



# HOUSE BILL 1044: Law Enforcement Omnibus Bill.

2015-2016 General Assembly

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<b>Committee:</b>		<b>Date:</b>	July 29, 2016
<b>Introduced by:</b>		<b>Prepared by:</b>	Bill Patterson Staff Attorney
<b>Analysis of:</b>	S.L. 2016-87		

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**OVERVIEW:** *S.L. 2016-87 does all of the following:*

- *Creates a "Blue Alert System" to aid in the apprehension of a person suspected of killing or inflicting serious bodily injury upon a law enforcement officer.*
- *Permits the designee of the head or chief of a law enforcement agency to request confiscated firearms to be turned over to the law enforcement agency for official use, sale, trade, or exchange.*
- *Modifies the description of cognitive impairments that trigger a Silver Alert for missing persons.*
- *Authorizes the Division of Motor Vehicles to refuse vehicle registration for failure to pay civil penalties and fees incurred for violating size, weight, construction, and equipment restrictions. This provision becomes effective October 1, 2016, and applies to violations committed on or after that date.*
- *Expands the definition of "emergency" under the North Carolina Emergency Management Act.*
- *Permits the Samarcand Academy to sell merchandise and services to the public.*
- *Provides that persons hired by a State agency, department or university in a forensic scientist position and who are required to complete formal training before assuming their forensic scientist duties must be employed for 24 consecutive months in order to become career State employees.*

*Except as otherwise provided, this act became effective July 11, 2016.*

## **BILL ANALYSIS:**

### **Section 1**

Section 1 of S.L. 2016-87 creates a "Blue Alert System" within the North Carolina Center for Missing Persons to aid in apprehension of a suspect who killed or inflicted serious bodily injury on a law enforcement officer (LEO).

### **Section 2**

Deadly weapons used in certain crimes may, in the discretion of the presiding trial judge, be disposed of by ordering the weapon to be turned over to a law enforcement agency in the county of trial for the agency's official use, sale, trade, or exchange to a federally licensed firearm dealer. Prior to enactment of

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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this act, the court could order this disposition only upon the written request of the head or chief of the law enforcement agency.

Section 2 of the act permits the order also to be entered upon written request of the designee of the law enforcement agency head or chief.

## **Section 3**

The "Silver Alert System" was established within the North Carolina Center for Missing Persons to provide a system for rapidly disseminating information regarding missing persons believed to be suffering from "dementia or other cognitive impairment."

Section 3 of the act changes the description of the impairments that trigger a Silver Alert for missing persons believed to suffer from those impairments to "dementia, Alzheimer's disease, or a disability that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation."

## **Section 4**

The Division of Motor Vehicles (DMV) is authorized to refuse registration or issuance of title to vehicle owners under certain circumstances. Section 4 of the act expands this authority to permit refusal of registration when 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**

Prior to enactment of this act, the North Carolina Emergency Management Act defined "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.

Section 5 of the act expands this definition 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**

Section 6 of this act exempts Samarcand Training Academy from restrictions on the sale of merchandise or services by governmental units.

## **Section 7**

A "career State employee" is defined to include a State employee employed in a permanent position with a permanent appointment, who been continuously employed in a position subject to the North Carolina Human Resources Act for the immediate 12 preceding months.

Section 7 provides that employees who are hired by a State agency, department or university in a forensic scientist position and who are required to complete a formal training program prior to assuming forensic scientist duties with the hiring entity must be employed for 24 consecutive months in order to become career State employees.

**EFFECTIVE DATE:** Section 4 of the act became effective October 1, 2016, and applies to violations committed on or after that date. The remainder of the act became effective July 11, 2016.

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