

LEGISLATIVE UPDATE

2006



NORTH CAROLINA
DEPARTMENT OF JUSTICE

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INTRODUCTION

The Legislative Update for Law Enforcement is a review of laws enacted during the 2006 Session of the North Carolina General Assembly. It contains a summary of selected legislation of interest to law enforcement agencies. Individuals who would like more details about certain bills may receive a copy of the bill, at no cost, by calling the **North Carolina General Assembly Printed Bills Office at (919) 733-5648 or by writing to the Printed Bills Office, State Legislative Building, Raleigh, North Carolina 27603.** You may also get more information and copies from the General Assembly's Website at www.ncleg.net.

ABC LAW

VARIOUS ABC LAW CHANGES

HB 1025; SL 2006-227

Section 1 amends G.S. §18B-1001 to allow the Alcoholic Beverage Control Commission to issue permits to winemaking-on-premises businesses, thereby authorizing such businesses to sell ingredients and rent equipment, time, and space for the production of unfortified wine for personal use by individual consumers who are at least 21 years old, and only in jurisdictions where unfortified wine sales are permitted. Also prohibits the manufacture of unfortified wine by a permit holder, excluding samples for testing recipes or equipment, and requires that any wine produced must be for the personal use of the customer only.

Section 2. rewrites G.S. §18B-307 to prohibit the sale or possession of equipment or ingredients intended for use in manufacturing an alcoholic beverage, except that allowed under a Brew on Premises or Winemaking on Premises permit. Prohibits knowingly allowing another person to use one's real or personal property for the manufacture of an alcoholic beverage, except that allowed under a Brew on Premises or Winemaking on Premises permit. Prohibits the manufacture of an alcohol beverage without the applicable ABC permit and revenue licenses, except for an establishment with a Brew on Premises or Winemaking on Premises permit.

Section 3. amends G.S. §18B-902(d) to establish a Winemaking on Premises permit fee of \$400, and a Wine Shipper Packager permit fee of \$100.

Section 4. amends G.S. §18B-1001.1(c) to authorize a wine shipper permittee to contract with a holder of a wine shipper packager permit for the packaging and shipment of wine.

Section 5. amends G.S. §18B-1001.2 to require the details of shipments under the contract to be compiled and submitted to the Alcoholic Beverage Control Commission as part of the permittee's quarterly report.

Section 6. enacts new G.S. §18B-1001.3 to authorize the holder of a wine shipper packager permit to provide warehousing, packaging, and shipment services to a winery that has a wine shipper permit.

Section 7. amends G.S. §18B-1006(a) to exempt from the prohibition against alcoholic sales golf courses that are open to the public and owned or leased by schools and college campuses.

Section 8. amends G.S. §18B-108 to permit malt beverages, unfortified wine, and fortified wine to be sold to rail lines that carry at least 60,000 passengers annually.

Section 9. amends G.S. §18B-1001(16) to delete the restrictions on wine that can be sold on the premises of establishments holding wine tasting permits, and provide that these premises are not subject to the regulations of food and lodging facilities under G.S. §130A-247 through §130A-250, unless they are also engaged in the preparation or sale of food.

Section 10 adds new G.S. §18B -203(a)(19) permitting the ABC Commission to recognize the holder of a wine importer permit or nonresident wine vendor permit as a "primary American source of supply" for the wine of a winery.

Section 11 adds new G.S. §18B-1106(c) providing that the holder of a wine importer permit may import and sell to wholesalers only wine for which it is a primary American source of supply.

Section 12 amends G.S. §18B -1107(a) to specify that the holder of wine wholesaler permit must receive wine from only the following: (1) a primary American source of supply for that wine; (2) a licensed NC wholesaler who received the wine from a primary American source of supply; (3) another wholesaler from whom the wholesaler is purchasing the business or the brand or

distribution rights for the wine; or (4) another wholesaler who also has distribution rights for the wine, to address a temporary inventory shortage.

Section 13 amends G.S. §18B-1114 to provide that the holder of a nonresident wine vendor permit may sell, deliver, and ship into NC only wine for which it is a primary American source of supply. In all three sections, defines a primary American source of supply as a wine importer that has lawfully purchased the wine from the winery or an agent of the winery and by written contract of otherwise has been authorized by the winery to distribute the wine to U.S. wholesalers.

Section 14 amends G.S. §105-113.81A to provide that the Secretary of Revenue is to credit to Department of Commerce \$200,000 per quarter from the excise tax on unfortified wine, in lieu of the formula for the allocation currently in the statute.

