' Compensation and Medical Treatment</u>, provides that the Crime Victims Compensation Fund will only pay a healthcare provider sixty-six and two-thirds percent (66 2/3%) of the amount usually charged for medical care, counseling, rehabilitation, medically related property and other remedial treatments for victims who apply for benefits from the Crime Victims Compensation Fund. If the provider accepts payment from the Fund, the provider is required to accept the reduced compensation as payment in full for the treatment or care and may not hold the claimant responsible for the costs of the services

<u>New Magistrates</u>, includes funding for two new Magistrate positions in Macon and Davie Counties. The Administrative Office of the Courts will evaluate the increased need for Magistrates throughout the State and will re-examine the caseload formula currently used to decide how Magistrate positions should be assigned.

<u>Drug Treatment Court</u>, provides \$279,000 to continue operation of three (3) drug treatment court programs in Durham, Mecklenburg and Randolph Counties.

<u>Our Children's Place</u>, provides \$150,000 to "Our Children's Place" which is a nonprofit organization that develops treatment programs for nonviolent incarcerated female offenders and their children.

<u>Drug Court Services</u>, requires the Administrative Office of the Courts to develop a plan to continue providing drug treatment services in districts where they are currently being offered. The funding is currently provided through federal grants. A report on this plan will be made to the Chairs of the Appropriations Subcommittees on Justice and Public Safety by March 1, 2005.

<u>Public Defenders Offices</u>, provides \$4.4 million to add a public defender office in the 10th Defender District, which serves Wake County and in the 1st Defender District, which serves Camden, Chowan, Currituck, Dare, Gates, Pasquotank and Perquimans Counties.

<u>Forensic Evidence</u>, allows the results of a forensic analysis that is signed and sworn by the person performing the analysis to be admissible as evidence, so long as an affidavit is attached to the report. The State Bureau of Investigation (SBI) will establish rules regarding the analysis and admissibility of the evidence. A copy of the laboratory report and the affidavit will be served on the defendant prior to using the evidence and the defendant or the defendant's attorney can require the presence and testimony of the person who signed the report.

<u>SBI Laboratory</u>, recommends that the Department of Justice hire only nonsworn personnel to fill vacant positions in the State Bureau of Investigation laboratory if their duties do not include serving warrants, responding to crimes prior to the crime scene being secured by other law enforcement officers, or entering hazardous situations that may require the use of force.

<u>Confidentiality of Identity</u>, protects the identity of persons who carry out executions or are witnesses to executions. Identifying information will not be subject to discovery and will not be considered a public record. The Senior Resident Superior Court Judge for Wake County may order the disclosure of the information, if necessary for the administration of justice.

<u>Reserve for Pamlico Correctional Center</u>, provides over \$200,000 to be used to increase the inmate bed capacity by 336 beds at Pamlico Correctional Center. Funds are placed in reserve until an agreement is worked out regarding adequate sewer capacity for the increased beds.

State Highway Patrol Authority, allows weigh stations to be operated by the Department of Crime Control and Public Safety, Division of State Highway Patrol. Sworn personnel will supervise all nonsworn personnel assigned to weigh stations. Personnel will have the authority to weigh vehicles, assess civil penalties, and complete various reports to record violations regarding the weight of vehicles and their loads. The officers assigned to the permanent weigh stations as under current law, will have the powers of peace officers for the purpose of enforcing the weigh station provisions, making arrests, serving process and appearing in court on all matters and things related to the weight of vehicles and their loads.

<u>VIPER System</u>, provides \$500,000 to expand the Voice Interoperability Plan for Emergency Responders (VIPER) program and requires the Criminal Justice Information Network (CJIN) and the Department of Crime Control and Public Safety to provide a report on the VIPER system. The report will include projected costs, revenue sources, total state funding, highway fund support and recommendations.

