



HOUSE BILL 1044: Law Enforcement Omnibus Bill.

2016-2017 General Assembly

Committee:	House Judiciary IV	Date:	June 13, 2016
Introduced by:	Reps. Hager, J. Bell, Boles, Burr	Prepared by:	Nicholas Giddings
Analysis of:	PCS to First Edition H1044-CSTC-79		Committee Co-Counsel

SUMMARY: *HB 1044 would make various changes related to law enforcement.*

The PCS for HB 1044 would delete Sections 2, 6, 7, 10, 11, and 12 of the 1st Edition of the bill, and add new provisions exempting fees paid to the State Highway Patrol related to traffic control at public events from certain restrictions related to fee-setting, and requiring forensic scientists to be employed 24 months prior to becoming career State employees.

CURRENT LAW AND BILL ANALYSIS: The PCS for HB 1044 would make the following changes:

Section 1

Bill Analysis: Section 1 would create a new statewide alert system within the North Carolina Center for Missing Persons, called the "Blue Alert System," to aid in apprehension of a suspect who killed or inflicted serious bodily injury on a law enforcement officer (LEO).

Section 2

Current Law: G.S. 14-269.1 provides the options for confiscation and disposal of deadly weapons used in certain crimes in the discretion of the presiding judge at trial. One option is ordering the weapon turned over to a law enforcement agency in the county of trial for either official use of the agency or sale, trade, or exchange by the agency to a federally licensed firearm dealer. The court may order this disposition only upon the written request of the head or chief of the law enforcement agency.

Bill Analysis: Section 2 would allow, in addition to the head or chief of a law enforcement agency, the designee of one of those individuals to make the written request to the court to obtain the firearm for official use, sale, trade, or exchange.

Section 3

Current Law: G.S. 143B-1022 established the Silver Alert System in North Carolina to provide information regarding missing persons who suffer from dementia or other cognitive impairments.

Bill Analysis: Section 3 would change language for impairments which would trigger a Silver Alert to dementia, Alzheimer's disease or a disability that requires the individual be protected from potential abuse or other physical harm, neglect, or exploitation.

Section 4

Current Law: G.S. 20-54 provides authority for the Division of Motor Vehicles (DMV) to refuse registration or issuance of title to vehicle owners under various circumstances.

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Bill Analysis: Section 4 would provide another ground for refusal when the DMV is notified by the State Highway Patrol that the owner has failed to pay civil penalties and fees incurred due to violations of size, weight, construction and equipment restrictions on a highway.

Section 5

Bill Analysis: Section 5 would expand the definition of an "emergency" under the North Carolina Emergency Management Act to provide various additions, including: terrorism; public health causes; explosions; technological failure or accident, including cyber-incidents; transportation accidents; radiological accidents; or chemical or hazardous material incidents.

Section 6

Bill Analysis: Section 6 would exempt Samarcand Training Academy from G.S. 66-58(a) which provides restrictions on governmental units when selling merchandise or services.

Section 7

Current Law: G.S. 12-3.1 states that only the General Assembly has the power to authorize an agency to establish or increase a fee or charge for the rendering of any service or fulfilling of any duty to the public, unless statutory authority expressly allows the agency to establish a fee or charge for a specific service.

Bill Analysis: Section 7 would exempt from the requirements of G.S. 12-3.1 fees to reimburse the State Highway Patrol for salaries, travel, and other expenses directly related to providing traffic control at public events when admission fees are charged. This exemption does not apply to State supported events.

Section 8

Current Law: G.S. 126-1.1 defines "career State employee" as State employees or certain employees of a local entity that are in a permanent position with permanent appointment and have been continuously employed by that unit in a position subject to the North Carolina Human Resources Act for the immediate 12 preceding months. A caveat to this 12 month requirement is if the employee is in a sworn law enforcement position requiring formal training prior to assuming their duties; these employees become "career State employees" upon being employed for 24 consecutive months.

Bill Analysis: Section 8 would include forensic scientists, who also require formal training prior to assuming their duties, with sworn law enforcement officers as those who can achieve "career State employee" status after being employed for 24 consecutive months.

Section 9

Bill Analysis: Section 9 appropriates \$8,675,924 from the General Fund to the State Bureau of Investigation to replace aircrafts and provide essential modern law enforcement equipment.

EFFECTIVE DATE: Section 9 of House Bill 1044 becomes effective July 1, 2016. Section 4 of House Bill 1044 becomes effective October 1, 2016. The remainder of this act is effective when it becomes law.