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# FINAL LEGISLATIVE REPORT

## 2010

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### North Carolina Sheriffs' Association



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The 2010 Session of the North Carolina General Assembly convened at 12:00 p.m. on Wednesday, May 12, 2010 and adjourned at 5:33 a.m. on Saturday, July 10, 2010.

During the two-year 2009-2010 Session of the General Assembly, 2,084 House bills and 1,462 Senate bills were introduced, for a total of 3,546 legislative bills available for consideration.

Of the 3,546 legislative bills introduced during the two-year Session, 837 of them were enacted into law, which is 23.6%. Governor Beverly Perdue signed 613 bills. Some bills are enacted into law by the General Assembly and do not go to the Governor for signature, to include "local" bills (which are those that affect 14 or fewer counties) and bills authorizing our state's citizens to vote on an amendment to the North Carolina Constitution.

This Final Legislative Report of the North Carolina Sheriffs' Association summarizes bills of interest to Sheriffs, Sheriffs' Office personnel and other criminal justice professionals. Included in this Final Legislative Report are summaries of: (1) relevant bills enacted into law this Session; and (2) relevant provisions of the 2010 State Budget Bill.

For details about the legislative bills summarized below, please review the actual legislation. Copies of any of the legislation introduced or considered by this year's General Assembly are available on the General Assembly's world wide website: [www.ncleg.net](http://www.ncleg.net). You may also receive one copy of as many bills as you are interested in, free of charge, by calling the General Assembly's Printed Bills Office at 919-733-5648. They will need to know if it is a House Bill or Senate Bill and the bill number. (For example, Senate Bill 8.)

The 2011 Session of the General Assembly will convene next year at 12 p.m. on Wednesday, January 26, 2011 for a Session that is expected to continue until at least late July, if not longer.

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## HOUSE BILLS

HOUSE BILL 80, Ban Electronic Sweepstakes, bans electronic sweepstakes machines used for Internet gambling. Enforcement of the current law that bans Internet sweepstakes gambling has been suspended due to a court order issued by a superior court judge. This bill was enacted in an effort to make it crystal clear that the North Carolina General Assembly intends to outlaw any form of video poker type gambling. **This bill was supported by the North Carolina Sheriffs' Association.**

This law adds a new section, G.S. 14-306.4, that makes electronic machines or devices for sweepstakes unlawful. The law has a comprehensive definition of "electronic machine or device" to include a machine or device that shows an "entertaining display." An "entertaining display" means visual information, capable of being seen by a sweepstakes entrant, that takes the form of actual game play, or simulated game play. The law gives several examples of prohibited machines but makes it clear that the examples are "by way of illustration and not exclusion." The examples include: (a) video poker game; (b) video bingo game; (c) video craps game; (d) video keno game; (e) video lotto game; (f) Eight liner; (g) Pot-of-gold; (h) a video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player; and (i) any other video game not dependent on skill or dexterity that is played while revealing a prize as a result of an entry into a sweepstakes.

The bill makes it unlawful for any person to operate, or place into operation, an electronic machine or device to: (1) conduct a sweepstakes through the use of an entertaining display, including the entry process or the revealing of a prize; or (2) promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the revealing of a prize. In an effort to cover any changes to the sweepstakes game by machine operators trying to avoid the new law, the bill says: "It is the intent of this section to prohibit any mechanism that seeks to avoid application of this section through the use of any subterfuge or pretense whatsoever."

Each violation is a separate offense. Any person who violates this section of the law is guilty of a Class 1 misdemeanor for the first offense, a Class H felony for a second offense and a Class G felony for a third or subsequent offense.

The bill also amends the definition of slot machine in G.S. 14-306 to make it clear that it applies to machines or devices that may be activated by any piece of money or coin or token or any credit card, debit card, prepaid card, or any other method that requires payment to activate play, whether directly into the slot machine or device or resulting in remote activation.

In addition, the video gaming machine law, G.S. 14-306.1A, was amended to include any "other video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes."

Effective: December 1, 2010

HOUSE BILL 617, Disabled Sportsmen/Atv Exception, adds a new section G.S. 20-171.26 which allows persons qualified under the Disabled Sportsmen Program, pursuant to G.S. 113-

296, to cross in a perpendicular fashion, without travel in either direction, a public roadway using an all-terrain vehicle while engaging in licensed hunting or fishing activities. An all-terrain vehicle operated pursuant to this law must be equipped with operable front and rear lights and a horn. It may not be operated at a speed that exceeds the posted speed limit or the manufacturer's recommended speed. The operator must carry evidence of membership in the Disabled Sportsmen Program and the appropriate license to engage in the hunting or fishing activity.

Effective: July 22, 2010

HOUSE BILL 726, Clarify Expunctions, amends the expunction statutes (that were consolidated last year) to delete the requirement that a person seeking an expunction obtain affidavits from the clerk of court, the chief of police or the sheriff of the county where the conviction occurred showing that the person had not been convicted of a felony or misdemeanor, other than a traffic offense, within a certain period of time. The law has now been updated to reflect that the clerk, the chief of police and the sheriff look at the same databases of criminal convictions that the Department of Justice (DOJ) uses when it runs the person's criminal history. Under the amendments, a person seeking an expunction must complete an application on a form approved by the Administrative Office of the Courts (AOC) requesting and authorizing a name-based State and national criminal record check by the DOJ and a search of the confidential record of expunctions maintained by the AOC. The application is forwarded to the DOJ and to the AOC, which shall conduct the searches and report their findings to the court. The bill made numerous other clarifying and technical amendments to the various expunction statutes.

Effective: October 1, 2010

HOUSE BILL 859, Amend Concealed Handgun Permit Laws, provides that retired certified probation and parole officers who retire in good standing with the Department of Correction and who were authorized to carry a weapon in the course of their duties at the time of their retirement are exempted from the firearm safety and training course requirements of the concealed handgun permit law. This amendment applies to certified probation and parole officers regardless of whether they retired before, on, or after December 1, 2010.

