



NORTH CAROLINA LAW ENFORCEMENT OFFICERS ASSOCIATION

Weekly Legislative Report
April 15, 2005

Information in this report was prepared and provided by the North Carolina Sheriffs' Association.

If the General Assembly adjourns in mid-July, then we are now well over one-third of the way through this year's legislative session. Almost all of the committees are meeting regularly and most of them have a lot of bills on their agenda for consideration.

Wednesday of this week was the deadline for House members to submit their requests for most new legislation that will be considered during this Session. The legislative Bill Drafting Division attorneys will be busy writing legislative bills as requested, and they must be formally introduced into the House by next Wednesday, April 20th at 3:00 p.m. If previous years are any indication, there will be hundreds of bills introduced between now and next Wednesday.

House members still have several more weeks to introduce bills that raise or lower taxes or fees and bills that spend State money. Many bills of this type have already been introduced earlier in the Session.

It was standing room only for the Session this week that honored the University of North Carolina at Chapel Hill Tarheel Men's Basketball Team for winning the National Championship. Obtaining a seat for the ceremony was almost as difficult as obtaining a ticket to the final game of the ACC Tournament. Fortunately for those citizens who were able to attend, there were no expensive tickets to purchase (attendance was free) and every seat provided an excellent view.

The House and Senate adjourned on Thursday and will reconvene next Monday evening.

BILLS OF INTEREST

HOUSE BILL 1174, Alcoholic Beverage Control Permit Issuance and Compliance, would expand the definition of the "premises" of an ABC permittee to include all areas inside or outside the licensed premises where the permittee has control of the area because of a lease, deed or other legal authority. It would also require the ABC Commission, prior to issuing a permit, to determine whether or not operation of the business would be detrimental to the neighborhood based on certain criteria. It would also require the ABC Commission to revoke permits if a permittee or employee has violated the ABC laws two or more times in a 12 month period. **Introduced by Representative Ross and referred to the House Alcoholic Beverage Control Committee.**

HOUSE BILL 1176, Property Exempt From Enforcement Actions, would increase the limits on property of a judgment debtor that is free from the enforcement of the claims of creditors and add additional types of property to the list of property that is exempt from enforcement.

Introduced by Representatives Weiss, Glazier, Goodwin and Harrison and referred to the House Judiciary IV Committee.

HOUSE BILL 1181, District Court Judge Retirement Age, is identical to Senate Bill 229 summarized in a previous Weekly Legislative Report and would allow a district court judge who reaches the mandatory retirement age of 72 to continue in office until the expiration of the judge's current term. **Introduced by Representatives Tolson and Farmer-Butterfield and referred to the House Rules Committee.**

HOUSE BILL 1186, Sentence Lengths, would change the number of months of incarceration for persons convicted of a Class A through G felony and would result in a shorter minimum term of imprisonment for most defendants, with a few increases for some defendants. **Introduced by Representative Haire and referred to the House Judiciary III Committee.**

HOUSE BILL 1187, Restructure Prior Criminal Records Points, would amend the sentencing grid to change the number of points required for Prior Record Levels IV. The effect of this change would be to reduce the term of imprisonment for many criminal defendants. **Introduced by Representative Haire and referred to the House Judiciary III Committee.**

HOUSE BILL 1188, Court-Imposed Post-Release Punishment, would reduce prison sentences by nine months for persons convicted of a Class B1, B2, C, D, and E felonies. It would place the defendant under "Post-Release Supervision" during the nine months following the defendant's release from prison, which is nine months that the defendant would serve in prison under current law. **Introduced by Representative Haire and referred to the House Judiciary III Committee.**

HOUSE BILL 1197, National Multiple Sclerosis Society Registration Plate, would authorize the Division of Motor Vehicles to issue a special registration plate with the logo of the National Multiple Sclerosis Society and the Society's toll free telephone number, upon receipt of 300 applications. **Introduced by Representative Holliman and referred to the House Finance Committee.**

HOUSE BILL 1199, Involuntary Commitment Affidavit, would allow a physician or physiologist to file an affidavit for involuntary commitment with the Clerk of Court or Magistrate either by hand-delivery of the original affidavit or by facsimile transmission of a paper copy of the affidavit bearing the original signature. **Introduced by Representative Holliman and referred to the House Judiciary I Committee.**

HOUSE BILL 1206, Dog Training With Water Fowl and Game Birds, would allow the use of domestically breed water fowl and game birds in dog training under certain circumstances. **Introduced by Representatives Williams, Steen and Gully and referred to the House Wildlife Resources Committee.**

HOUSE BILL 1209, Aggravate Penalty/Predatory Sex Offenders, would define a habitual sex offender as anyone convicted of indecent exposure, secretly peeping into a room occupied by another person, or sexual battery who has two or more convictions of those offenses. A person convicted as a "habitual sex offender" would be punished as a Class F felony and would be required to register as a convicted sex offender. **Introduced by Representatives Goodwin, Sauls, Brubaker and Vinson and referred to the House Judiciary I Committee.**

