



The Daily Bulletin: 2019-08-20

PUBLIC/HOUSE BILLS

H 935 (2019-2020) **SOCIAL SERVICES REFORM. (NEW)** Filed Apr 16 2019, *AN ACT TO IMPLEMENT VARIOUS PROVISIONS RELATED TO SOCIAL SERVICES REFORM.*

House committee substitute to the 2nd edition makes the following changes.

Section 1

Changes the date by which the Department of Health and Human Services (DHHS) must establish seven regions for regional supervision of child welfare and social services and begin providing oversight and support to the regions, as required by SL 2017-41 (Rylan's Law), to March 1, 2020 (was, March 1, 2022). Clarifies that DHHS is to move forward with repurposing and redeploying staff pursuant to existing authority.

Provides that the provisions of Section 1 prevail in the event they conflict with GS 143C-5-4, concerning the procedure for the enactment of the budget. Provides that the appropriations provisions remain in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time the Director of Budget must adjust allotments to give effect to that act from July 1 of the fiscal year.

Makes all provisions of Section 1 effective July 1, 2019 (previously, the provisions were effective on the date the act becomes law, with the appropriations provision effective July 1, 2019).

Section 2

Makes organizational and clarifying changes to proposed GS 108A-133 and changes the statute's title. Additionally, makes the following changes. Changes the scope and requirements of the act to now require criminal history checks for all applicants for employment and all individuals wishing to volunteer in a child care institution, rather than limiting the requirement to employment positions which do not require the applicant to have an occupational license. Maintains that the requirement applies to both child care institutions and contract agencies of child care institutions. Modifies the criminal history check process, now requiring the child care institutions and contract agencies to request DPS to conduct the request under GS 143B-968, as enacted, rather than GS 143B-939, only (previously, alternatively permitted a check by a private entity). Further changes the process, now providing for DHHS, Criminal Records Check Unit, rather than the child care institutions or contract agencies, to consider the seven specified factors in determining whether the individual should be recommended for hire or to volunteer, and to notify the child care institution or contract agency of whether the applicant should be hired or whether the individual should be allowed to volunteer. Maintains the requirements set forth for the Criminal Records Check Unit regarding notification of results and confidentiality. Prohibits DHHS from providing the record check results to the child care institution or contract agency. Makes a correction to the definition set forth for *relevant offense* to specify that the term covers convictions or indictments bearing upon the individual's fitness to have responsibility for the safety and well-being of children (was, of aged or disabled persons). Adds to the offense established, now making it a Class A1 misdemeanor for any applicant or individual wishing to volunteer to willfully furnish, supply, or otherwise give false information on an employment application that is the basis for a criminal history record check under the statute (previously, limited the scope to applicants for employment). Eliminates the liability provisions and instead provides the following. Grants limited civil liability to the Criminal Records Check Unit, child care institutions, contract agencies, and their officers or employees acting in good faith and in compliance with the statute who deny employment to an applicant or the opportunity to volunteer based on information provided in the criminal history record check. Additionally, provides civil immunity for child care institutions and contract agencies, and their officers and employees, who fail to check an applicant, employee, or volunteer's criminal history if the record check was requested and received in compliance with the statute. Makes further technical and conforming changes.

Eliminates the proposed changes to GS 143B-939, concerning DPS authority to provide certain entities with criminal history checks. Instead, enacts GS 143B-968 to require DPS to provide DHHS, Criminal Records Check Unit the criminal history of any current or prospective employee or volunteer in a child care institution, including those working with a contract agency.

Sets forth the requirements and procedure for conducting the checks. Deems all information received by the Criminal Records Check Unit confidential and kept pursuant to GS 108A-133. Authorizes DPS to charge a fee to conduct the checks. Applies to all employees, volunteers, and applicants on or after December 1, 2020.

Eliminates proposed GS 108A-134, which required child care institutions to condition offers of employment for positions that do not require the applicant to have an occupational license on the consent to a check of the NC Sex Offender Registry and the NC Responsible Individuals List, or similar registries of another state, if applicable.

Section 4

Further clarifies that the proposed changes to GS 108A-9 requires new county boards of social services members to attend education and training sessions during the first year they serve on the board (was, at least twice during the first year of service). Previously, the act made the requirement applicable to any current county board member that has not met the training requirements, as enacted. Instead, makes the requirements effective October 1, 2020 (was, effective on the date the act becomes law), and requires that by October 1, 2022, all current county board of social services members to have participated in the education and training sessions. Adds a new provision requiring the education and training session to be available statewide by March 1, 2020. Makes a conforming deletion to no longer include a provision encouraging experienced county board of social services members to attend the education training sessions.