Effective: December 1, 2010

HOUSE BILL 961, Government Ethics and Campaign Reform Act of 2010, amends G.S. 126-14 to make it a Class 2 misdemeanor for the Governor or members of the Council of State to coerce a person doing business or trying to do business with the State to support or to make a political contribution to a political candidate by promising preferential treatment or threatening discipline of the person's business. This law also clarifies G.S. 14-234 that a public officer or employee cannot receive a favor, service or promise of future employment in exchange for influencing the award of a contract by the public agency which he or she serves. It adds to the coverage of the "Bribery of officials" statute, G.S. 14-217, a person who has filed a notice of candidacy or is nominated for an office. The candidate or nominee cannot receive or consent to receive anything of value or personal advantage, including a campaign contribution, in exchange for performing or omitting to perform any official act, or agreeing to do so.

The law also adds all former State employees to the list of persons in G.S. 120C-304(c) who must wait at least six months after leaving State employment before they can lobby their former employer. Former State employees include employees who are voluntarily separated or

separated for cause. The former State employee can register and lobby as long as the former employee does not lobby the State agency that previously employed the former State employee. This restriction is effective October 1, 2010 and applies to any person leaving State employment on or after that date.

Effective January 1, 2011, an employee of a local government unit whose principal duties, in practice or as set forth in that individual's job description, include lobbying for legislative action must register as a legislative liaison with the Secretary of State.

Beginning October 1, 2010, State departments and agencies and cities and counties are required to maintain a public record on all employees which includes the following:

1. Name.
2. Age.
3. Date of original employment or appointment.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
7. Current salary.
8. Date and amount of each increase or decrease in salary.
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification.
10. Date and general description of the reasons for each promotion.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action was a dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal.

**Note:** There is no requirement in the law that requires the employer to create a written notice of a dismissal. However, if the employer chooses to create a written notice of dismissal, that written notice must be maintained and available for inspection as a public record. Also, if the employer chooses to create a written notice of dismissal, there is no requirement that the written notice include the specific acts or omissions that are the basis of the dismissal.

12. The office to which the employee is currently assigned.

Effective: August 2, 2010

HOUSE BILL 1115, Allow Electronic Parole Notification, amends G.S. 15A-1371(b)(3) which requires the Post-Release Supervision and Parole Commission when considering parole for a prisoner serving a sentence of life imprisonment to notify at least 30 days in advance: (1) the prisoner; (2) the district attorney of the district where the prisoner was convicted; (3) the head of the law enforcement agency that arrested the prisoner; (4) the sheriff of the county where the

crime occurred; (5) any of the victim's immediate family members who have requested in writing to be notified; and (6) as many newspapers of general circulation and other media in the county where the defendant was convicted and if different, in the county where the prisoner was charged, as reasonable. The amendment allows the Commission to use electronic means to notify the media rather than using first class mail, if such notification would be more timely and cost-effective.

Effective: July 20, 2010

HOUSE BILL 1143, Military Wartime Veteran Special Plate Change, limits who the Division of Motor Vehicles (DMV) may issue this special license tag to so that only members or veterans of the armed services who served during a period of war "who received a campaign or expeditionary ribbon or medal for their service" may receive this special license tag. DMV is authorized to issue this specialty plate whenever it receives 300 applications for "all periods of war, combined."

Effective: July 1, 2010

HOUSE BILL 1260, Conform State Law/Firearm Disentitlement, adds a new G.S. 14-415.4 effective February 1, 2011, which establishes a procedure for a North Carolina resident who was convicted of a single nonviolent felony(as defined by the new law) and whose citizenship rights have been restored for a period of 20 years to petition the district court where he or she resides to remove the petitioner's disentitlement to possession of a firearm under G.S. 14-415.1 and to restore the person's firearms rights in this State. The fee to file the petition is \$200. The petitioner must prove by a preponderance of the evidence (more likely than not) that he or she is not:

1. a fugitive,
2. under indictment or a finding of probable cause for a felony,
3. an unlawful user of or addicted to marijuana, alcohol or a controlled substance,
4. dishonorably discharged from the military,
5. convicted of or received a prayer for judgment continued (PJC) or free on bond for another felony or a violent misdemeanor listed in the law including assaults and weapon offenses, or
6. subject to a 50B domestic violence protective order or a 50C no contact order.

The petitioner must submit his or her fingerprints to the sheriff for a criminal background check. The sheriff sends the fingerprints to the State Bureau of Investigation (SBI) who sends a copy of the fingerprints to the Federal Bureau of Investigation. The SBI can charge a fee for its services. The SBI sends the results of the fingerprint check to the Clerk of Superior Court who must place this information in a separate confidential file for the petition restoration. The district attorney is given notice of the hearing. If the single nonviolent felony conviction was an out-of-state conviction or a federal conviction, then the North Carolina resident must show proof of the restoration of his or her civil rights and the right to possess a firearm in the jurisdiction where the conviction occurred.

Restoration of a person's firearms rights under this section means that the person may purchase, own, possess, or have in the person's custody any firearm or any weapon of mass death and destruction as those terms are defined in G.S. 14-415.1 and G.S. 14-288.8(c) without being in violation of G.S. 14-415.1, if otherwise qualified. The person is also entitled to a firearms permit under G.S. 14-404 and a concealed handgun permit under G.S. 14-415.12. It is a Class 1 misdemeanor to submit false information under this section and a person who does is barred from ever petitioning again. Also, if the person is subsequently convicted of a felony, the court order is automatically revoked.

The General Assembly also instructed the North Carolina Attorney General to send a copy of this law to the United States Attorney General, the United States Department of Justice, and the federal Bureau of Alcohol, Tobacco, and Firearms for review asking for a determination of the following: (i) whether a person who has his or her firearms rights restored pursuant to this act can legally purchase and possess a firearm under federal law, and (ii) whether a person who falls under the exception to the State Felony Firearms Act regarding antitrust violations, unfair trade practices, or restraints of trade as enacted by this act can legally purchase and possess a firearm under federal law. The Attorney General shall report the response to the Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee. The requirement that the act be sent to the United States Government officials is effective July 20, 2010 and the balance of the bill is effective February 1, 2011.

Effective: July 20, 2010

HOUSE BILL 1307, No Felon as Sheriff, provides that at the November 2, 2010 election all voters will have an opportunity to vote for or against a constitutional amendment that will prohibit felons from serving as sheriff in North Carolina. House Bill 1307 was approved almost unanimously by the House and Senate of the North Carolina General Assembly.