Effective Date:

GOVERNOR'S DWI TASK FORCE RECOMMENDATIONS

HB 1048; SL 2006-253

Section 1 This act is known as the Motor Vehicle Driver Protection Act of 2006.

Section 2: Establishes the definition of a keg - "...a portable container designed to hold and dispense in excess of 7.75 gallons or more of malt beverage."

Section 3.1: Requires a purchase-transportation permit for the purchase of a keg by certain consumers. Authorizes a permit (G.S. §18B-1001(2)) holder to issue a purchase-transportation permit.

Section 3.2: Exempts a keg, when obtained properly, from the restricted amounts of malt beverages that can be purchased at one-time. Allows a permittee (G.S. §18B-1001(2)) to purchase kegs (any amount) for on-premises consumption.

Section 4: Modifies the statutes on motor vehicle checking stations and roadblocks to standardize procedures by law enforcement, and provide for a written policy to ensure randomization.

Section 5: Delineates procedures for the investigation and processing of implied-consent offenses.

Section 6: Allows the admissibility of certain expert opinions and test results pertaining to a purported offense of impaired driving, or to the speed of a vehicle.

Section 7: Identifies grounds for administering alcohol screening tests; provides for the approval and manner of use of screening devices by DHHS; and allows the results from alcohol screening devices and a driver's refusal to submit to a screening to be used to determine that a driver committed an implied-consent offense.

Section 8: Clarifies the definition of a public vehicular area.

Sections 9 and 10: Clarify what constitutes an impaired driving offense, including impaired driving in a commercial vehicle. Provides that the results of a chemical analysis are sufficient to prove alcohol concentration, and that both offenses include driving with any amount of a Schedule I controlled substance or its metabolites in one's system. Specifies admissible evidence for proving gross vehicle weight (commercial vehicle).

Sections 12 and 13: Expands the offense of habitual impaired driving to include conviction of three or more impaired driving offenses within 10 years of the date of recent offense. Specifies that the provisions of G.S. §120-139.1 apply to such an offense.

Section 14: Increases the penalty for Felony Death by Vehicle from a Class G to Class E felony. Creates new offenses: Aggravated Felony Death by Vehicle (Class D), Felony Serious Injury by Vehicle (Class F), and Aggravated Felony Serious Injury by Vehicle (Class E). Includes a sentence

enhancement for Repeat Felony Death by Vehicle, punishable as Second Degree Murder (Class B2).

Section 15: Rewrites the implied consent law to clarify grounds and procedures for performing chemical analyses, and changes the standard of review by superior court when a license revocation for refusal to submit to chemical analysis is appealed.

Section 16: Standardizes chemical analysis procedures and forms, and clarifies the admissibility of chemical analysis results in court.

Sections 17 and 18: Requires improved access to patients (including juveniles) and their medical records for impaired driving cases, and provides that a certified copy of health information is admissible in court. Amends G.S. §8-53.1(b) to provide physician-patient and nurse privilege waived in child abuse; disclosure of information in impaired driving accident cases.

Section 19: Requires a prosecutor to explain, document, and distribute certain information if he accepts a plea for lesser offense, enters a voluntary dismissal, or substitutes another charge in an implied-consent or driving while license revoked (after impaired driving conviction) case.

Section 20.1: Requires the clerk of superior court to keep specific file data for all cases involving impaired driving and any other violation of the motor vehicle code related to the possession, consumption, or transport of alcoholic beverages.

Section 20.2: Requires the Administrative Office of the Courts to maintain and report on the data identified in Section 20.1.

Section 21: Allows the Division of Motor Vehicles to prove revocation notice through personal delivery or mail by making a notation in its records; a certified copy of Division records may serve as proof of notice in court.

Section 22.1: Revises statute on revocation and restoration of driver's license for driving while impaired. Includes criminal penalty (Class 1 misdemeanor) for driving with a revoked license after revocation notice for driving while impaired, or failure to appear for more than two years from the charge date for an implied-consent offense.

Section 22.2: Require DMV to revoke a license upon conviction for impaired driving under G.S. §20-138.2 if the driver's alcohol concentration level was .06 or higher.

Sections 22.3:and 22.4 Require DMV to revoke a license upon conviction for impaired driving under G.S. 20-138.1. Provides for a medical exception to the ignition interlock requirement.

Section 23: Modifies DWI sentencing statutes to conform to Blakely vs. Washington decision concerning the determination of aggravating or mitigating factors for sentencing.