Section 5

Modifies the reporting requirements set forth for the Administrative Office of the Courts (AOC) to study the feasibility and cost of a proposed child support tribunal, now requiring AOC to submit its report to the Joint Legislative Oversight Committee on Health and Human Services by March 1, 2020 (was, to the General Assembly by April 1, 2020).

Section 6

Amends proposed GS 108A-15.16, regarding conflicts of interest in the provision of social services by county departments of social services (county departments). Adds to the definition of *conflict of interest* to include when a county department is not able to manage the diverse interests of two individuals that the department owes a duty to service, or because of a preexisting relationship between an individual and a county that results in a county department's inability to objectively fulfill its statutory responsibilities (previously, limited to when the provision of social services and duty owed by a county department conflicts with services and the duty owed by another county department).

Section 7

Further amends Section 1.2 of SL 2017-41, regarding the Social Services Regional Supervision and Collaboration Working Group (SSWG), to add a new provision to require any vacancy on the SSWG to be filled in the same manner as the original appointment.

Adds a new provision to repeal Section 1 of HB 291 of the 2019 Regular Session, which also amends SL 2017-41, if that act becomes law.

Section 8

Adds a new directive requiring DHHS to conduct a feasibility study and make recommendations on transferring adult guardianship cases from DHHS to counties. Requires DHHS to submit to the specified NCGA committee its findings and recommendations, including necessary support to counties that would be needed, by March 1, 2020.

Section 9

Makes conforming changes.

Intro. by Blackwell, Stevens, White, Dobson.

APPROP, STUDY, UNCODIFIED, GS 108A, GS 131D, GS 143B

[View summary](#)

Government, Budget/Appropriations, State Agencies, UNC System, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Social Services, Child Welfare

PUBLIC/SENATE BILLS

S 250 (2019-2020) **REMOVE FOREIGN CITIZENS FROM VOTING ROLLS. (NEW)** Filed Mar 13 2019, *AN ACT TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF SO DESIGNATED BY THE CHIEF DISTRICT COURT JUDGE AND TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR THE REMAINDER OF THE BIENNIUM AND SHARED WITH THE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO CITIZENSHIP.*

House committee substitute to the 4th edition makes the following changes.

Makes organizational changes to the act to set forth the proposed changes to GS 9-6(b) and (e) in Section 1 (previously, in Sections 1 and 4).

Amends proposed GS 9-6.2 to no longer limit the record retention requirement of superior court clerks regarding jury excusal requests to those based on a disqualification under GS 9-3. Instead, requires record retention of all requests for excusal from jury duty based on disqualification to serve. Additionally, more specifically requires the records to be retained as described in GS 9-2 (concerning preparation of master jury list), and permits destruction of the records by the superior court clerk at the end of each fiscal biennium as described in GS 9-2. Regarding the clerk's requirement to quarterly report certain disqualifications to the State Board of Elections (State Board), more narrowly requires the reporting of persons disqualified from jury duty because the person is not a citizen of the United States (previously, required reporting disqualifications due to citizenship, residency, or criminal history as described in GS 9-3), to be used to conduct efforts to remove names from its list of registered voters. Requires the State Board to retain the electronic records for four years (was, two years), and deems the records retained by the State Board public records. Allows the State Board to destroy the records when they are no longer public records (previously, allowed the superior court clerk to destroy the records at the end of each biennium).

Makes conforming changes to GS 163A-877, regarding list maintenance by county boards of elections, to include using the report distributed by the State Board relating to records of excusals from jury duty based on disqualification due to the person not being a citizen of the United States (rather than disqualification based on citizenship, residency, or criminal history as described under GS 9-3) to conduct systematic efforts to remove the names of ineligible voters from the official lists of eligible voters. Adds that records retained by a county board of elections are public records, which must be retained for four years, and can be destroyed when they are no longer public records. Makes conforming deletions. Eliminates the proposed change to subsection (d) which set forth a separate directive requiring county boards to remove a person from its list if the person is included on a report of excusals based on disqualification due to residency outside of the county received under GS 9-6.2 (now amended to no longer require a report for disqualification due to residency) upon verification that the registrant does not reside outside of the county.