Response to Domestic Violence, provides over \$1.5 million to the Court System to enhance its response to domestic violence problems, methamphetamine case loads and to assist the Court System with increasing case loads. Three Superior Court Judges, four District Court Judges, eleven Assistant District Attorneys and two roving Official Court Reporters will be added to assist the Court System. Funds will also be used to enhance the automated court information system (ACIS) to track domestic violence offenders and to provide training to judicial officials throughout the State on domestic violence matters. The North Carolina Sentencing and Policy Advisory Commission will receive \$20,000 for a two year study of misdemeanor offense classifications.

<u>Courthouse Telephone Systems</u>, provides over \$400,000 for the installation of telephone systems in new courthouses in Haywood and Union Counties and the replacement of the telephone system in Craven County.

<u>Domestic Violence Training Positions</u>, adds a Criminal Justice Training Coordinator position at the North Carolina Justice Academy and an Investigator to the Sheriffs' Standards Division to oversee law enforcement training on domestic violence issues.

<u>Eliminate Boxing Commission</u>, eliminates all funding for the Boxing Commission and transfers all of the Boxing Commission's duties to the Alcohol Law Enforcement Division (ALE). ALE will regulate live boxing and kick boxing matches if an admission is charged or if there is a prize over \$25.

<u>Domestic Violence Center Fund</u>, provides \$2 million for additional grants to domestic violence programs awarded by the Domestic Violence Center Fund.

<u>Continuing Education Requirements for Bail Bondsman</u>, reduces the requirements for continuing education regarding the duties and responsibilities of a runner or bail bondsman from 6 hours to 3 hours.

<u>Wireless Board Receipt Supported Position</u>, creates a Network Technician position to provide training and support to the Public Safety Answering Points (PSAPS) to be funded by the Wireless 911 Board's 1% administrative fee.

<u>Revenue Law Enforcement Officers</u>, authorizes the Secretary of Revenue to appoint up to 11 employees of the Motor Fuels Tax Division to serve as Revenue Law Enforcement Officers, who will have jurisdiction to enforce the taxes on motor fuels.

<u>State Retirement Contribution Rate</u>, provides a 1.7% cost of living increase to retirees of the Teachers' and State Employees' Retirement System effective July 1, 2004. (The Local Governmental Employees' Retirement System retirees received a large cost of living increase last year and will not receive one this year.)

<u>Salary Increase for State Employees</u>, provides over \$12 million to fund a salary increase for State employees of either \$1,000 a year or a 2.5% increase, whichever is greater, for full-time permanent employees.

<u>Passenger Vehicles Towing Other Vehicles</u>, requires that noncommercial passenger vehicles (not tow trucks) that tow other vehicles should at all times travel on the right half of the highway or in the right most lane of travel unless the lane is obstructed or impassable. These vehicles will also have to comply with all sign requirements for vehicles with three or more axles.

<u>Transportation Related Drug and Alcohol Tests</u>, requires the Joint Legislative Transportation Oversight Committee to study whether public transit operators and employers should be required to report to the Division of Motor Vehicles (DMV) the names of any employee who fails a transportation related drug or alcohol test.

<u>State Retirement System Retiree Health Benefit Fund</u>, establishes a fund which will accumulate contributions from employers and any earnings on those contributions to provide health benefits to retired and disabled employees of the Teachers' and State Employees' Retirement System and their beneficiaries.

<u>Salary Adjustments</u>, provides up to \$5 million for salary adjustments for State Bureau of Investigation (SBI) Agents, Alcohol Law Enforcement Division (ALE) Agents, Marine Fisheries Officers, Park Rangers and Forestry Law Enforcement Officers to bring salaries in line with other law enforcement personnel.

<u>Trust Fund for Mental Health, Developmental Disabilities and Substance Abuse Services</u>, provides \$10 million to the Mental Health, Developmental Disabilities and Substance Abuse Services Trust Fund to continue mental health reform efforts to transition from institutional based treatment to community based treatment.

Employer Contribution Rates, changes the employer contribution rate for retirement and related benefits from 5.77% to 5.815% for Teachers and State Employees and from 10.77% to 10.815% for State Law Enforcement Officers. Both contribution rates include 3.2% for hospital and medical benefits and .445% for the Disability Income Plan. The rate for State Law Enforcement Officers includes 5% for Supplemental Retirement Income.

