

LEGISLATIVE STATUS REPORT

5/12/23

The General Assembly “crossover” deadline was May 4. Any bill that had not been passed by either the House or Senate is ineligible for further consideration this session. Most of NCACP’s initiated or supported bills were passed by the House and thus met the deadline. Many of the bills NCACP opposes did not meet the deadline and are dead.

The Senate is expected to put out its proposed budget the week of May 15, and the budget negotiations with the House will begin. Both houses will continue to deal with pending bills that are still eligible.

NCACP initiated bills:

Civilian traffic investigators, S 251 and H 140. H 140 **passed House** almost unanimously and is now in S Rules. It authorizes CTIs as a 3 year pilot program in Greensboro, Winston-Salem, Burlington, and Greenville. S 251 remains in S Rules committee but our senate sponsor of S 251 has a commitment that it will be incorporated in another bill in the S Rules committee later and moved. In the Senate we will try to expand H 140 to more cities or all cities, and move S 251 for all cities.

ALPRs in State ROW, H 198 **passed House** as part of a larger DOT agency bill, now in S Rules. It authorizes SBI to place ALPRs in State ROW, as well as act as administrative agent for local LE agencies to do the same. If the bill passes, the SBI and DOT need to develop the procedure for processing requests for local agencies.

Expand CJ Fellows program to all counties, H 612 **passed House**, in S Rules.

Increase penalties related to fentanyl, S 189 **passed House**. Increases penalty for fentanyl trafficking, amends death by distribution penalties and definitions, and clarifies that existing good Samaritan immunity extends to possession of less than one gram of fentanyl. In S Rules.

Public endangerment. H 545 created felony of willful or wanton discharge of firearm endangering others in public place as defined. It did not get committee hearing or floor vote in time for the crossover deadline of May 4 so is **dead**.

Extend effective period of DV ex parte orders by magistrates. H 743 **passed House**, extends such orders for up to 10 days (previously next day of district court). In S Rules.

Close 30 day loophole in ordinance enforcement and restore criminal enforcement of taxi regulations. S 111 remains in S Rules. Our senate sponsor has a commitment that later a bill in Senate Rules committee will be changed to incorporate these provisions.

NCACP supported bills:

Defer special separation allowance. H 810 **passed House**, allowing a LEO to defer special separation allowance for up to 5 years with employer approval. Thus an officer would not lose SSA benefit beyond age 62. The fiscal note and the State Treasurer's office do not indicate negative impacts or costs. In S Rules.

Permit employment in retirement. H 768 **passed House**, allowing a LEO to retire and return to work as LEO at least one month (six months for state LEO) after retirement papers filed without losing retirement benefits. Employer pays both employer and employee contribution to retirement system for duration of employment; employer and employee must file sworn affidavits that they did not have understanding the employee would be rehired after retirement. The State Treasurer's office has not yet commented on the legality of this bill under IRS rules. In S Rules.

Pre-Trial Integrity. H 813 **passed House**, moving pre-trial release decisions for named serious offenses from magistrate to superior court judge, and increases from 10 to 30 days the maximum interval between hearings on continued secure custody for juveniles accused of Class A felonies if committed by adult. In S Rules.

Appropriations. H 259, the biennial budget **passed by the House:**

* \$9M in equal amounts to all police departments of 1-80 officers for workforce development and officer safety and health programs;

* \$750k in each year of the biennium directly to NCACP to support agencies for employee performance and wellness management programs. NCACP will develop criteria for grants to agencies.

*moves SBI from DPS to an independent cabinet level position.

*\$627K to the Standards Commissions to implement RAPBACK.

Booking photos. H 768 has **passed House**, prohibits LE agencies from knowingly disclosing a copy of a booking photograph to any publish-for-pay publication or website, but explicitly does not prohibit posting photo on agency website or mobile app.

Release of wanted juvenile name and photo. H 186 has **passed House** allowing Div. of Juvenile Justice or any LE agency to release name and photo of a juvenile alleged in a petition to have committed any crime subject to case transfer to superior court. Requires court order unless exigent circumstances exist, and then the order shall be sought as soon as reasonably practicable but no later than the next session of court in the county after release of the information. In S Rules.

Assaults on first responders. H 707 **passed House**, increases penalty from felony Class D to B1 for assault with a firearm on first responders. In Sen. Rules.

NCACP opposed bills:

Whistleblower protection. H 589 failed to make crossover and **died** in House Rules committee after receiving a favorable report in House J3 committee.

PBA and FOP seats on CJ Standards Commission. H 214 failed to make crossover and **died** in House Rules committee after receiving a favorable report in House J3 committee.

Eliminate window tint in inspections. S 101 failed to make crossover and **died** in committee.

Inspect parade vehicles. H633 **passed House** and is in Senate Rules committee. Requires in cities of 35,000 or more that the fire or police department inspect parade vehicles within 7 days of parade to insure that the vehicle is registered and insured and that the driver is at least 25 years of age.

Giglio notifications. H 704 backed by the PBA contained unacceptable procedures for Giglio notifications, has been modified and **passed by the House** and now only repeals the Giglio reporting requirements enacted last year in S 300. In Senate Rules. NCACP supports acceptable due process for officers who have received Giglio notifications, but opposes repeal of existing requirement that Giglio notifications be sent to applicable Commission.

Good Samaritan immunity expansion, S 458 **died** in committee.

Other Bills of interest that died in committee:

Constitutional carry, H 189.

Street racing, H 429.

No citizen initiated arrest warrants, S 621.

Protect personal information of LE, judges, prosecutors, H 826

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