Intro. by Krawiec, Sanderson, Burgin.

[GS 9, GS 163A](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections, Public Records and Open Meetings, State Agencies, Department of Justice, Local Government](#)

S 315 (2019-2020) **NORTH CAROLINA FARM ACT OF 2019.** Filed Mar 20 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THE STATE.*

House committee substitute to the 8th edition makes the following changes.

Changes the definitions of the terms *hemp products* and *smokable hemp* set forth in GS 106-568.51, applicable to Article 50E, NC Hemp Commission. Now defines *hemp products* to include oils, tinctures, vapor products, and smokable hemp (previously, explicitly excluded smokable hemp from the term). Also, defines *hemp products* to include food intended for animal or human consumption unless prohibited by the US FDA or the US Department of Agriculture (rather than *as approved* by those

entities). Now defines *smokable hemp* to mean harvested raw or dried hemp plant material, including hemp buds or hemp flowers, hemp cigars, and hemp cigarettes (previously defined to mean a product that does not exceed the federally defined THC level for hemp in a form that allows THC to be introduced into the human body by inhalation of smoke, including hemp buds, hemp flowers, whole or ground raw hemp plant material, hemp cigars, and hemp cigarettes). No longer defines *hemp extract*.

Increases the membership of the NC Hemp Commission set forth in GS 106-568.52 from nine to eleven members. Modifies current member qualifications to include one member (rather than two) appointed by the Governor who is a full-time or Emeritus faculty member of NC State University (was, of a State land grant university) who regularly works in agricultural science or research. Adds to the member qualifications: one member appointed by the Governor who is a full-time or Emeritus faculty member of NC A&T University who regularly works in agricultural science or research; one member appointed by the Commissioner of Agriculture, recommended by the Office for the Small and Minority Farm Program; and one member appointed by the Commissioner of Agriculture who is a full-time farmer, recommended by NC A&T University.

Makes a technical change to GS 106-568.53A, regarding licensure qualifications.

Amends proposed GS 106-568.58 to no longer explicitly provide that no license is required to possess, handle, transport, or sell hemp extracts. Maintains that no license is required to possess, handle, transport or sell *hemp products*, as the term is now defined under Article 50E. Changes the statute's title.

Modifies the proposed changes to GS 90-87 to enact definitions for the terms *hemp*, *hemp product*, and *smokable hemp*, applicable to the NC Controlled Substances Act, similar to those set forth in Article 50E of GS Chapter 106, as amended, with the following exceptions. Defines *hemp* and *hemp product* by setting a specific THC level, rather than referencing a federally defined THC level, for hemp. Additionally, defines *hemp product* to exclude smokable hemp. Amends the definition set forth for *marijuana* to now include smokable hemp and exclude hemp products (previously, excluded hemp, hemp products, hemp extracts and smokable hemp, when the hemp is produced and used in compliance with Article 5, the NC Controlled Substances Act, and rules adopted by the Hemp Commission).

Amends the exception set forth for tetrahydrocannabinols in hemp, hemp products, hemp extracts, or smokable hemp from being included as a schedule VI controlled substance under GS 90-94, to now only except tetrahydrocannabinols in hemp or hemp products, as defined in Article 50E, GS Chapter 106.

Changes the effective date of the proposed changes to GS 90-87 and GS 90-94, and proposed GS 90-94.5, now making those provisions effective June 1, 2020 (was, effective on the later of either December 1, 2019, or 30 days after the effective date of specified federal regulations). Additionally, eliminates the proposed sunset of those provisions on July 1, 2021 (reinstated in the previous edition).

Effective June 1, 2020, further amends the definition of *hemp product* under Article 50E of GS Chapter 106 to exclude smokable hemp.

Eliminates the immunity provisions set forth in proposed GS 90-94.5, which set forth immunity for hemp licensees possessing, manufacturing or delivering a commodity cultivated by the licensee that exceeds the federally defined THC level unless the violation is intentional. Instead, sets forth the following. Provides immunity from the specified controlled substance offenses for hemp licensees or other individuals authorized by another state or the US Department of Agriculture to possess, manufacture, sell or deliver, or possess with intent to do the same, hemp or smokable hemp so long as the sale or delivery is made to another hemp licensee or authorized person. Provides immunity for a hemp licensee to negligently possess, manufacture, sell or deliver, or possess with intent to do the same, a commodity cultivated by the licensee that exceeds the specified THC level. Provides for a penalty for negligent violation to be determined by the Hemp Commission. Changes the effective date of the immunity provisions, now providing that the provisions apply to violations or offenses committed on or after December 1, 2019 (was, effective on the later of either December 1, 2019, or 30 days after the effective date of specified federal regulations).