Senator Stan Bingham (the bill's sponsor), Senator Marc Basnight (President Pro Tempore), and Senator David Hoyle (Rules Committee Chairman) all went the extra mile to get this legislation approved by the Senate this year. There were numerous other senators that assisted Senator Bingham in getting the bill approved, and the House leadership worked diligently to get it approved unanimously in the House.

We also owe a tremendous debt of gratitude to John Aldridge, Special Deputy Attorney General, and Joy Strickland, Assistant Attorney General of the Law Enforcement Liaison Section of the North Carolina Department of Justice. Both of these attorneys worked closely with us to ensure that the new language being added to the Constitution will ensure that no convicted felon will ever be appointed or elected as sheriff in North Carolina. We are grateful to Attorney General Roy Cooper for allowing his staff to assist the sheriffs of North Carolina and the General Assembly members in drafting this important legislation.

Assuming the constitutional amendment is approved by the voters in November, no convicted felon will be eligible to be appointed as sheriff or to be elected as sheriff in North Carolina. **This legislation was a top priority and supported by the North Carolina Sheriffs' Association.**

Effective: July 1, 2010

HOUSE BILL 1398, Determining Senior Resident Superior Court Judge, changes the requirements for appointing the Senior Resident Superior Court Judge. Currently the Chief Justice of the Supreme Court of North Carolina must appoint the superior court judge who has the longest service and if the service of two judges is the same, then the oldest judge. The new law lists criteria the Chief Justice is to consider in making this decision including seniority, experience, and management competence of the regular resident superior court judges. In addition, the Chief Justice is required to consult with the regular resident superior court judges, the chief district court judges, the members of the district bar, the clerk of court, district attorney, and public defender within the district. Each senior resident superior court judge seated on that date in a multi-judge district will continue to serve as senior resident superior court judge until that judge vacates the seat. This law applies to appointees on or after October 1, 2010.  
Effective: October 1, 2010

HOUSE BILL 1403, Collect DNA Sample on Arrest, requires the arresting officer to collect or cause to be collected the DNA of any person arrested for specified offenses, unless the person's DNA is already in the database. The DNA sample is to be analyzed by the State Bureau of Investigation (SBI) and will be available to law enforcement and judicial officials. The offenses requiring a DNA sample include: (1) homicides; (2) rape or sex offenses; (3) numerous felony assaults; (4) misdemeanor assault on a firefighter, an emergency medical technician, medical responder, emergency department nurse, or emergency department physician [Note: This does not include misdemeanor assault on a Law Enforcement Officer, G.S. 14-33(c)(4)]; (5) burglary; (6) kidnapping; (7) human trafficking; (8) stalking; (9) cyber stalking; (10) armed robbery; (11) arson; and (12) any offense which requires the defendant to register as a sex offender. Persons arrested for an attempt, solicitation or conspiracy to commit any of these offenses also requires collection of a DNA sample. When jurisdiction over a juvenile is transferred to the superior court, a DNA sample must be taken from the juvenile if any of the offenses for which the juvenile is transferred are included the offenses listed in (1) to (12).

If the defendant is arrested without a warrant, the magistrate must find probable cause for the arrest before the DNA sample is collected. The DNA sample is to be collected by cheek swab, unless the court orders that a blood sample be obtained. The SBI is to provide collection kits and procedures to follow. If the defendant refuses to provide a sample or be fingerprinted, the magistrate is required to include in the conditions of pretrial release that the defendant provide a DNA sample or fingerprints before being released on bond. The DNA sample is sent to the SBI for inclusion in the DNA Databank.

A person whose DNA was taken at the time of arrest can have the DNA removed from the database if: (a) the charge was dismissed; (b) the defendant was acquitted; (c) the defendant was found guilty of a misdemeanor that does not otherwise require the defendant to provide a DNA sample; (d) no charge has been filed within the statute of limitations; or (e) no conviction has occurred, at least three years has passed since the date of arrest, and no active prosecution is occurring.

The person taking the DNA sample must provide the arrested person with a written notice of the procedures for seeking an expunction of the DNA sample using a form to be developed by the

Department of Justice. Also, beginning June 1, 2012, the district attorney is required to notify the SBI of any defendant whose DNA should be removed from the database because the charges were dismissed, the defendant was acquitted or found guilty of a misdemeanor that does not require collection of a DNA sample upon arrest.

Effective: February 1, 2011

HOUSE BILL 1670, 2010 House Appointments Bill, includes the appointment of Sheriff Dewey Jones of Person County to the Domestic Violence Commission and the reappointment of Steve Hunt of Catawba County to the North Carolina Sheriffs' Education and Training Standards Commission.

Effective: July 10, 2010

HOUSE BILL 1691, Use of 911 Funds, amends G.S. 62A-41 to restrict a local government unit that receives a distribution from the fund under G.S. 62A-46 and a telecommunication service provider from having more than one representative on the 911 Board. The law adds a fire chief with experience operating or supervising a PSAP to the 911 Board. A PSAP is a public safety answering point where 911 calls are received and services dispatched. The Fire Chief is appointed to the 911 Board by the Speaker of the House upon the recommendation of the North Carolina Firemen's Association. A Rescue or Emergency Medical Services Chief with experience operating or supervising a PSAP will be appointed to the 911 Board by the President Pro Tempore of the Senate upon the recommendation of the North Carolina Association of Rescue and Emergency Medical Services. All 911 Board members are limited to two terms of four years each term.

A PSAP is not eligible for a distribution of 911 funds unless it provides enhanced 911 service and received distributions from the 911 Board in the 2008-2009 fiscal year. The law establishes a funding formula for the 911 Board to use to determine the distribution of 911 funds. The PSAP can use the 911 funds for the lease, purchase, or maintenance of: (a) emergency telephone equipment, including necessary computer hardware, software, and database provisioning; (b) addressing; (c) telecommunicator furniture; (d) dispatch equipment located exclusively within a building where a PSAP is located, excluding the costs of base station transmitters, towers, microwave links, and antennae used to dispatch emergency call information from the PSAP; and (e) the nonrecurring costs of establishing a 911 system. Allowable training of personnel is expanded to now include "training specific to managing a PSAP or supervising PSAP staff."