Section 24: Requires the clerk of court to maintain all records relating to impaired driving convictions for at least ten years from the date of conviction; the clerk must also maintain certain summary data on each case beyond the ten year period.

Section 25: Repeals G.S. 20-17.2 (revocation and notice procedures).

Section 26: Makes the purchase, possession, or consumption of alcohol by a 19 or 20 year old a Class 3 misdemeanor; allows law enforcement to employ alcohol screening devices to determine consumption.

Section 27: Requires a DWI offender who has completed a recommended treatment or training program and who is not being paroled to a residential treatment program to be assigned community service parole or house arrest.

Section 28: Prohibits a permittee from employing someone who was a permit holder, but who had the permit revoked within the last 18 months and who had been the permit holder at the location where the person would be employed.

Section 29: Encourages all justices and judges to receive training and legal education on DWI offenses and related issues.

Section 30: Provides that a motion for appropriate relief (MAR) may not be granted without a District Attorney's signature, unless 10 business days have passed since the DA was notified in court or served with the motion.

Section 31: Allows for the seizure of a vehicle that is driven by a person who is guilty of committing the following three offenses at the same time: DWI, driving with no driver's license or a revoked driver's license, and driving with no insurance.

Effective Date: Sections 20.1, 20.2, and the requirement that the Administrative Office of the Courts electronically record certain data contained in subsection (c) of G.S. §20-138.4, as amended by Section 19 of this act, become effective after the next rewrite of the superior court clerks system by the Administrative Office of the Courts. The remainder of this act becomes effective December 1, 2006, and applies to offenses committed on or after that date.

CRIMINAL LAW AND PROCEDURE

PROTECT CHILDREN/SEX OFFENDER LAW CHANGES HB 1896;SL 2006-247

Section 1 adds: statutory rape of a person who is 13, 14, or 15 years old by a defendant who is at least 6 years older.

Sections 2 and 3 requires that any adult or juvenile convicted as an adult who is required to register must do so in person at the appropriate Sheriff's Office.

Section 3 requires that any juvenile who is required to register must do so in person at the Sheriff's Office.

Section 4 enacts a new G.S. §14-208.8A which requires any person who must register and who works part-time or full-time in a county that is not the person's residence for more than 10 business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year, to maintain registration with the sheriff of the county where the person works as well as the sheriff of the county of residence. The Sheriff is then required to notify the Department of Justice, which will, in turn notify the Sheriff of the county in which the offender will be working. This provision becomes effective June 1, 2007.

Section 5 requires a registered offender to petition the court in order to terminate registration. Under current law, registration on the 10-year registry terminates automatically at the end of 10 years. Under this act, the court may terminate registration if (1) the petitioner has not been arrested for any crime that would require registration since completing his sentence, (2) the relief complies with any federal standards applicable to termination or are required to be met as a condition for the receipt of federal funds, and (3) the court is otherwise satisfied the petitioner is not a threat to public safety. If the offender's petition is denied, the offender must wait one year before petitioning the court again.

Section 6 requires an offender to notify the Sheriff in person of the intent to move out of state at least 10 days before the departure date. The person is required to provide, in writing, the address, municipality, county, and state of intended residence. In addition, if the Sheriff determines that the record photograph no longer provides a true likeness of the offender, the Sheriff shall take a photograph of the sexual offender to update the registry. Requires that sex offender registration,

verification, notice of address change, notice of change in academic status, and notice of change in employment status at an institution of higher education all be done in person at the Sheriff's office.

Section 7 requires semiannual verification in person by the offender. Under current law, an offender is required to verify registration information only on an annual basis and by mail. If the Sheriff determines that the record photograph no longer provides a true likeness of the offender, the Sheriff shall take a photograph of the sexual offender to update the registry.

Section 8 provides that anyone who willfully violates this article for failure to comply with registration requirements is guilty of a Class F felony.

Section 9 creates a new Class H felony for harboring a sex offender. A person is guilty of this offense if the person: (1) has reason to believe an offender is in violation of the registration requirements; (2) has the intent to assist the offender in eluding arrest; and (3) withholds information from law enforcement, harbors or conceals, or attempts to harbor or conceal, the offender, or provides false information to law enforcement.