Effective December 1, 2019, enacts GS 106-568.57(d), making it a Class 2 misdemeanor to sell smokable hemp or vapor products that contain hemp to a person less than 18 years old (similar to a provision eliminated in the previous edition). Sunsets the provision on July 1, 2021. Effective May 1, 2020, amends GS 106-578.57(d), to no longer include the sale of smokable hemp in the misdemeanor offense.

Modifies the proposed tax provisions to no longer include hemp extracts in the definition of *hemp* set forth in GS 105-113.106.

Amends the proposed changes to Section 4 of SL 2015-199. Now provides that Section 2 of that act, which amends the definition of *marijuana* under the NC Controlled Substances Act to exclude industrial hemp, expires May 1, 2020, and the remainder of the act, which enacts Article 50E of GS Chapter 106, expires on the later of December 1, 2019, or 30 days after the effective date of specified federal regulations (previously, provided for the entire act to expire on the later of December 1, 2019, or 30 days after the effective date of specified federal regulations).

Makes the following modifications to new Article 50F, NC Hemp Program, of GS Chapter 106, effective July 1, 2021.

Amends the definition of *handling* under the new Article to include transportation of hemp plants from a licensee to a person authorized by another jurisdiction. Makes technical changes. Makes identical changes to the terms *hemp product* (which does not include smokable hemp) and *smokable hemp* as those made to Article 50E, as amended. Additionally, no longer defines *hemp extract*.

Amends the civil penalties set forth under the new Article, effective July 1, 2021, to no longer permit the Commissioner to access a civil penalty of up to \$2,500 for knowingly or intentionally manufacturing, delivering, selling, or possessing smokable hemp, except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product.

Modifies the criminal penalty provisions set for under the new Article, effective July 1, 2021, to make it a Class 2 misdemeanor to sell vapor products that contain hemp to a person less than 18 years old (identical to the provisions of Article 50E, as amended, effective May 1, 2020). No longer makes it a Class 1 misdemeanor to knowingly or intentionally manufacture, deliver, sell, or possess smokable hemp, except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product.

Makes identical changes to proposed GS 106-568.68 as those made to proposed GS 106-568.58 concerning the transportation of hemp products.

Eliminates the proposed changes to GS 90-87 and GS 90-94, and proposed GS 90-94.5, effective July 1, 2021. Instead, amends GS 90-94.5, as enacted, to make conforming changes to Article 50F to refer to the Department of Agriculture and Consumer Services (Department) rather than the Hemp Commission. Makes further conforming changes.

Makes identical changes to the proposed tax provisions set forth in GS 105-113.106, effective July 1, 2021, to no longer include hemp extracts in the definition of *hemp*.

Amends the proposed definition of *cannabinoid-related compounds* set forth in GS 106-121 to exclude smokable hemp (previously, removed by the 8th edition). Sunsets the proposed definition on July 1, 2021, and enacts an identical definition, effective July 1, 2021, with a corrected statutory cross-reference for the definition of *smokable hemp* to new Article 50F. Makes conforming and technical changes.

Eliminates the proposed civil and criminal penalties of Article 50E in proposed GS 106-568.56(a)(5) and GS 106-568.57(d), as set forth in the 5th edition and 8th editions, which would have been effective December 1, 2020. No longer permits the Commissioner to access a civil penalty of up to \$2,500 for knowingly or intentionally manufacturing, delivering, selling, or possessing smokable hemp, except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product. No longer makes it a Class 1 misdemeanor to knowingly or intentionally manufacture, deliver, sell, or possess smokable hemp, except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product.

Adds a new directive requiring the State Bureau of Investigation (SBI) and any other appropriate law enforcement agencies and district attorneys to study the feasibility and effectiveness of implementing a field test to distinguish between hemp and marijuana. Also requires the SBI to study conditions under which a field test that is not accurate to within a specified THC concentration by weight can be useful in establishing probable cause for a search. Directs the SBI to report to the AFAS Commission and the specified NCGA Committee by January 1, 2020. Additionally, now requires the SBI to notify the AFAS Commission in writing when a field test with an analytical capability to distinguish between hemp and marijuana has been evaluated and approved by a national accreditation body (previously, when the US DEA has adopted an approved immediate testing method to determine whether hemp is within the federally defined THC level). Makes conforming changes.

