



Final 2023 Legislative Report

October 30, 2023

On October 25 the General Assembly adjourned the 2023 long session which convened in January. The legislature will reconvene on April 24, 2024 for the short session, which is mainly limited to bills affecting the state budget and 2023 bills which have passed one house and not been defeated the other house (see some bills below which are therefore eligible for consideration in the short session).

NCACP had a successful 2023 legislative session including initiatives to authorize civilian traffic investigators, a pilot program to allow automatic license plate readers in State ROW, and for the first time appropriations specifically for local police departments. In addition, several significant new criminal offenses or penalty enhancements were enacted with NCACP support. Just as importantly, several harmful bills opposed by NCACP were defeated.

Without the active support of the NCACP leadership and individual chiefs, our legislative achievements would not be possible.

See the actual bills for full explanation of their contents.

NCACP INITIATED BILLS:

Automatic License Plate Readers. NOW LAW. S 409 establishes a pilot program that authorizes NC DOT to enter into agreements with the SBI to allow the SBI, or local law enforcement agencies through the SBI as administrative agent, to place ALPRs in State ROW. The pilot program expires on July 1, 2025 unless extended or made permanent. The SBI must submit a report to a legislative committee on the pilot program in 2025. Use of ALPR data remains subject to the existing Article 3D of Ch. 20 of the General Statutes. Effective Jan. 1, 2024.

Grant money to NCACP. NOW LAW. The state budget bill, H 259, contains an appropriation of \$750k in each year of the biennium directly to NCACP for grants to support local law enforcement agencies for employee performance and wellness management programs.

Civilian traffic investigators. H 140 is **NOW LAW**, effective now. Authorizes civilian traffic investigators for all municipalities; requires training set by NC Justice Academy, applies only to

non-injury accidents; requires distinctive uniform; prohibits carrying a weapon; no arrest or citation authority. Contact the Justice Academy to receive the in-house training materials.

Other bills of interest:

Expand CJ Fellows Program to all counties. NOW LAW. H 259, the state budget bill, eliminates the 200,000 county population cap for eligible recipients. Supported by NCACP.

Defer special separation allowance. H 810 would allow a state or local LEO with 30 but not more than 35 years of service, with 5 years immediately preceding retirement, to defer receiving special separation allowance for up to 5 years (currently ends at age 62). The bill passed the House but did not move in the Senate. Supported by NCACP.

Permit re-employment in retirement. H 768 passed the House, allowing a LEO at least 59 1/2 years old to retire and return to work as a LEO for an employer in the same retirement system, at least one month (6 months for a state LEO) after retirement papers are signed, without losing retirement benefits. Employer pays both employer and employee contributions to retirement system for duration of employment; employer and employee must sign sworn affidavits that there was no agreement for the employee to be rehired after retirement. The bill did not move in the Senate. Supported by NCACP.

Pre-trial integrity. H 813 is **NOW LAW**. It moves pre-trial release decisions for named serious offenses from magistrates to superior court judges, and increases from 10-30 days the maximum interval between hearings on continued secure custody for juveniles accused of Class A felonies if committed by an adult. Supported by NCACP.

SBI moved from DPS to independent department of state government in the state budget bill, H 259. **NOW LAW.**

Release of wanted juvenile name and photo. H 186 is **NOW LAW**, effective 12/1/23. It allows Division of Juvenile Justice or any LE agency to release name and photo of a juvenile alleged in a petition to have committed a crime subject to case transfer to superior court. Requires court order unless exigent circumstances exist, and then a court 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. Supported by NCACP.

Assault on first responders. H 34 is **NOW LAW**, effective for offenses on or after 12/1/23. Increases various penalties for different forms of assaults on LE officer or other first responders, firing into unoccupied first responder vehicles, and pointing a laser beam at officers or search and rescue animals. Supported by NCACP.

Sale of hemp derived products. H 563 would regulate the sale and distribution of hemp derived consumables, including prohibition on sale on public streets and sidewalks or parks, on

school grounds, or to persons under age 18. Provides licensing system for manufacture and sale of such products. Contains civil and criminal penalties for violations, vests ALE with enforcement responsibility. The bill has passed the House but died in Senate Rules committee. Supported by NCACP.