Section 10 requires a registered sex offender to petition the court in order to terminate registration. Under current law, registration on the 10-year registry terminates automatically at the end of 10 years. Under this act, the court may terminate registration if: (1) the sex offender has not been arrested for any crime that would require registration since completing his sentence; (2) the relief complies with any federal standards applicable to termination or are required to be met as a condition for the receipt of federal funds; and (3) the court is otherwise satisfied the sex offender is not a threat to public safety. If the offender's petition is denied, the offender must wait one year before petitioning the court again.

Section 11 creates a new Class G felony for a person who is registered or required to register to knowingly reside within 1,000 feet of a public or nonpublic school or child care center. Persons who have established a residence prior to the effective date of the act are grandfathered.

Section 12 expands the definition of 'sexual contact', which is the term defining the physical act in the offense of sexual battery, to include "ejaculating, emitting, or placing semen, urine, or feces upon any part of another person." Under current law, sexual battery is the only misdemeanor (Class A1) requiring sex offender registration.

Section 13 requires juvenile court counselors to provide verification information on behalf of juvenile registrants, by mail, semiannually (currently an annual requirement).

Section 14 amends G.S. §15A-1341(d) to require a court to search the sex offender registrations when placing a defendant on probation.

Section 15 requires a sex offender who is classified as a sexually violent predator, is a recidivist, or was convicted of an aggravated offense to be enrolled in a GPS monitoring program for life and, after completing any period of supervised probation, be placed on unsupervised probation for life. A person required to submit to lifetime GPS monitoring may file a request for termination with the Post-Release Supervision and Parole Commission at least one year after having served his or her sentence and having completed any period of probation, parole, or post-release supervision. Intentionally tampering with, removing, or vandalizing a GPS device is a Class E felony. Failure to enroll as required in the GPS monitoring program is a Class F felony. Requires offenders who have committed an offense involving the physical, mental, or sexual abuse of a minor, and who require the highest level of supervision based on the Department of Correction sex offender risk assessment program to be subject to GPS monitoring for a time period ordered by the court. The Post-Release Supervision and Parole Commission has no authority to terminate a monitoring requirement for an offender enrolled in GPS monitoring under this provision. There is a \$90 fee for enrolling in the program. Upon motion and cause, the court may waive the fee.

Section 16 allows the Department of Correction (DOC) to issue a Request for Proposal (RFP), or contract directly through a contract alliance or consortium, for passive and active GPS.

Section 17 requires DOC to develop, no later than January 1, 2007, a graduated risk assessment program that identifies sex offenders that may need extraordinary supervision.

Section 18 requires DOC to study and develop a plan of mental health treatment programs for incarcerated sex offenders designed to reduce the likelihood of recidivism.

Section 19 requires DMV to provide notice to all applicants for a driver's license, learner's permit, or ID card of the obligation for sex offenders to register. Requires DMV to search the National Sex Offender Public Registry to determine whether an applicant who has resided in North Carolina for less than 12 months is currently registered in another state. If so, then no license or ID card may be issued until the person is registered in this State. If the person does not appear on the registry, then an acknowledgment of the State's registration law must be signed. It also provides a procedure if DMV is unable to search the registry at the time of application. Provides a procedure for petitioning the court if DMV refuses to issue a license or revokes a license that was improperly issued because a later search revealed the person's unregistered status.

Section 20 creates a new Article 10A – Human Trafficking. This creates a new criminal offense for subjecting or maintaining a person in sexual servitude. Sexual servitude is any sexual activity performed or provided, or for which anything of value is given or promised, which is induced or obtained by coercion or deception, or which is obtained from a person under the age of 18. This offense is a Class F felony if the victim is an adult, and it is a Class C felony if the victim is a minor. Amends Involuntary Servitude - under current law, subjecting a person to involuntary servitude is a Class F felony. This act amends the offense by making it a Class C felony if the victim is a minor. Otherwise, the offense is the same. Amends the offense of kidnapping to include human trafficking and subjecting or maintaining a person in sexual servitude.

Section 21 provides that the provisions of this act are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

Effective Date: Section 15 of this act is effective as provided herein. Sections 14, 16, 17, 18, 21, and 22 are effective when this act becomes law. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. Except as otherwise provided in this act, the remainder of this act becomes effective December 1, 2006, and applies to offenses committed on or after that date.

ASSAULT HANDICAPPED/INCREASE PENALTY **SB 488; SL 2006-179**

Amends G.S. §14-32.1 to increase the penalty for simple assault or battery on a handicapped person from a class 1 misdemeanor to a class A1 misdemeanor.