The PSAP Grant program was renamed the PSAP Grant and Statewide 911 Projects Account. The 911 Board can award grants not only for rural and high-cost areas, but also for funding projects that provide statewide benefits for 911 service. One such project mentioned in the statute is the costs for consolidating one or more PSAPs with a primary PSAP, or the relocation costs of primary PSAPs, including costs not authorized for use of 911 funds in G.S. 62A-46(c) and construction costs.

Effective: July 23, 2010

HOUSE BILL 1703, Adult Day Care Criminal Record Check Process, directs the Division of Aging and Adult Services of the Department of Health and Human Services to study the issue of

criminal history records checks for current and prospective owners, operators and volunteers of adult day care facilities.

Effective: July 11, 2010

HOUSE BILL 1714, Suspension and Revocation of Fishing Licenses, directs the Marine Fisheries Commission to adopt rules related to the suspension, revocation and reissuance of Marine Fisheries licenses, as recommended by the Joint Legislative Commission on Seafood and Aquaculture. Effective October 1, 2012, the law repeals the statutory sections which required a license suspension for a second or subsequent conviction of a criminal offense for a licensing violation and requires the Commission to begin suspensions based upon its rules.

Effective: July 22, 2010

HOUSE BILL 1716, Allow Hamlet to Operate Motorized ATV's, adds the City of Hamlet to the list of counties, cities and town in G.S. 20-171.24 whose employees are authorized to operate all terrain vehicles (ATV) on public highways where the posted speed limit is 35 m.p.h. or less and on nonfully controlled access highways with higher speeds when travelling from a speed zone to an adjacent speed zone where the speed limit is 35 m.p.h. or less.

Effective: June 24, 2010

HOUSE BILL 1717, Modernization of State ABC System, imposes substantial restrictions and performance requirements on local ABC Boards, members and employees. The prohibition against accepting gifts from contractors or suppliers set forth in G.S. 133-32 is now applied to the ABC Commission and local ABC boards. The conflict of interest provisions of the State Government Ethics Act now applies to the ABC Commission members and a similar provision is applicable to local ABC board members. Every local ABC board must adopt a Code of Ethics for board members and employees. The ABC Commission is authorized to adopt rules establishing performance standards for local boards including but not limited to: standards that address enforcement of ABC laws; store appearance; operating efficiency; solvency; and customer service.

A judge may prohibit an individual from participating in any contract to enforce the ABC laws for a local board for three years if that individual is a designated officer of an agency which holds a contract to enforce the ABC laws for a local board and is convicted of a violation of the ABC laws, Chapter 18B of the General Statutes, or of any felony. Previously this law applied only to ABC Commission or local board members, Alcohol Law Enforcement (ALE) agents and local ABC officers for a period of not longer than three years. When a local board contracts with a sheriff's office or local police department to enforce the ABC laws, the designated officers can perform inspections under G.S. 18B-502 that an ALE agent or local ABC officer can perform. This means that the bar owner may not deny the officer entrance into the bar. Effective January 1, 2011, the new law limits the number of officers that a local agency can designate to do inspections to no more than five (5) officers. In addition, local ABC officers and sheriff's offices or police departments who have contracts to enforce the ABC laws are required to prepare a report on a form adopted by the ABC Commission and send it to the local ABC board by the fifth day of each month which provides the following information:

1. The number of arrests made for ABC law, Controlled Substance Act, or other violations, by category, at ABC permitted outlets.

2. The number of arrests made for ABC law, Controlled Substance Act, or other violations, by category, at other locations.
3. The number of agencies assisted with ABC law or controlled substance related matters. And
4. The number of alcohol education and responsible server programs presented.

The local ABC board must submit a copy of the enforcement report to the appointing authority and the ABC Commission no later than five business days after receipt of the enforcement report. The ABC Commission is required to publish this information on a public Internet Web site maintained by the ABC Commission.

The law establishes a level of compensation of local ABC board members and the general manager of a local ABC system as well as travel allowance and per diem rates. The compensation level and travel allowances and per diem rates can be changed but they must be specifically approved by the appointing authority of the local ABC board members. An anti-nepotism restriction for local ABC board members and employees of the local ABC system is also included. Immediate family members cannot supervise nor have influence over another's employment.

Effective: October 1, 2010

HOUSE BILL 1729, Motor Vehicle Law Changes, makes numerous changes to the motor vehicle laws.

1. The law amends G.S. 20-7(f) to provide that the original Commercial Drivers License (CDL) issued to a driver expires on the birthday of the licensee in the fifth year after issuance. However, if the CDL holder has a Passenger (P) endorsement or a School Bus (S) endorsement then the original CDL expires on the birthday of the licensee in the third year after issuance. A renewed commercial driver's license expires five years after the expiration date of the license that is renewed.
2. The bill clarifies the provisions relating to covering a license plate with a frame as provided in G.S. 20-63(g). Subsection (g) now reads, in part:

Any operator of a motor vehicle who covers any registration plate with any frame or transparent, clear or color-tinted cover that makes a number or letter included in the vehicle registration, the State name on the plate, or a number or month on the registration renewal sticker on the plate illegible commits an infraction and shall be penalized under G.S. 14-3.1.

(Note: House Bill 1729 was subsequently amended to make typographical and clarifying changes by section 40(a) of the technical corrections bill, Senate Bill 1165. The language above is the final version of the law.)

This amendment clarifies that the frame must make the number, letter, State name or number or month of registration "illegible" to be guilty of an infraction. Partial covering of the items with a frame is legal if the information can still be read.