HOUSE BILL 1210, DNA Crime Lab Investigators/Funds, would appropriate funding to the State Bureau of Investigation for 7 new DNA Investigators to expedite DNA analysis and uploading of DNA profiles into the DNA database. **Introduced by Representatives Goodwin and Sutton and referred to the House Appropriations Committee.**

HOUSE BILL 1211, Discovery/Confidential Identity Informant, would amend the criminal discovery laws to provide that the prosecution is not required to disclose the identity of a confidential informant unless the disclosure is required by constitutional or statutory law and that the prosecution is not required to disclose personal information about a victim or a State's witness unless it is constitutionally required to be disclosed. **Introduced by Representative Sutton and referred to the House Judiciary III Committee.**

HOUSE BILL 1213, Expunge Multiple Charges/Occur Within 1 Year, would allow a person to have their criminal records expunged in situations where the person was charged with multiple offenses during a 12-month period if the charges were subsequently dismissed or the defendant was found not guilty, all during the same term of court. This option for expungement would apply even though the multiple criminal offenses did not arise out of the same transaction or occurrence. **Introduced by Representatives Moore and Sutton and referred to the House Judiciary II Committee.**

HOUSE BILL 1215, Adjust B1 - E Felony Penalties, would reduce the sentences of Class B1 through Class E felonies by three months and increase the period of post-release supervision from 9 months to 12 months. **Introduced by Representative Haire and referred to the House Judiciary III Committee.**

HOUSE BILL 1223, Amend Historic Vehicle Owner Plates, would require the Division of Motor Vehicles, upon request, to provide free of charge one registration plate to the owner of a Historic Vehicle if the owner of the vehicle is at least 65 years old. **Introduced by Representatives Setzer and Allred and referred to the House Finance Committee.**

HOUSE BILL 1226, Inspection of Correctional Facilities, would provide that when a new prison is completed through a lease-purchase agreement it is no longer subject to any county or city building codes when the State's lease begins and the Department of Insurance would be responsible for the prison's fire protection inspections and electrical inspections. **Introduced by Representative Culpepper and referred to the House State Government Committee.**

HOUSE BILL 1228, Corvette Club Special Registration Plate, would authorize the Division of Motor Vehicles to issue a special registration plate with the logo of the Chevrolet Corvette, upon receipt of permission from the Chevrolet Motor Division of the General Motors Corporation, and upon receipt of 300 applications. **Introduced by Representative Underhill and referred to the House Finance Committee.**

HOUSE BILL 1230, Local Government Obsolete Property Donations, would authorize counties and cities to donate surplus, obsolete or unused property to other governmental units after giving public notice and after adopting a resolution approving the donation prior to making the donation. **Introduced by Representative Faison and referred to the House Judiciary III Committee.**

HOUSE BILL 1231, State Highway Patrol Retiree Plate Modifications, would permit unmarried spouses of deceased retired State Highway Patrol Troopers to obtain the retired highway patrol special registration plate issued by the Division of Motor Vehicles. **Introduced by Representative Steen and Williams and referred to the House Finance Committee.**

HOUSE BILL 1241, State Law Officers' 28-Year Retirement, would allow State law enforcement officers to retire with unreduced benefits on or after the officer's 50th birthday and after the officer has completed 28 years of service. State law enforcement officers who qualify for this early retirement option would also remain eligible for the Special Separation Allowance Benefit. As drafted, this bill would not apply to local law enforcement officers. This legislation has been pre-filed and will be introduced by Representative Culpepper next Monday.

BILL STATUS

SENATE BILL 166, Regulate Golf Carts, was amended to add Elizabethtown (Bladen County) to the list of towns that are authorized to regulate the operation of golf carts on public streets. It was also amended to make it clear that any law enforcement officer acting within their territorial jurisdiction may enforce the Motor Vehicle Laws on land under control of the Seven Lakes Land Owners Association, Inc. (in Moore County). With this amendment, this bill was tentatively approved by the House and will be considered again by the House next week. If it is approved by the House, it will be returned to the Senate for the Senate's consideration of the House changes.

SENATE BILL 472, Child Exploitation Prevention Act, was approved by the Senate and referred to the House Judiciary IV Committee.

SENATE BILL 492, Jury Exhibits, was amended to allow a judge to authorize a jury to take a copy of the jury charges to the jury room during deliberations.

HOUSE BILL 355, Restrict Use of Blue and Red Vehicle Lights, has been approved by the House and sent to the Senate for consideration.

HOUSE BILL 399, Unified Government, has been approved by the House and referred to the Senate Finance Committee. This bill would effect only Currituck and Hyde Counties. It would, if approved by the voters of one of those counties, allow for a unified government and there would be no cities incorporated within the county.

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>.

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