Effective Date: August 1, 2006

METH. LAB PREVENTION ACT **SB 686; SL 2006-186**

This Act makes various changes to the "Methamphetamine Lab Prevention Act of 2005" in order to comply with federal law and to make other technical changes.

Effective Date: July 20, 2006

ESTABLISH NC INNOCENCE INQUIRY COMMISSION **HB 1323; SL 2006-184**

This Act establishes the North Carolina Innocence Inquiry Commission as an extra ordinary procedure to investigate and determine credible claims of factual innocence. The Innocence Inquiry Commission is an independent commission under the court system and is comprised of the following:

- superior court judge;
- prosecuting attorney;
- victim advocate;
- person engaged in the practice of criminal defense law;
- sheriff;
- a public member who is not an attorney and who is not an officer or employee of the Judicial Department; and
- two remaining members are selected at the discretion of the Chief Justice.

These voting members are appointed initially by the Chief Justice and the Chief Judge of the Court of Appeals.

A claim of factual innocence may be made by any court, agency, or person, but may not be made for someone who is deceased. To file a claim of factual innocence, a person must be convicted of a felony and maintain that they are completely innocent of any criminal responsibility for the felony and completely innocent of any criminal responsibility for any other reduced level of criminal offense relating to the crime. There must be some creditable, verifiable evidence of the person's innocence that has not previously been presented at trial or considered at a hearing granted through post-conviction relief.

Once the Commission considers all of the evidence presented related to a claim of factual innocence, if less than five of the eight voting members of the Commission conclude that there is not sufficient evidence of factual innocence, the case is dismissed and the convicted felon who filed the claim has no appeal rights. If five or more of the eight voting members of the Commission conclude that there is sufficient evidence of factual innocence, then the case is referred by the Commission to a panel of three superior court judges appointed by the Chief Justice of the Supreme Court of North Carolina. If the convicted felon who is filing the claim pled guilty in the case, the Commission can refer the case to the three judge panel of superior court judges only if all eight of the eight voting members of the Commission agree that there is sufficient evidence of actual innocence. If the case is heard by the three-judge panel of superior court judges, and if the vote is not unanimous, the panel must deny relief to the convicted felon who filed the claim. If all three judges vote unanimously that there is "clear and convincing evidence" that the convicted felon is innocent of the charges, then the panel shall enter an order dismissing the charges against the convicted felon. The decision of the three-judge panel is final and not subject to further review or appeal. A convicted felon who files a claim of factual innocence is not prohibited from also filing a Motion for Appropriate Relief or pursuing any other available appeal rights allowed by law. When the case is heard by the three-judge panel, the State shall be represented by the district attorney from the district where the convicted felon was convicted.

Claims of actual innocence can be filed with the Commission beginning on November 1, 2006, however, claims where the convicted felon pled guilty may not be filed until November 1, 2008. As currently enacted, no claims may be filed after December 31, 2010. For it to be continued beyond December 31, 2010, new legislation must be approved by the General Assembly.

Effective Date: August 3, 2006 and applies to claims of factual innocence filed on or before December 31, 2010.

ETHICS, ELECTION AND CAMPAIGN LAWS

ELECTORAL FAIRNESS ACT

HB 88; SL 2006-234

This Act reduces the number of signatures required by a statewide unaffiliated candidate to get on the ballot; reduces the number of votes a new political party must gain to maintain ballot eligibility; and provides that a candidate who ran in a party primary for an office is not eligible for nomination by another party to fill a vacancy in its nomination for the same office in the same year.

Effective Date: This act becomes effective January 1, 2007, and applies to all primaries and elections held on or after that date.

ELECTION CHANGES

HB 128; SL 2006-262

This Act authorizes county boards of elections to take steps to count mailed absentee votes earlier; clarifies how a voter must report when they move to a new address; clarifies a person's residence for voting purposes; makes changes in the law to challenge a voter's residence; specifies how banks and other financial institutions may make loans without violating the prohibition on corporate contributions; clarifies what reasonable administrative expenses include; and provides that except for the envelope, provisional ballots shall not be marked to be identifiable to a voter.

Effective Date:

STATE GOVERNMENT ETHICS ACT – 1

HB 1843; SL 2006-201

This Act creates the State Ethics Commission; establishes ethical standards for certain State public officers, State employees and appointees to non-advisory State boards and commissions; requires public disclosure of economic interests by certain persons in the executive, legislative, and judicial branches; and amends the lobbying laws.