<u>Death Benefits</u>, clarifies that probation and parole officers are eligible for the Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefit Act.

<u>Liability of Third Parties</u>, allows the State Health Plan to exercise an insured employee's rights against a third party (subrogation).

<u>Local Governments Optional Coverage</u>, allows a local government employee to participate in the benefits provided by the North Carolina Teachers' and State Employees' Health Plan. Participation is voluntary for local government employers.

<u>Residential Treatment Centers</u>, requires the State Health Plan to provide coverage for facilities that have 24-hour onsite care provided by a registered nurse.

<u>Disability Income Plan</u>, reduces the State's contribution to the Disability Income Plan from .52% to .445% for State employees, which will provide savings of over \$6 million.

<u>Expansion of the SBI Crime Lab</u>, provides \$4.5 million to expand the crime laboratory at the State Bureau of Investigation in Raleigh.

<u>Study Mandatory Retirement for Judges</u>, requires the Administrative Office of the Courts to study the mandatory retirement age for judges. The study will evaluate whether the mandatory retirement age should be eliminated, increased, or whether judges should be permitted to finish out their elected or appointed terms.

BILLS NOT ENACTED INTO LAW

The following bills were not enacted into law by the General Assembly during the 2004 Session. Since the General Assembly works on a two-year schedule, none of these bills will remain eligible for consideration next year and would have to be introduced again to start the whole process over. The 2005 Session will start with a "clean slate" on January 26, 2005. Many of the bills filed this session were included in various budget provisions or other bills and we have reported on those bills above. We have included a few bills of concern to Association members below that were considered, but not enacted this year.

SENATE BILL 972, Execution Delay/Study, would have established a two year moratorium on all executions of persons convicted of crimes and sentenced to the death penalty. The bill was approved by the Senate and was referred to the House Rules Committee. The bill, as amended in the Senate, would have prohibited the Secretary of Correction, between now and June 1, 2005, from scheduling an execution date for any person that had been sentenced to death under State law. During this time, there would be a study to examine various issues about the use of the death penalty under North Carolina law.

The bill was not debated or placed on the agenda in the House Rules Committee and did not receive a vote in the House. <u>Senate Bill 972 was not enacted into law.</u>

SENATE BILL 1190, Assault On Law Officer/Emergency Personnel, would have increased the punishment from a misdemeanor to a Class I felony for any person who commits an assault, assault and battery or an affray on a law enforcement officer while the officer is discharging or attempting to discharge his or her official duties. If the assault inflicted serious bodily injury or a deadly weapon was used other than a firearm, then the person would have been guilty of a Class H felony. Senate Bill 1190 was not enacted into law.

SENATE BILL 1247, Funds For WakeMed Emergency Services Institute, would have provided \$2 million to assist in forming a hospital-based medical emergency preparedness and response institute through WakeMed Health and Hospitals, Inc. Senate Bill 1247 was not enacted into law.

SENATE BILL 1359, <u>Durham/25-Year Law Enforcement Officer Retirement</u>, would have allowed law enforcement officers who are members of the Local Governmental Employees' Retirement System and employed by a local law enforcement agency in Durham County to retire after completing 25 years of service. In certain circumstances, some law enforcement officers who choose the 25 year retirement would not be eligible for the Special Separation Allowance. <u>Senate Bill 1359 was not enacted into law</u>.

<u>SENATE BILL 1391</u>, <u>Child Pornography/Internet</u>, would have required Internet service providers to remove or disable access to child pornography if notified by the Attorney General that child pornography items were accessible through its service. The Internet service provider would not have been required to actively monitor its service or seek out evidence of illegal activity, but would only be required to act once notified by the Attorney General's Office. A first violation would have

been a Class 2 misdemeanor punishable only by a fine. A second offense would have been a Class 1 misdemeanor punishable only by a fine and a third offense would have been a Class I felony. Senate Bill 1391 was not enacted into law.