Eliminates the directive reinstated by the 8th edition regarding the Environmental Management Commission's implementation of 15A NCAC 02D .1806 (Control and prohibition of odorous emissions), as the provisions appeared in the 5th edition, which

required the EMC to classify facilities that store products that are grown, produced, or generated on one or more agricultural operations and are renewable resources under specified state law, as agricultural operations that are exempt from the identified rule's requirements.

Modifies the proposed changes to GS 153A-340(b)(2a) to no longer explicitly include shooting in the definition of *agritourism* as it relates to a building or structure being used for a bona fide farm purpose. Instead, more specifically defines *agritourism* under the subdivision to include shooting sports in a county with a population of fewer than 110,000. No longer requires properties being used for shooting sports to comply with specified guidelines of the Wildlife Resource Commission.

Reinstates the proposed changes to the sunset provision of the NC Food Innovation Lab Committee set forth in SL 2017-57, providing for a sunset of January 1, 2020, rather than January 1, 2025 (previously, eliminated by the 8th edition).

Eliminates the directive reinstated by the 8th edition which requires the Office of the State Auditor to audit all State funds ever paid to the Resources Institute for the Initiative through the Clean Water Management Trust Fund and Water Resources Development Grants for the Environmental Quality Incentives Program no later than June 1, 2020, and directing the Director and Board of Trustees of the Clean Water Management Trust Fund and DEQ to seek recoupment of any identified overpayment of State funds based on the audit's findings.

Maintains the act's severability clause and effective date provisions.

Intro. by B. Jackson, Sanderson, Johnson.

[STUDY, GS 20, GS 62, GS 89C, GS 90, GS 99E, GS 105, GS 106, GS 120, GS 136, GS 139, GS 143, GS 143B, GS 153A, GS 160A](#)

[View summary](#)

[Agriculture, Business and Commerce, Consumer Protection, Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Environment, Energy, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\), Department of Environmental Quality \(formerly DENR\), Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)

S 559 (2019-2020) [STORM SECURITIZATION/ALT. RATES](#). Filed Apr 2 2019, *AN ACT TO PERMIT FINANCING FOR CERTAIN STORM RECOVERY COSTS AND TO REQUIRE THE UTILITIES COMMISSION TO STUDY THE USE OF "MULTIYEAR RATE PLAN" AND "BANDING OF AUTHORIZED RETURN" MECHANISMS FOR RATE SETTING FOR ELECTRIC PUBLIC UTILITIES.*

House amendment to the 4th edition makes the following changes.

Part II.

Eliminates all provisions of Part II, including proposed GS 62-133A, which authorized the Utilities Commission to approve alternate rate methodology.

Instead, directs the Utilities Commission (Commission) to study the advisability of authorizing specified alternative methods for fixing rates under GS 62-133 for general rate case proceedings for electric public utilities, including studying multiyear rate plans, banding of authorized returns, performance-based ratemaking, revenue decoupling, or any combination of those methods. Requires the Commission to coordinate with Public Staff, and examine other states' experiences allowing alternative rate-setting mechanisms, identify associated advantages and disadvantages, and their impact on consumers, service quality, reliability, resource integration, electric grid modernization, emissions, and any other relevant factors. Directs the Commission to establish a stakeholder process within 60 days of the effective date of the act to support and provide comment on the study. Identifies 12 stakeholders to be included in the process to the extent feasible. Requires the Commission to report to the specified NCGA committee by March 1, 2020.

Part III.

Makes conforming changes to the act's effective date provisions. Changes the act's long title.

Intro. by Rabon, Hise, Blue.

STUDY, GS 25

[View summary](#)

**Government, Public Safety and Emergency Management,
Public Enterprises and Utilities**

S 682 (2019-2020) **IMPLEMENT CRIME VICTIM RIGHTS AMENDMENT**. Filed Jun 27 2019, *AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT TO PROVIDE BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS OF CRIME*.

House committee substitute to the 4th edition makes the following changes.

Part I.