Effective Date: January 1, 2007

PERMITTED USE OF CAMPAIGN FUNDS

HB 1845; SL 2006-161

This Act restricts the use of contributions to candidates and candidates' campaign funds to those related to campaigns and office holding duties; prohibits personal use of contributions by candidates and candidate campaign committees; and strengthens reporting requirements to prevent violations.

Effective Date: October 1, 2006

2006 CAMPAIGN FINANCE CHANGES

HB 1846; SL 2006-195

This Act lowers the threshold from one hundred dollars to fifty dollars for accepting a political contribution in cash; prohibits the use of blank payee checks in campaign contributions; requires the reporting of the identity of a contributor who makes a contribution of more than fifty dollars; specifies the time period by which the threshold for identifying an individual contributor's identity is measured; adds a penalty for accepting contributions from certain non-legal sources; bars prosecution if best efforts are made to ensure that a contribution is from a legal source; and strengthens political committee treasurer training.

Effective Date: January 1, 2007

LOCAL LAWS

LOCAL ATV USE /WHITEVILLE UNSAFE BUILDING

HB 845; SL 2006-116

This Act adds Gaston, Surry, and Wilkes Counties, and the towns of Ocean Isle Beach and Surf City, to the areas in which law enforcement officers and employees may operate unregistered all-terrain vehicles on highways with speed limits of thirty-five miles per hour or less and to allow the City of Whiteville to declare residential buildings in community development target areas unsafe +and to demolish those buildings using the same process authorized for the demolition of unsafe nonresidential buildings.

Effective Date: July 13, 2006

MINT HILL PUBLIC NUISANCE ORDINANCE**HB 2000; SL 2006-14**

The Charter of the Town of Mint Hill is amended to authorize the town to give annual notice to chronic violators of the town's public nuisance ordinance. Without further notice in the calendar year in which notice is given, the town can take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the Town gave notice of violation at least three times under any provision of the public nuisance ordinance."

Effective Date: June 20, 2006

MATTHEWS/MINT HILL JUNKED VEHICLES**HB 2001; SL 2006-15**

G.S. § 160A-303(b)(2) is amended affecting the regulation of abandoned or junked motor vehicles in the towns of Matthews and Mint Hill.

Effective Date: June 20, 2006

CIVILIAN TRAFFIC INVESTIGATORS**HB 2041; SL 2006-100**

Allows the City of Fayetteville to use civilian traffic investigators to investigate property damage (traffic) crashes. A report completed by a civilian traffic investigator shall be treated the same as if it were completed by a law enforcement officer. A law enforcement officer shall investigate any crash involving personal injury or a fatality. A civilian traffic investigator shall have no authority to arrest or issue criminal process and will not be issued a weapon of any type. A civilian traffic investigator shall have the same authority as a law enforcement officer to tow or remove a vehicle that is obstructing a public street or highway.

Effective Date: July 12, 2006

LAW ENFORCEMENT USE OF ATVs**HB 2273, SL 2006-25**

Act allows law enforcement officers and employees in Currituck County and the towns of Cramerton, Dallas and Highlands to use all-terrain vehicles on public streets and highways.

Effective Date: June 27, 2006

**LAW ENFORCEMENT/PIEDMONT TRIAD
WATER AUTHORITY****HB 2421; SL 2006-93**

Authorizes the Piedmont Triad Water Authority to employ lake wardens with the authority of police officers, including the power of arrest, to enforce federal and state laws for the protection of the watershed, the protection of game and wildlife in the area, and the protection of parks and recreational areas in Guilford and Randolph Counties.

Effective Date: July 10, 2006

LAW ENFORCEMENT EMPLOYEE/ATV/JUNK VEHICLES

SB 1199; SL 2006-166

Act adds additional cities, towns, and counties to allow law enforcement officers and employees to use all-terrain vehicles on public streets and highways. Additional cities are: Stanley, Belmont, Cherryville, Gastonia, Mount Holly, Cleveland County. Act also amended the towns and cities that can regulate abandoned or junked motor vehicles by adding Belmont, Bessemer City, Cherryville, Gastonia, Mount Holly, Dallas, and Stanley.

Effective Date: July 27, 2006

PERQUIMANS BEAR HUNTING

SB 1265, SL 2006-21

Act repeals the prohibition on bear hunting in Perquimans County.