3. The law clarifies in G.S. 20-79 that a dealer tag may be used by an employee or contractor of the dealer who is driving the vehicle within a 20-mile radius of a place where the vehicle is being repaired or otherwise prepared for sale or is transporting the vehicle to or from a vehicle auction or to the dealer's established salesroom. The penalties for violating the dealer plate provisions have been raised. The operator is given a \$100 penalty and the dealer a \$250 penalty.
4. Numerous changes were made to G.S. 20-79.2, about who is eligible for a transporter plate and when the transporter plate can be used. These plates are issued to dealers and are to be used in the motor vehicle business. A person who sells, rents, leases, or otherwise provides a transporter plate to another person in exchange for money or any other thing of value is guilty of a Class I felony. A law enforcement officer that has probable cause to believe a transporter tag has been used in violation of the GS 20-79.2 is authorized to seize the transporter plate and turn it in to DMV.
5. Upon request, the Division of Motor Vehicles must provide and issue free of charge a single Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an ex-prisoner of war each year. These special registration plates are subject to the regular motor vehicle registration fees in G.S. 20-88 if the registered weight of the vehicle is greater than 6,000 pounds.
6. An Incident Management Assistance Patrol vehicle operated by the Department of Transportation, when using rear-facing red lights while stopped for the purpose of providing assistance or incident management is added to the list of vehicles that can operate red lights pursuant to G.S. 20-130.1.
7. The law expands the definition of "public service vehicles" in the move over law, G.S. 20-157(f), to now include "a vehicle being used to restore electric utility service due to an unplanned event."
8. The law amends G.S. 20-161(a) which prohibits leaving a vehicle on the main traveled portion of a highway unless it was disabled. The new law deletes the limitation of the vehicle being "outside municipal limits." This law applies whether the vehicle is inside or outside municipal limits but only if the posted speed limit on the that part of the highway is less than 45 mph. It now reads:

No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge with the speed limit posted less than 45 miles per hour unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or

main traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in G.S. 20-118(c)(5)g or recyclable material as defined in G.S. 130A-290(a)(26).

A new subsection 20-161(a1) is added for vehicles parked on the paved or main traveled portion of a highway with speed limits of 45 mph or greater:

No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge with the speed limit posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main-traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26).

9. The provisions of G.S. 20-161(b) which deal with parking on the shoulder of the highway are amended to delete the language "outside municipal corporate limits" so the law applies to vehicles parked on the shoulder both inside and outside municipal limits. It reads as amended:

(b) No person shall park or leave standing any vehicle upon the shoulder of a public highway limits unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic.

10. The law amends G.S. 160A-303(b1)(4) which allows a city to adopt an ordinance allowing removal of abandoned vehicles left on any public street or highway for longer than seven days. The law as now amended allows this ordinance to authorize removal of a vehicle from a street or highway if it "is determined by law enforcement to be a hazard to the motoring public."

Effective: December 1, 2010

HOUSE BILL 1741, Animal Euthanasia Technicians, requires an animal shelter which uses sodium pentobarbital and other approved drugs in the euthanizing of animals to register with the Department of Health and Human Services and for the manager or veterinarian to register with the Drug Enforcement Administration. A person certified by the Department of Agriculture and Consumer Services to administer euthanasia by injection is authorized to possess and administer sodium pentobarbital and other approved euthanasia drugs for the purposes of euthanizing domestic dogs and cats lawfully held by an animal shelter. Possession and administration of sodium pentobarbital and other approved drugs is limited to the premises of the animal shelter.

A criminal history records check by the Department of Justice is required prior to a person being certified by the Department of Agriculture and Consumer Services.

Effective: October 1, 2010

HOUSE BILL 1753, School Bus Railroad Crossing Exception, exempts school buses and school activity buses from stopping at a railroad crossing as required by G.S. 20-142.3 if the railroad crossing is marked with a sign reading "Exempt." This sign must be erected by or with the consent of the appropriate State or local authority and the railroad tracks leading to and from the railroad grade crossing are gated closed at all times when a train is not passing over the railroad grade crossing. This law only applies to Craven County.

Effective: June 24, 2010

HOUSE BILL 1762, Domestic Violence Training for Judges, is a request by the General Assembly to the Supreme Court of North Carolina that the Court adopt rules requiring domestic violence training for district court judges in handling civil and criminal domestic violence cases. The General Assembly did not (and cannot) require these rules since the Supreme Court is a co-equal branch of government. The General Assembly also encouraged the University of North Carolina at Chapel Hill School of Government to provide education and training opportunities for district court judges and magistrates in the handling of civil and criminal domestic violence cases.

Effective: July 20, 2010

HOUSE BILL 1812, Domestic Violence Cases/Review Criminal Record, amends G.S. 15A-534.1(a) to require the judge who determines pretrial release of a defendant charged with assault on, stalking, communicating a threat to, or committing a felony upon a spouse or former or a person with whom the defendant lives or has lived as if married or who violates a 50B order to consider the criminal history of the defendant when setting conditions of release. The judge can direct a law enforcement officer or the district attorney to obtain a copy of the defendant's criminal history and after setting conditions of release, the judge shall return the report to the providing agency or department. A review of the criminal history is not required if it will "unreasonably" delay determination of pretrial release.

Effective: October 1, 2010

HOUSE BILL 1821, Allow Williamston to Operate Motorized ATV's, adds the Town of Williamston to the list of counties, cities and town in G.S. 20-171.24(f) whose employees are authorized to operate all terrain vehicles (ATV) on public highways where the posted speed limit is 35 m.p.h. or less and on non-fully controlled access highways when travelling from a speed zone to an adjacent speed zone where the speed limit is 35 m.p.h. or less.

Effective: July 1, 2010

HOUSE BILL 1824, Coyote Controls, amends G.S. 113-274(c) (1a) to require the Wildlife Resources Commission to issue a depredation permit for coyotes upon request to livestock or poultry owners. Effective October 1, 2010, the bill amends G.S. 113-291.6 to allow a person who has been issued a depredation permit for coyotes under G.S. 113-274(c) to use a Collarum™ trap, or similar trap approved by the Wildlife Resources Commission, solely for the purpose of

taking coyotes under that permit. The Wildlife Resources Commission is directed to make rules to implement this change.

Effective: July 22, 2010

HOUSE BILL 1841, Moore County School Board Police, allows the Moore County Board of Education to convert their current police force from a company police agency to a “campus police agency.” Officers of the campus law enforcement agency of the Moore County Board of Education must meet the certification requirements of the North Carolina Criminal Justice Education and Training Standards Commission. Their territorial jurisdiction is limited to all property owned or leased to the local board of education that employs the officer and that portion of any public road or highway passing through the property or immediately adjoining it, wherever located.

