



NORTH CAROLINA SHERIFFS' ASSOCIATION

Weekly Legislative Report

April 8, 2005

Attention from all across the nation was focused on North Carolina this week. First, the University of North Carolina at Chapel Hill men's basketball team won the NCAA National Championship. Then the North Carolina House of Representatives approved a bill authorizing a lottery in North Carolina by a 61 to 59 vote. At the beginning of the basketball season and at the beginning of the General Assembly Session, both of these outcomes seemed possible, but not likely. The Senate has introduced a resolution inviting the UNC-Chapel Hill basketball team to attend the General Assembly Session on April 12th and the House has sent the lottery bill to the Senate with an invitation to approve it and send it to Governor Easley for his almost certain signature. There is some indication that the Senate is no hurry to begin public discussion of the lottery bill and it is unclear at this time whether the Senate will attempt to make any changes to the version of the lottery legislation that was approved by the House.

Representative Ed Jones was appointed and sworn in on Tuesday just in time to vote on the lottery legislation. He replaces Representative John Hall who died recently. Representative Jones represents Halifax County and Nash County. He is a retired First Sergeant from the North Carolina State Highway Patrol, former Enfield Police Chief and just resigned his position as Mayor of Enfield in order to be appointed to the General Assembly. He has been assigned to the Appropriations Subcommittee on Justice and Public Safety, and his law enforcement background should be beneficial in his new role.

On Thursday, the Appropriations Subcommittee on Justice and Public Safety announced their assignment to reduce their proposed budget by \$63 million. Legislators and agency heads alike acknowledged that any fat in the justice and Public Safety Subcommittee's area had been cut from the budget years ago, that most of muscle was gone, and that this year's cuts will be down to the bone. Many of the proposed cuts already identified for discussion will most certainly result in increased costs in other areas. The House and Senate members of the Justice and Public Safety Committee have been meeting jointly recently, but it is likely that the Senate members will soon begin meeting alone since it is Senate's responsibility to prepare the first draft of the budget this year.

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

BILLS OF INTEREST

HOUSE BILL 1084, Expunge Nonviolent Felonies/Young Offenders, would provide that a person who was convicted of a nonviolent felony when they were under 18 years of age could have the

conviction expunged under certain circumstances if they had no other felony or misdemeanor convictions. **Introduced by Representatives Bordsen and Crawford and referred to the House Judiciary II Committee.**

HOUSE BILL 1086, General Assembly Police Jurisdiction, would expand the jurisdiction of the General Assembly Police beyond the Legislative Buildings and complex to include any area within a one mile radius of those buildings. It would also give the General Assembly Police jurisdiction in “any part of the state while they are present in that location during the performance of their official duties.” **Introduced by Representative Culpepper and referred to the House Rules Committee.**

HOUSE BILL 1100, Break Into Place of Worship, is identical to Senate Bill 972 which was discussed in last week’s Weekly Legislative Report. **Introduced by Representatives Walker, Bell, Langton and Cleveland and referred to the House Judiciary II Committee.**

HOUSE BILL 1101, Prompt Release of Election Results, would require the State Board of Elections to release unofficial election results promptly after all polls close. **Introduced by Representative Allred and referred to the House Election Law Committee.**

HOUSE BILL 1104, Ban Cell Phone Use While Driving, would make it unlawful to use a mobile phone while driving a motor vehicle on a public street or highway. There would be an exception for emergency situations or by law enforcement and other public safety personnel. This legislation would prohibit local ordinances that regulate mobile telephone use. **Introduced by Representative McAllister and referred to the House Public Utilities Committee.**

HOUSE BILL 1112, Central Registry/Mental Health Beds/Involuntary Commitment, is identical to Senate Bill 1161 introduced and discussed in a previous Weekly Legislative Report. **Introduced by Representative Justus and referred to the House Health Committee.**

HOUSE BILL 1114, Emergency Personnel Tax Deduction, would allow an income tax deduction for emergency services workers which is defined to include law enforcement officers, firefighters and rescue squad workers. The income tax deduction would be \$3,000 for personnel with less than three years experience and \$4,000 for personnel with three years or more experience. **Introduced by Representative Holloway and referred to the House Finance Committee.**

HOUSE BILL 1120, Strengthen Neighborhood Watch Programs, would establish a criminal penalty for harassment of a member of a neighborhood crime watch program. **Introduced by Representative Frye and referred to the House Judiciary III Committee.**

HOUSE BILL 1123, Restrictions on Public Officials Employment, would prohibit public officials of state or local government from holding a paid position in a nonprofit organization, if the nonprofit organization receives either direct or indirect funding from the state or local government. **Introduced by Representative Rayfield and referred to the House Judiciary II Committee.**

HOUSE BILL 1125, Drivers License-Anti-littering Pledge, would require applicants for drivers licenses to sign an anti-littering pledge. **Introduced by Representative Grady and referred to the House Transportation Committee.**

HOUSE BILL 1133, County Government Criminal Records Check, is identical to Senate Bill 737 and it would allow city and county governments to obtain criminal record checks. **Introduced by Representatives Dickson, Lucas, McAllister and Glazier and referred to the House Judiciary IV Committee.**

HOUSE BILL 1145, Probation Stayed/Appeal for Trial De Novo, would provide that a defendant's term of probation does not become effective while the person is awaiting an appeal from the Masistrate Court or District Court. **Introduced by Representative Michaux and referred to the House Judiciary II Committee.**

HOUSE BILL 1156, Judicial College Funds, would provide funding for a North Carolina judicial college at the School of Government at the University of North Carolina at Chapel Hill. **Introduced by Representative Hackney and referred to the House Appropriations Committee.**

BILL STATUS

HOUSE BILL 472, Child Exploitation Prevention Act, passed the Senate and was sent to the House.

HOUSE BILL 772, Ban Internet Hunting, has been approved by the House and sent to the Senate for consideration.

HOUSE BILL 821, Evidence/Speed-Measuring Instruments, was approved by the House and is has been sent to the Senate for consideration.

HOUSE Bill 1010, Wilson County Hunting, has been amended in committee to add Orange County to the list of counties to which this new law might apply.

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>

— Eddie Caldwell
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