



HOUSE BILL 1044: Law Enforcement Omnibus Bill.

2016-2017 General Assembly

Committee:	Senate Judiciary II	Date:	June 22, 2016
Introduced by:	Reps. Hager, J. Bell, Boles, Burr	Prepared by:	Bill Patterson
Analysis of:	PCS to Third Edition H1044-CSTG-67		Committee Co-Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 1044 would make various changes related to law enforcement. The PCS deletes Section 7 in the original bill, renumbers the remaining sections, and makes conforming changes to the long title of the bill.*

CURRENT LAW AND BILL ANALYSIS: The PCS for House Bill 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.

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.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
919-733-2578

House PCS 1044

Page 2

Section 5

Current Law: The North Carolina Emergency Management Act defines "emergency" as an "occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause."

Bill Analysis: Section 5 would expand the definition of an "emergency" under the North Carolina Emergency Management Act to include occurrences or imminent threats resulting from terrorism, public health causes, explosions, technological failure or accident, including cyber-incidents, transportation accidents, radiological accidents, or chemical or other 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. 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 8

Current Law: Currently, an investigative grand jury can be convened for certain alleged violations of the Controlled Substances Act (i.e. drug trafficking cases), human trafficking, involuntary servitude, sexual servitude.

Bill Analysis: Section 8 would expand this list of crimes for which an investigative grand jury can be convened to include all of the following:

- Violations involving bribery and obstructing justice.
- Violations involving buying and selling of offices.
- Failing to discharge duties.
- Public officers and employees benefitting from public contracts.

EFFECTIVE DATE: Section 4 of the act becomes effective October 1, 2016, and applies to violations committed on or after that date. Section 8 of the act becomes effective October 1, 2016. The remainder of the act is effective when it becomes law.

Nicholas Giddings, counsel to House Judiciary IV, and Brad Krehely, counsel to House Judiciary II, substantially contributed to this summary.