Effective: July 8, 2010

HOUSE BILL 1893, Winston-Salem/Ashe Fox Trapping/Greene Hunting, authorizes an open season for taking foxes by trapping with cage traps only during the trapping season set by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale. This section applies only to the City of Winston-Salem.

In addition, this bill modifies fox hunting in Ashe County to begin November 1 (it was November 7) and end February 28 (it was February 12) each year. A season bag limit of 10 applies and the Wildlife Resources Commission will provide for the sale of lawfully taken foxes. A previous expiration date of the Ashe County local law was removed.

Finally, the bill repeals local acts regulating hunting in Greene County.

Effective: July 9, 2010

HOUSE BILL 1900, Honor Mickey Hutchens, is a joint resolution honoring the life and memory of Sergeant Mickey Hutchens, a fallen Winston-Salem police officer who died from a gunshot wound received while responding to a call.

Effective: June 29, 2010

HOUSE BILL 1935, Mecklenburg Law Enforcement Cap Upped/Stipend, raises from \$10,000 to \$25,000 the amount that the Emergency Pension Fund for Sworn Law Enforcement Officers of Mecklenburg County pays when a Mecklenburg County sworn officer is killed or permanently disabled in the line of duty. It also raises the amount of the scholarship for children of sworn officers who are killed or permanently totally disabled in the line of duty from \$10,000 to \$25,000. If a law enforcement officer is killed while in the actual performance of the officer's duties, and that officer is the parent or legal guardian of a minor child, then a \$100 stipend may be paid to the child each year on that child's birthday until each minor child reaches 18 years of age. This law only applies to full-time sworn officers of a city, town or county law enforcement agency in Mecklenburg County. It also includes any reserve officer of an agency in Mecklenburg County and any detention officer employed by the Sheriff of Mecklenburg County.

Effective: June 21, 2010

HOUSE BILL 1973, Various Economic Incentives, adds an additional \$2 to court costs for the support and services of the State Bureau of Investigation DNA Database and DNA Databank. This \$2 court cost does not apply to infractions, but applies to all misdemeanors, including motor vehicle misdemeanors.

Effective: October 1, 2010

HOUSE BILL 1998, Reciprocity for Optional Retirement Program Service, allows any creditable service under the Optional Retirement Program administered by the Board of Governors of the University of North Carolina to be counted for purposes of determining eligibility for benefits under the Teacher and State Employees Retirement System.

Effective: July 1, 2010

HOUSE BILL 2056, Rutherford County Coroner, abolishes the office of coroner in Rutherford County.

Effective: December 6, 2010

HOUSE BILL 2066, Special Retirement Allowances, extends a benefit to all state and local retirees that previously only applied to law enforcement officers. Law enforcement officers employed prior to 1986 who were provided an annuity by their employer have been and continue to be allowed, upon retirement, to transfer their NC 401(k) plan funds into their regular retirement account and to receive a combined benefit. In 2007, **at the request of the North Carolina Sheriffs' Association**, the law was changed and this retirement option was provided to all State and local law enforcement officers.

This benefit is a totally voluntary option, and upon retirement, officers have been able to decide whether to take advantage of this option. Officers who did not wish to take advantage of this option receive a regular monthly retirement payment from the Retirement Systems Division and continue to be able to access their NC 401(k) funds under the terms of that plan. Officers who elected to receive this optional combined benefit transfer their NC 401(k) funds to the Retirement Systems Division and then receive a higher monthly retirement payment that includes the value of their regular retirement benefit plus an increased amount that reflects the value of their NC 401(k) funds that were transferred to the retirement system. This option has been particularly beneficial for retired law enforcement officers who do not wish to be responsible for managing the investment of their NC 401(k) funds after retirement.

House Bill 2066, extends this benefit to all State and local government employees, not just law enforcement officers, and will include several improvements in the option for everyone. First, the opportunity to transfer funds to the retirement system will include both funds in the NC 401(k) plan and funds in the NC 457 plan, however, after tax Roth 401(k)'s cannot be transferred. Second, retiring employees will be eligible to transfer all of their NC 401(k) and 457 funds to the retirement system or to transfer only a portion of those funds to the retirement system. Current law requires law enforcement officers who wish to transfer funds from their NC 401(k) plan to transfer all of the funds to the retirement system. Third, current law requires law enforcement officers to make a decision at the time of retirement. This law allows State and local government retirees to make the decision at the time of retirement, or at any time after

retirement. Any beneficiary who retired prior to January 1, 2011, will not be allowed to make the one-time election until July 1, 2011.

Effective: July 21, 2010

## **SENATE BILLS**

SENATE BILL 140, Protect Victims/Domestic Violence Shelters, amends G.S. 50B-4.1, effective December 1, 2010, to make it a Class H felony for a person who is subject to a valid protective order to enter property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing. It is a violation of this law even if the person protected under the order is not actually present on the property at the time. The law further provides that no shelter and no person associated with the shelter is liable for damages in a civil action for any harm that a client or other person who is on the premises of the shelter sustains as a result of tortuous conduct of a perpetrator that is committed on the premises of the shelter. This protection from civil liability does not extend to gross negligence, wanton conduct, or intentional wrongdoing or to any perpetrator who is associated with the shelter.

Effective: June 7, 2010

SENATE BILL 144, Amend Innocence Inquiry Commission, adds a provision effective October 1, 2010 to allow the Chair of the Actual Innocence Commission or the district attorney of the district where the petitioner was convicted to request the Director of the Administrative Office of the Courts to appoint a special prosecutor when there are allegations or evidence of prosecutorial misconduct. The request for the special prosecutor must be made within 20 days of the filing of the Commission's opinion finding sufficient evidence of innocence to merit judicial review. All evidence relevant to the case even if admitted at the original trial is admissible. The bill further provides that if a person is determined by the three-judge panel to be innocent of all charges and all of the charges are dismissed, the person is eligible for compensation without obtaining a pardon of innocence from the Governor.

Effective: August 2, 2010

SENATE BILL 181, Drivers License/Change Expiration/8yrs through 65, allows the Division of Motor Vehicles to issue a drivers license to any person 18 years old and less than 66 years old (was 54 years old) that will expire on the birthday of the licensee in the eighth year after issuance. A person who is age 66 will be granted a drivers license that expires on the birthday of the licensee in the fifth year after issuance.