Effective Date: June 27, 2006

NO ALCOHOL ON POLK COUNTY RIVERS

SB 1311, SL 2006-42

This act prohibits the possession or consumption of alcohol on rivers in Polk County, or within fifty feet of the banks of any river in that county. This act does not apply to the actions of a landowner, the landowner's lessee, or the landowner's or lessee's guests on the landowner's property, if that property is adjacent to a river, and does not apply to that portion of the Green River that has been impounded to form Lake Adger. Violation is a class 3 misdemeanor with a fine of not less than \$50.00.

Effective Date: This act becomes effective August 1, 2006, and applies to offenses committed on or after that date.

REGULATE GOLF CARTS/SALUDA AND FAISON

SB 1328, SL 2006-27

This Act authorizes the city of Saluda and the town of Faison to regulate golf carts on public streets and highways within the city limits or on any property owned or leased by the city.

Effective Date: June 29, 2006

MOTOR VEHICLE LAWS

8-YEAR DRIVERS LICENSE/INTERNET DL RENEWAL

HB 267; SL 2006-257

The duration and renewal of driver's licenses is now every eight years for those 18-54 years of age. A license for those under age 18 shall expire on their 21st birthday. For those over age 54, the license expires every five years after the date of issuance.

Effective Date: January 1, 2007

TRANSPORTATION/MV LAW CHANGES

HB 1399; SL 2006-135

Makes changes to the motor vehicle laws concerning weighing of wood residuals (including wood chips, sawdust, mulch or tree bark) and the statutes exempting certain agricultural vehicles from registration.

Effective Date: July 19, 2006

**NO PRAYER FOR JUDGMENT/BUS STOP
ARM VIOLATION**

HB 2880; SL 2006-160

Prevents a person who is convicted or pleads guilty to the charge of passing a stopped school bus from receiving a prayer for judgment continued under any circumstances.

Effective Date: September 1, 2006

SEAT BELT USE ENHANCEMENTS

SB 774; SL 2006-140

Except as provided in G.S. §20-137.1, every occupant of a motor vehicle must wear a seat belt. Failure of a rear seat occupant to wear a seat belt may not be a justification for the stop of a vehicle. A driver or passenger in the front seat who fails to wear a seat belt is fined \$25.00 plus \$50.00 court costs. A rear seat occupant who fails to wear a seat belt is fined \$10.00 and no court costs.

Effective Date: This act becomes effective December 1, 2006; Law enforcement agencies shall issue only warnings for violations of this act with regards to backseat passengers in motor vehicles from December 1, 2006, to June 30, 2007. On July 1, 2007, law enforcement agencies may begin issuing citations, or taking other enforcement action, for violations of this act with regards to backseat passengers. Front seat passengers not in compliance with this act may continue to be issued citations to ensure compliance with this section.

LAPSE IN LIABILITY INSURANCE

SB 881; SL 2006-213

This act revises the penalties for operating a motor vehicle without proper liability insurance providing financial responsibility. Those with no previous lapses, the penalty amount is \$50. For those with one previous lapse, the penalty amount is \$100.00. For those with two or more previous penalties, the penalty amount is \$150.00.

Effective Date: This act becomes effective July 1, 2008, and applies to lapses occurring on or after that date.

**CELL PHONE USE BY DRIVERS UNDER 18
PROHIBITED**

SB 1289; SL 2006-177

This act makes it illegal for anyone under the age of 18 to operate a motor vehicle on a public street or highway or public vehicular area while using a mobile telephone. This prohibition does not apply to the use of a cell phone in a stationary vehicle. Exceptions are (1) using the mobile phone to communicate in an emergency situation to an emergency response operator; a hospital, physician's office, or health clinic; a public or privately owned ambulance company or service; a fire department; or a law enforcement agency, and (2) communicating with a parent, legal guardian or spouse. Penalty for violation is a \$25.00 fine. No driver's license points, insurance surcharge or court costs will be assessed for a violation.

Effective Date: December 1, 2006

WEAPONS LAW

GUN PERMIT/OSHA TECHNICAL CHANGES

HB126, SL 2006-39

Amends GS §14-404(a) (1) (requiring permit for pistol and crossbow sales) and GS §14-415.13(b) (requiring permit to carry a concealed handgun) to require that the sheriff shall determine the criminal and background history check of the applicant by conducting a check through the National

Instant Criminal Background Check System (NICS). Law further amends GS §14-404(a) (1) to clarify that sheriff must verify an applicant's qualifications before the permit is issued.