Amends GS 15A-830.5 by providing that Article 46 of GS Chapter 15A does not create a claim for damages against the State, any county or municipality, or any State or county agencies, instrumentalities, officers, or employees (was, the failure or inability of any person to provide a right or service under Article 46, including a service provided through the Statewide Automated Victim Assistance and Notification System, may not be used by a defendant in a criminal case, by an inmate, or by any other accused, or by any victim or any family member of a victim, as a ground for relief in any criminal or civil proceeding).

Amends GS 15A-831 to require that the form used by the victim to indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process, be created by the Conference of District Attorneys.

Amends GS 15A-832 by requiring that the pamphlet provided to the victim include the victim's rights under the Article, including the right to reasonably confer with the district attorney's office (was, with the attorney prosecuting the case) about the disposition of the case and the right to provide a victim impact statement. Also amends the statute to require that the district attorney's office offer the victim the opportunity to reasonably confer with an attorney from the district attorney's office (was, with the prosecuting attorney) to obtain the victim's views about, at a minimum, dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.

Amends GS 15A-834.5, enforcement of the right of a victim, as follows. Clarifies that a victim may assert the rights provided in Article 46 pursuant to Section 37, Article I of the North Carolina Constitution. Adds that in no event will any underlying proceeding be subject to undue delay for the enforcement provided in the statute. Adds that if a motion filed by the victim with the clerk of superior court involves an allegation that a law enforcement agency failed to comply with the right of a victim provided under Article 46, the victim must first file a written complaint with that agency, to give the agency an opportunity to timely resolve the issue in the complaint. Requires that a copy of such a motion be provided to the head of the law enforcement agency referenced in the motion and allows a judge to confer with the head of that law enforcement agency as part of the review. Makes conforming changes. Adds that the victim may petition the NC Court of Appeals for a writ of mandamus if the judge fails to review the motion and dispose of it or set it for hearing in a timely manner. Adds a victim's family member to those who may not use the failure or inability of any person to provide a right or service under Article 46, including a service provided through the Statewide Automated Victim Assistance and Notification System as a ground for relief in any criminal or civil proceeding; adds the prohibition, as it applies to all named classes of individuals, is except as provided in Section 37, Article I of the North Carolina Constitution.

Part II.

Amends proposed GS 7B-2052, victim's rights, by providing that new Article 20A does not create a claim for damages against the State, any county or municipality, or any State or county agencies, instrumentalities, officers, or employees (was, the failure or inability of any person to provide a right or service under Article 20A may not be used by a juvenile, by any accused, or by any victim or any family member of a victim, as a ground for relief in any criminal, juvenile, or other civil proceeding).

Amends proposed GS 7B-2053, to require that the district attorney's office offer the victim the opportunity to reasonably confer with an attorney from the district attorney's office (was, with the prosecuting attorney) to obtain the victim's views about, at a minimum, dismissal, plea or negotiations, disposition, and any dispositional alternatives. Also no longer includes dispositional alternatives available to the court as provided in GS 7B-2508 in the information given to the victim about the adjudication and disposition of the juvenile after the completion of the dispositional hearing.

Makes clarifying changes to GS 7B-2054.

Changes the caption of GS 7B-2057. Provides that the requirement that any agency, department, or official providing a victim with written notice or information under the Article identify the juvenile by the juvenile's first and last initials, is except as provided in GS 7B-2055(c). Deletes the provision specifying that new Article 20A does not create a claim for damages against the State, any county or municipality, or any State or county agencies, instrumentalities, officers, or employees (this provision now appears in GS 7B-2052).

Amends GS 7B-2058, enforcement of rights as follows. Clarifies that a victim may assert the rights provided in Article 20A pursuant to Section 37, Article I of the North Carolina Constitution. Adds that in no event will any underlying proceeding be subject to undue delay for the enforcement provided in this statute. Makes a clarifying change. Adds that the victim may petition the NC Court of Appeals for a writ of mandamus if the judge fails to review the motion and dispose of it or set it for hearing in a timely manner. Allows the court, for good cause shown, to shorten the time for filing a response. Adds a victim's family member to those who may not use the failure or inability of any person to provide a right or service under Article 20A, including a service provided through the Statewide Automated Victim Assistance and Notification System as a ground for relief in any criminal, juvenile, or other civil proceeding; adds the prohibition, as it applies to all named classes of individuals, is except as provided in Section 37, Article I of the North Carolina Constitution.

Intro. by Daniel, J. Davis, Britt.