Effective: January 1, 2011

SENATE BILL 254, Susie's Law, raises punishment under G.S. 14-360(a1) for starving an animal from a Class A1 misdemeanor to a Class H felony and raises from a Class I felony to a Class H felony the punishment under G.S. 14-360(b) for maliciously torturing or killing an animal. It specifies that the penalty for cockfighting in G.S. 14-362 is not increased.

Effective: December 1, 2010

SENATE BILL 430, Wilmington Civil Service/Amendments, makes several changes to the procedure for electing members of Wilmington Civil Service Commission including that only City of Wilmington police officers who are subject to the Civil Service Commission may vote

for the Commission member appointed by police officers. The Town of Carolina Beach ordinance making authority is extended to the shore line and Carolina Beach police officers are given the authority to enforce navigation, boating, water safety, resource protection, recreation, and public safety laws in the shoreline area in cooperation and coordination with applicable local, State, and federal agencies. The Town of Carolina Beach may also enter into enforcement and mutual aid agreements with county, State, and federal agencies. The Town of Carolina Beach may also hire one or more special officers to serve as harbormaster and to patrol and enforce the laws in the Town and shoreline area.

Effective: July 8, 2010

SENATE BILL 595, Pedestrian Safety Improvements, requires the Department of Transportation to accept and use any funding provided by a municipal government for a pedestrian safety improvement project on a State road within the municipality's limits. For this to apply the municipality must fund 100% of the project. The Department of Transportation retains the right to approve the design and oversee the construction, erection, or installation of the pedestrian safety improvement.

Effective: July 1, 2010

SENATE BILL 655, Increase Driver License Restoration Fee, increases the drivers license restoration fee payable to the Division of Motor Vehicles (DMV) from \$75 to \$100 for a person who has been convicted of Driving While Impaired (DWI) or DWI in a Commercial Motor vehicle, if the person's alcohol concentration was 0.06 or higher. This fee must be paid at the end of the revocation period in order to obtain a new drivers license from DMV. Twenty-five dollars of this fee is used to fund a statewide chemical alcohol testing program administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services. [This fee is in addition to the \$25 from the \$100 fee a driver pays pursuant to the 30-day pretrial revocation fee, G.S. 20-16.5(j)]

The law does not dedicate any fees for this purpose but states that it is the intent of the General Assembly to annually appropriate from the remaining funds deposited in the General Fund \$537,455 to the Board of Governors of The University of North Carolina to be used for the operating expenses of the Bowles Center for Alcohol Studies at the University of North Carolina at Chapel Hill.

Effective: September 1, 2010.

SENATE BILL 675, Prohibit Medicaid Fraud/Kickbacks, amends G.S. 108A-63 to make it unlawful for any person to solicit or receive or to offer or to pay any remuneration (including any kickback, bribe, or rebate) for referring an individual for services paid for by Medicaid, or for purchasing or leasing of goods, facilities or services paid by Medicaid. A violation of this law is a Class H felony and a conspiracy to violate it is a Class I felony.

Effective: December 1, 2010

SENATE BILL 866, Retiring of State Flags, adds G.S. 144-9 which provides that when an official flag of the State is no longer a fitting emblem for display because it is worn, tattered, or otherwise damaged, it may be respectfully retired by fire.

Effective: August 3, 2010

SENATE BILL 897, Appropriations Act of 2010, is the State Budget Bill for 2010. This bill includes:

1. Criminal Justice Law Enforcement Automated Data Services (CJLEADS): This project is to be transferred from the Office of the State Controller to the North Carolina Department of Justice. The transfer will begin on July 1, 2011 and will be completed by July 1, 2012. This project is responsible for integrating criminal justice information from various databases so that all data on a particular person or a particular location appear when an authorized person makes an inquiry. It is currently in operation in Wake County, with a long term goal of expanding it statewide.
2. Education in County Jails: Previously, funding had been provided for various community colleges to provide educational courses to inmates in certain county jails and in the Department of Correction. This bill provides that funds appropriated for community college courses for prison inmates may be used only for inmates in State prisons. Courses in federal prisons or local jails will not earn regular budget full-time equivalents, but may be offered on a self-supporting basis. The county jails where these programs operated are in the following counties: Dare, Forsyth, Gaston, Guilford, Cumberland, Robeson and Sampson.
3. Community College Tuition Waivers: Tuition waivers for municipal, county, or State law-enforcement officers for courses taken at community colleges remains in effect. In addition, any federal law enforcement officer whose permanent duty station is within North Carolina shall also be eligible for the State resident community college tuition rate for law enforcement training courses. The Community Colleges System Office is required to report to the 2011 General Assembly on the number and cost of courses taken by State law enforcement officers and of courses taken by local law enforcement officers.

The Fiscal Research Division of the General Assembly, in consultation with the Community College System office, is required to make a comprehensive study of the currently authorized tuition waivers and report to the 2011 General Assembly on waivers that should be modified or abolished because they are not being used or for other reasons.

4. Law Enforcement Support Services: Authorizes the Department of Crime Control and Public Safety to establish fees for services provided by the Law Enforcement Support Services Division including fees for storing evidence.
5. Probation Supervision Fee: Beginning October 1, 2010, the probation supervision fee is raised from \$30 to \$40 per month for all persons on probation.
6. Community Service Fee: Beginning October 1, 2010, the fee assessed or collected from persons required to perform community service is raised from \$225 to \$250.

7. Court costs: Beginning October 1, court costs are raised \$10 (House Bill 1973 also adds an additional DNA fee of \$2 to the court costs for misdemeanors and felonies but not for motor vehicle infractions.)
8. Failure to pay fee: Beginning October 1, 2010 the fee for failure to pay a fine, penalty, or costs within 20 days of the date specified in the court's judgment is raised from \$25 to \$50.
9. Attorney Appointment fee: Beginning October 1, 2010, the Attorney Appointment fee was raised from \$50 to \$60.
10. Study misdemeanor classifications: It is the intent of the General Assembly that there be only three misdemeanor punishment levels: Class A1, Class 1, and Class 2. The North Carolina Sentencing and Policy Advisory Commission, in consultation with the Conference of District Attorneys, the Office of Indigent Defense Services, and the UNC-CH School of Government, shall review all Class 3 misdemeanor offenses and provide recommendations to the 2011 General Assembly for reclassifying each Class 3 misdemeanor as either an infraction or a Class 2 misdemeanor. The Commission may, in its discretion, consider other misdemeanor offenses for reclassification as infractions.

