



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 419: Loss Prevention/Investigations/Other Changes.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	October 30, 2019
Introduced by:	Sens. Britt, Johnson, McInnis	Prepared by:	Wendy Ray
Analysis of:	PCS to Second Edition S419-CSSU-50		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 419 would clarify that loss prevention professionals can conduct investigations on certain matters related to an employing business without being licensed to engage in private protective services. It would also make various changes to other statutes and session laws.*

BILL ANALYSIS: The PCS for Senate Bill 419 would amend the law as follows:

Section 1. Current law prohibits any private person, firm, association, or corporation from engaging or performing any services as, or in any way representing or holding itself out as engaging in, a private protective services profession or activity in North Carolina without having first complied with the provisions of Chapter 74C, which includes licensing requirements. The definition of private protective services includes an exemption for employees of a security department of a private business that conduct investigations exclusively on matters internal to the business affairs of the business. This section would amend the exemption to clarify both that it applies to loss prevention employees of a business (in addition to employees in a security department) and that the scope of investigations covered includes matters related to lost or stolen property of the business (in addition to matters internal to the business).

Section 2 would change references in the sex offender registry statutes from the Department of Public Safety to the State Bureau of Investigation (SBI). The SBI is the agency that administers and maintains the sex offender registry.

Section 3 would make a technical correction to an expunction statute enacted in S.L. 2019-186 (Raise the Age Modifications) to reflect the expunction requirements therein are related to cases that are remanded to district court for juvenile adjudication, not dismissed.

Section 4 would make clarifying changes in the Criminal Procedure Act and current law related to county jails to require juveniles to be housed in juvenile detention facilities and to require juveniles to be transported by personnel of the Division of Adult Correction and Juvenile Justice or persons approved by the Juvenile Justice Section. Similar provisions appear in Chapter 7B of the General Statutes. This section would become effective July 1, 2020.

Section 5. S.L. 2019-182 (ABC Regulatory Reform) amended the law to require a local ABC board to allow a customer to purchase an individual bottle from a case ordered through the special order process, and allowed ABC boards to put the remainder of the case on the store shelves. This section would make the statutory language permissive but would require the ABC Commission to establish rules directing the local ABC boards to allow the purchase of individual bottles when it would not place an undue hardship on the local ABC board.

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Section 6 would amend the wildlife control agent license created by S.L. 2019-204 (Wildlife Resources Commission Amendments) to allow a licensee to issue depredation permits and establish a wildlife control technician certification for employees of wildlife control agents who engage in wildlife damage control or wildlife removal activities for compensation. The certification would not authorize individuals to issue depredation permits. The Wildlife Resources Commission may not charge a fee for the certification, but may adopt rules to certify and set standards for wildlife control technicians. This section would become effective November 1, 2019.

Section 7 would amend a provision enacted this year in S.L. 2019-204 (Wildlife Resources Commission Amendments) to clarify that an “eligible firefighter” authorized to obtain a lifetime hunting or fishing license at half of the applicable fee amount must appear as a *volunteer* on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters’ Association.

Section 8 would designate the Superintendent of Public Instruction as an applicable elected representative under the Internal Revenue Code who may approve issuance of a private activity bond to finance a charter school facility, following a public hearing conducted in accordance with the Internal Revenue Code and applicable State and federal laws and regulations.

Section 9. S.L. 2019-171 (PED/Safekeeper Health Care Cost Recovery Practices) made changes to the way medical treatment and medical billing is handled for safekeeper inmates transferred from a jail to a prison for medical treatment. This section would make the same changes for inmates housed in a jail through the Statewide Misdemeanor Confinement Program. This section would become effective December 1, 2019.

Section 10 corrects the applicability language of S.L. 2018-80 (Real Property Tech Corrections/Solicitation of Copies) as it applies to the act's amendments to G.S. 47-17.1 and G.S. 47-18.3. Specifically, the generic applicability provision in the act states that the act applies to "mortgages and deeds of trust" entered into on or after December 1, 2019, but G.S. 47-17.1 applies to deeds as well as deeds of trust, and G.S. 47-18.3 applies to all instruments filed with the registers of deeds, not just mortgages and deeds of trust. This section also (i) strikes language that was added in 2018-80 that has, in practice, not worked and (ii) adds a sentence clarifying that the register of deeds has no duty to verify or make inquiry about the capacity or the authority of the person or entity shown as the drafter on the face of a deed or deed of trust.

Section 11 would amend S.L. 2019-98 (Roanoke Rapids Lake/Unattended Equipment) to clarify that it would be unlawful during waterfowl seasons to either leave equipment unattended during hunting hours or leave equipment overnight (whether attended or unattended).

Section 12 would correct an error in S.L. 2019-158 (Human Trafficking Commission Recommendations) where the introductory language inadvertently rewrote an entire statute and deleted existing language when the intent was only to add new language. This section would be effective July 1, 2019.

Section 13 would correct lead-in language to reference the amendment of an existing subdivision, rather than creation of a new subdivision.

Section 14 would delay the effective date of the new delivery service permit authorized by S.L. 2019-182 (ABC Regulatory Reform) from December 1, 2019, to February 1, 2020.

Section 15 would add two members to the Joint Legislative Study Committee on Small Business Retirement Options, one to be appointed by the Speaker of the House and one to be appointed by the President Pro Tempore of the Senate.

Section 16 would correct a heading in Senate Bill 553 (Regulatory Reform Act of 2019), if that act becomes law.

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Section 17 would allow legal assistants employed in district attorney offices to access certain juvenile delinquency information in J Wise, an automated electronic information management system for juvenile courts.

Section 18 would reenact a provision that was part of the Map Act prior to its repeal by S.L. 2019-35. The provision requires the Department of Transportation to defend and indemnify the City of Wilmington and the Wilmington Urban Area MPO against claims related to transportation corridor maps filed under the Map Act. This section would be effective June 21, 2019.

EFFECTIVE DATE: Except as otherwise noted, the act would be effective when it becomes law.