[GS 7B, GS 8, GS 15A](#)

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[Courts/Judiciary, Court System, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure](#)

LOCAL/HOUSE BILLS

H 55 (2019-2020) [CLEVELAND COUNTY/SHERIFF VACANCIES. \(NEW\)](#) Filed Feb 12 2019, *AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF CLEVELAND COUNTY.*

Senate committee substitute to the 1st edition makes the following changes.

Amends the proposed changes to GS 162-5.1, which provides that if there is a vacancy in the office of sheriff, the coroner of the county must execute all process directed to the sheriff until the board elects a new sheriff, and sets out additional requirements for filling the sheriff vacancy. Now removes Cleveland County from the scope of the statute (previously, removed Alexander County, which was since removed by SL 2019-5). Makes conforming changes to the act's titles.

Specifies that the act applies to vacancies occurring on or after the date the act becomes law.

Intro. by Elmore.

[Cleveland](#)

[View summary](#)

[Government, Public Safety and Emergency Management](#)

LOCAL/SENATE BILLS

S 270 (2019-2020) [DURHAM DEANNEXATION. \(NEW\)](#) Filed Mar 14 2019, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF DURHAM.*

House committee substitute to the 2nd edition makes the following changes.

Deletes the section removing three described parcels from the Village of Clemmons's corporate limits. Makes conforming changes. Changes the act's titles.

Intro. by McKissick, Woodard.

Durham

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 74: CARRY FORWARD TIP LINE APP. FUNDS. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 99: TRANSFER ALE.

House: Conf Report Adopted

Senate: Conf Report Adopted

House: Ordered Enrolled

H 126: AMEND CERTIFICATE OF NEED LAWS. (NEW)

Senate: Conf Com Appointed

H 226: 2019 AOC LEGISLATIVE CHANGES.-AB

Senate: Conf Com Appointed

H 283: CONNER'S LAW.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 08/21/2019

H 370: REQUIRE COOPERATION WITH ICE DETAINERS. (NEW)

House: Reptd Fav To Concur

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Concurred In S Com Sub

House: Ordered Enrolled

House: Ratified

House: Pres. To Gov. 8/20/2019

H 554: FUNERAL PRACTICE LICENSURE TECH. CORRECTIONS.

House: Concurred In S Com Sub

House: Ordered Enrolled

H 555: MODERNIZE MEDICAID TELEMEDICINE POLICIES.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate

H 597: WILDLIFE RESOURCES COMMISSION AMENDS.

House: Ratified

House: Pres. To Gov. 8/20/2019

H 604: SMALL BUSINESS RETIREMENT PROGRAM.

House: Ratified

House: Pres. To Gov. 8/20/2019

H 609: RAISE THE AGE MODIFICATIONS.

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

H 633: STRENGTHEN CRIMINAL GANG LAWS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 08/21/2019

H 704: DENTAL BILL OF RIGHTS.

Senate: Withdrawn From Com

Senate: Re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 822: COMPREHENSIVE BEHAVIORAL HEALTH PLAN.

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

H 918: AMEND ABUSE LAWS/EXPEDITE PERMANENCY.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 935: SOCIAL SERVICES REFORM. (NEW)

House: Reptd Fav Com Sub 2

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 250: REMOVE FOREIGN CITIZENS FROM VOTING ROLLS. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 08/21/2019

S 315: NORTH CAROLINA FARM ACT OF 2019.

House: Reptd Fav Com Sub 4

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 08/21/2019

S 353: EXPAND CARTWAY PATH/SEPTIC TANK LAWS. (NEW)

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub

S 361: HEALTHY NC. (NEW)

Senate: Failed Concur In H Com Sub

S 553: REGULATORY REFORM ACT OF 2019.

Senate: Conf Rept Withdrawn

S 559: STORM SECURITIZATION/ALT. RATES.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 562: THE SECOND CHANCE ACT.

House: Withdrawn From Cal

House: Re-ref Com On Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

S 579: PRISON REFORM ACT OF 2019.

House: Withdrawn From Com

House: Re-ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

S 681: RUR HLTH CARE/LOC. SALES TAX FLEX/UTIL. ACCT. (NEW)

House: Conf Com Appointed

S 682: IMPLEMENT CRIME VICTIM RIGHTS AMENDMENT.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 08/21/2019

LOCAL BILLS

H 55: CLEVELAND COUNTY/SHERIFF VACANCIES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

S 270: DURHAM DEANNEXATION. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

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