Booking photos. H 778 passed House, prohibits LE agencies from knowingly disclosing booking photos to any publish-for-pay publication or website, but explicitly does not prohibit posting of photo on agency website or mobile app. The bill died in Senate Rules. Supported by NCACP.

Increase penalties related to fentanyl and death by distribution. S 189, **NOW LAW**, increases penalties for fentanyl trafficking, amends death by distribution law to close gap requiring that proof of sale is required, and clarifies that existing good Samaritan immunity extends to possession of less than one gram of fentanyl. Effective Dec. 1, 2023. Establishes Task Force on Enforcement of Fentanyl and Heroin Violations, consisting Sec. of DPS., President of NCACP, Chair of NC Sheriffs Assn., Director of SBI, Commander of SHP, E.D. of Conf. of DAs, or their designees. Task Force to report to the General Assembly in April 2024 and in 2025 session. Supported by NCACP.

School threat assessment teams. H 605 is **NOW LAW**. Requires Center for Safer Schools to establish guidelines for teams with various disciplines (including law enforcement) to assess and intervene with individuals who might pose a public safety threat in schools.

Trespass between midnight and 6 AM. S 246 is **NOW LAW**, effective 12/1/23. Creates offense of 2d degree trespass for entering or remaining on the curtilage of a dwelling between those hours, in addition to existing trespass violation on posted property or after having been forbidden to enter or remain. Curtilage is the area immediately surrounding a dwelling.

Increase penalties for rioting, assaults on first responders. H 40 is **NOW LAW**, effective for offenses on or after 12/1/23. Increases penalties for engaging in a riot: with weapon or dangerous substance, Class H; causing property damage of more than \$2500 or serious bodily injury, Class F; causing death, Class E. Creates crimes of assault on first responders in area of riot or declared emergency: Class H; with a dangerous weapon, Class F; causing serious bodily injury, Class E; causing death, Class D. Provides that persons arrested for these offenses shall have pre-trial release determined by a judge, with stated requirements for release. Requires the Sheriffs and CJ Commissions to develop training for riot response. Supported by NCACP.

Freeze Automatic Expunctions. H 193, **NOW LAW**, freezes until 7/1/24 the automatic expunctions of dismissed and not guilty cases enacted in the Second Chance Act of 2020 (S.L. 2020-35). These automatic expunctions without notice caused serious problems for law enforcement, clerks of court, and prosecutors. Supported by NCACP.

Medal of Valor for First Responders. H 387, **NOW LAW**, authorizes the Governor and Lt. Governor to award to a first responder (2 per year) or first responder unit (1 per year) Medal of Valor Award for “great acts of heroism beyond the call of duty”.

Hospital Violence Protection Act. NOW LAW. Requires each hospital with an emergency department to develop a risk assessment and security plan and provide a law enforcement officer at all times unless hospital determines that it is not necessary based on criteria set out in the law. Requires hospital to train LEOs assigned to it. Effective Oct. 1, 2024.

B&E of railroad cars, motor vehicles, boats, aircraft. NOW LAW. Increasing graduated felony penalties based on value of property stolen, including a class H felony if from a law enforcement or military conveyance if stolen property is valued between \$1500 and \$20,000. Effective Dec. 1, 2023.

Street takeover. H 91. **Now Law,** creates offense of “street takeover” as Class A1 misdemeanor (Class H felony for second offense within 24 months), and seizure of vehicle. “Street takeover” definition includes various stunts such as wheelies, doughnuts, and drifting. Participation by coordination or facilitation of street takeover is Class A1 misdemeanor. Effective 12/1/23.

Bills proposed by NCACP that did not move but will continue to be pursued:

Public Endangerment. H 545 would create a felony of willful or wanton discharge of a firearm endangering others in a public place as defined in the bill.

Extend effective period of Ex Parte DV orders by magistrates to 10 days (now next session of district court). H 743.

Restore criminal enforcement of taxi regulations, and close 30 loophole in ordinance enforcement. S 111.

Bills opposed by NCACP that died.

H 589. LEO whistleblower protection.

H 214. Designated seats for PBA and FOP on CJ Standards Commission.

H 704. Expanded unacceptable Giglio officer protections (NCACP supports acceptable procedure to review Giglio notifications).

S 101. Eliminate window tint inspections.

H 633. Law enforcement inspect parade vehicles.

S 458. Expand Good Samaritan immunity.

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