Effective: July 1, 2010

SENATE BILL 900, Studies Act of 2010, this bill assigns issues to be studied by the standing committees of the General Assembly. These studies include:

1. Legislative Research Commission: The Commission is authorized to study whether to allow the State Personnel Commission to permit a State employee to transfer annual leave and sick leave from a city or county and whether to allow such transfers for employees shifting employment between units of local government.
2. Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee: The Committee may study the factors used in determining the release of defendants with unsecured bonds; the frequency of using unsecured bonds for the release of defendants; the failure to appear rates under unsecured bonds, when a failure to appear has occurred; the amount of time it takes and the entity most likely to apprehend the defendant after the bond is forfeited; and the likelihood of converting forfeiture or judgment to revenue.
3. Executive Committee for Highway Safety in the Department of Transportation: This Committee is to make recommendations for legislation to address teen driving fatalities. The report is due April 30, 2011.
4. Joint Select Committee on Preservation of Biological Evidence: This Committee is extended and is to make its final report upon convening of the General Assembly in 2011.

5. Legislative Task Force on Prescription Drug Abuse: This Task Force may study whether to expand access to the Controlled Substances Reporting System (CSRS) to persons employed by doctors and to law enforcement officers in addition to the SBI agents assigned to drug diversion, whether to require a photo ID when picking up prescriptions that are considered controlled substances, whether physician education and relicensure needs to include more training on decreasing substance abuse of prescription drugs, and any other matter the Task Force feels would be helpful in reducing prescription drug abuse. The Task Force may make a final report, including any proposed legislation, to the 2011 General Assembly upon its convening.
6. Blue Ribbon Task Force on Raising Compulsory School Attendance Age: The State Board of Education shall establish a Blue Ribbon Task Force to study whether to raise the compulsory school attendance age from 16 to either 17 or 18.

Effective: July 22, 2010

SENATE BILL 992, Pyrotechnics Operator's License, makes various changes in the Pyrotechnics Training and Permitting Act to include establishing guidelines for: (1) individuals assisting a display operator engaged in pyrotechnics; and (2) individuals seeking to obtain a display operator's license or other relevant pyrotechnics licenses.

Effective: October 1, 2010

SENATE BILL 1136, Regulate Towing From Private Lots, amends G.S. 20-219.2 to require that in order to make it unlawful to park in a privately owned or leased space and to allow towing, there must be a sign, no smaller than 24 inches by 24 inches displaying the name and telephone number of the towing and storage company and if the individual spaces are owned or leased, the name of the owner or lessee. If there is a place of storage within 15 miles, any vehicle towed from the lot must be stored no more than 15 miles away. If not, then the towed vehicle can be stored no more than 25 miles away.

An owner must be informed in writing at the time of retrieval of the vehicle that the owner has the right to pay the amount of the lien asserted, request immediate possession, and contest the lien for towing charges pursuant to the provisions of G.S. 44A-4. Any person who tows or stores a vehicle subject to this section shall not require any person retrieving a vehicle to sign any waiver of rights or other similar document as a condition of the release of the person's vehicle, other than a form acknowledging the release and receipt of the vehicle. A violation of this law is changed from a misdemeanor to an infraction with a penalty of \$100 in the discretion of the court.

Mecklenburg and Cumberland counties are added to list of counties to which the law applies. The law applies to any municipality within the listed counties. This law applies only to the Counties of Craven, Cumberland, Dare, Forsyth, Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and Fayetteville.

Effective: October 1, 2010

SENATE BILL 1214, Highway Patrol Motor Carrier Fines/Local Fees, allows the Department of Crime Control and Public Safety (CC&PS) to establish an escort fee for oversize vehicles that are required by the Division of Motor Vehicles to be escorted by a law enforcement officer. The fee includes costs for vehicle or equipment maintenance required before or after an escort to ensure the visibility and safety of the law enforcement escort and the motoring public. CC&PS is allowed to retain the fee to pay for the costs of escorts. The law makes many changes which involve assessing and collection of overweight fees, assessments and fines by the Motor Carrier Section of the State Highway Patrol in order to comply with federal regulations.

Effective: Most sections are effective July 21, 2010

SENATE BILL 1242, Clarifying Changes to General Statutes, made technical corrections to various sections of the law, including:

1. Amends G.S. 20-179(p) to allow a DWI offender to be released from prison prior to serving the minimum sentence if the offender is paroled into a residential treatment facility;
2. Amends G.S. 20-183.4C to allow the Division of Motor Vehicles to issue a ten (10) day trip permit instead of the three (3) day permit for vehicles whose inspection authorization or registration has expired;
3. Clarifies G.S. 93B-9, which prohibits any occupational licensing board from adopting a minimum age in excess of 18 years old, by stating that this age limitation does not apply to either the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission. Either Commission may establish a higher age as a requirement for holding certification. Section 27 of House Bill 1717, Modernization of the State ABC System, includes a similar amendment;
4. Amends G.S. 162-62 to delete the requirement that an administrator at a county jail, local confinement facility, or district confinement facility annually report to the Governor's Crime Commission the number of Illegal Alien Queries (IAQs) that the facility made to the Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security about whether prisoners were lawfully admitted to the United States.

ICE records checks must still be conducted on anyone booked into a jail that is charged with a felony or an impaired driving offense if detention officers are unable to determine if the prisoner is a legal resident or citizen of the United States. This statute was also amended to allow IAQs, 287(g) checks or Secure Communities fingerprint based checks to meet the requirements of the law.

Effective: July 20, 2010

SENATE BILL 1331, Allow Wheel Locks for City of Fayetteville, allows the City of Fayetteville to adopt an ordinance for the use of wheel locks on illegally parked vehicles within the area designated by the ordinance. The vehicle must have three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. An immobilization fee not to

exceed \$50.00 can be imposed as well as charges for towing and storage, if the vehicle is removed.

Effective: July 1, 2010