<u>HOUSE BILL 1384</u>, <u>State Employees/Teachers Pay Increases</u>, would have provided a pay increase of 5% for all public school personnel and state employees. The bill would have also provided a minimum salary for all state employees of at least \$18,500 per year.

This is just one of a variety of bills that were filed both in the House and the Senate to increase pay for state employees and teachers and to provide a "liveable wage" for all state employees. Although the final budget that was enacted into law provided a 2.5% or \$1,000 raise for teachers and state employees, there was no provision for a minimum wage for state employees as provided in this bill. House Bill 1384 was not enacted into law.

<u>HOUSE BILL 1393</u>, <u>Federal Enforcement by Marine Inspectors</u>, would have allowed marine fisheries inspectors to accept delegation of law enforcement powers from the National Marine Fisheries Service over matters within the jurisdiction of the National Service. The Division of Marine Fisheries would have been required to report to the General Assembly within six months of any joint enforcement agreement with the National Marine Fisheries Service. <u>House Bill 1393 was</u> not enacted into law.

HOUSE BILL 1394, 8-Year Drivers License/Internet DL Renewal, would have allowed drivers to receive a license for an eight year period if the driver was at least 18 years old, but less than 38 years old. The bill would have also provided that after the eight year license period a driver could renew the license electronically for another 5 year period. Electronic renewal would not have been allowed for commercial drivers who are required by federal law to be retested. If a driver chose to renew their license electronically then after five years they would have been required to go to a Division of Motor Vehicles (DMV) office in person to renew their license.

Although this bill was approved in the House Transportation Committee there were many questions raised by the full House, including questions of discrimination regarding the ages of drivers and the requirement to take an eye test, the confidentiality of medical records and the length of time a driver could go without having an in person review at DMV. The bill was sent from the full House back to the House Transportation Committee where it received no further consideration. House Bill 1394 was not enacted into law.

HOUSE BILL 1517, Amend Motorcycle Helmet Law, would have allowed a person over 21 years of age to operate a motorcycle without wearing a safety helmet if the operator held a motorcycle endorsement prior to October 1, 2003. A passenger would have also been allowed to ride without a helmet if the driver could ride without a helmet, the passenger was at least 21 years of age and the passenger had at least \$10,000 of medical insurance coverage. Persons who received a motorcycle endorsement after October 1, 2003, would have only been allowed to ride a motorcycle without a helmet if they were 21 years of age, successfully completed the course of instruction offered by the Motorcycle Safety Instruction Program and were covered by at least \$10,000 of medical insurance.

The bill would have also provided for increased fees for all private passenger motorcycles. The \$5.00 increase would have been used to fund the Motorcycle Safety Instruction Program.

After being filed, the bill was referred to the House Rules Committee where it remained. The bill was not discussed or debated in a Rules Committee Meeting and there was no vote taken on the bill. House Bill 1517 was not enacted into law.

HOUSE BILL 1663, Graham River-Rafting User Tax, would have allowed the Board of Commissioners of Graham County to require a River-Rafting User Tax on businesses providing river-rafting in the County. The user tax would have been charged at the rate of \$5.00 per day for each individual who is provided river-rafting services. River-rafting would be provided in a county if the customer enters the river in that county. This tax would have been in addition to any State or local sales tax. Fifty percent (50%) of the net proceeds would be used for the promotion of travel and tourism and fifty percent (50%) would be used to provide emergency services. This bill would have only applied to Graham County. House Bill 1663 was not enacted into law.

HOUSE BILL 1735, Casino Nights by Non-profit Organizations, would have allowed nonprofit organizations and associations to operate "Casino Nights" and would have required at least 90% of the proceeds from the casino night to be used by the nonprofit for a charitable, religious, educational, civic or other nonprofit purpose. The bill included a variety of rules and regulations regarding the casino night operation and the types of games that could have been played. The bill also included a \$10.00 fee payable to the Department of Revenue for each casino night operation to cover the cost of auditing the proceeds of the casino night. House Bill 1735 was not enacted into law.

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