Effective Date: June 30, 2006

RETIREMENT BENEFITS AND DISABILITY

LEO CREDITABLE SERVICE/WORKERS' COMPENSATION

HB 447, SL 2006-29

Amends G.S. §128-26(l) to provide that if a law enforcement officer returns from a leave of absence while receiving worker's compensation benefits due to serious bodily injuries suffered in the line of duty on or after August 1, 2006, and elects to purchase creditable service for the time on leave, the employing law enforcement agency must pay the lump sum payable under G.S. §128-26(l) (2).

Effective Date: August 1, 2006, and applies to members who return to service from an approved leave of absence on or after that date.

ROTH 401K ACCOUNTS/LAW ENFORCEMENT OFFICERS

HB 2651; SL 2006-141

Allows both state and local law enforcement officers in the retirement system to make Roth 401K after-tax contributions to the Supplement Retirement Income Plan.

Effective Date: July 1, 2006

STATE HEALTH PLAN/20-YEAR VESTING

SB 837; SL 2006-174

Act requires that retired employees have at least twenty years of retirement benefit credit service in order to qualify for benefits under the Teachers' and State Employees' Comprehensive Major Medical Plan on a noncontributory basis (increases from five years to twenty years). Those employees with between ten and twenty years of retirement service credit shall be eligible for coverage on a partially contributory basis, and the State shall pay 50% of the Plan's total noncontributory premiums. This applies to employees hired on and after October 1, 2006.

Effective Date: July 1, 2006

MISCELLANEOUS

PROHIBIT EXTREME PRICING PRACTICES

HB 1231; SL 2006-245

This Act protects consumers from extreme pricing practices during states of disaster, states of emergency or abnormal market disruptions.

Effective Date: August 15, 2006

AMEND IDENTITY THEFT PROTECTION ACT OF 2005

HB 1248; SL 2006-173

Amends G.S. §132-1.10(i) to provide that if a State agency, or its political subdivision, or an employee or agent of a governmental agency experiences a security breach, the agency shall comply with G.S. §75-65, effective October 1, 2006. Provides that identifying information is not a

public record, but that a record from which identifying information is redacted is a public record if it would otherwise be a public record but for the identifying information. Further amends G.S. §132-1.10(b)(5) to provide that agencies must disclose public records in response to a public records request even though those records contain identifying information, but only after that information is removed or redacted. Amends G.S. §132-1.10(f) to add the Department of the Secretary of State to those whom persons can request removal of personal identifying information from an image or official record available to the public. Also provides that identifying information accessible by magnetic tapes, electronic data feeds or electronic file transfers of all records or updates of records on file with the Secretary of State are exempt from G.S. §132-1.10(b)(5) (prohibiting State agencies from intentionally making identifying information available to the general public) until July 1, 2007. Directs the Secretary of State, whenever funds are made available, to make it a priority to remove identifying information contained in the Uniform Commercial Code financing statements filed with the Department no later than June 30, 2007.

Effective Date: Except as noted above, this Act becomes effective August 1, 2006.

CRIMINAL RECORDS CHECKS/PSYCHOLOGY PRACTICE ACT

HB 1327; SL 2006-175

This Act allows the North Carolina Department of Justice to conduct criminal history record checks, both State and Federal, on applicants for licenses for the North Carolina Psychology Board.

Effective Date: August 1, 2006

OMNIBUS COURTS ACT

HB 1848; SL 2006-187

The Judicial Department is now authorized to accept the payment of fines, fees and costs from offenders by credit card, charge card or debit card. Electronic filing is authorized to use in the trial courts. The State Bureau of Investigation is authorized to obtain the criminal history of any of the Judicial Department's current or prospective employees, volunteers or contractors. A Permanency Mediation Program is established as well as providing foreign language interpreters for indigent defendants. Authorizes the Judicial Department to revise and update the procedures and responsibilities of the Judicial Standards Commission and authorizes six additional members to that Commission. Clarifies that the Chief Justice of the Supreme Court of North Carolina has the authority to cancel court sessions or close court sessions and to extend the time limits for filing certain documents in the event of adverse weather or other emergency situations. Would increase the minimum number of magistrates for most counties.

Effective Date: Electronic filing provisions of this act are effective when it becomes law and applies to all matters filed with the courts on or after the date that the Supreme Court adopts rules for electronic filing as authorized by that section. Criminal record check provision is effective October 1, 2006. The Permanency mediation program becomes effective July 1, 2006. The Judicial Standards Commission provisions become effective January 1, 2007. The remainder of the act is effective August 3, 2006.

VIDEO SERVICE COMPETITION ACT

HB 2047; SL 2006-151

Among the provisions of the Consumer Choice in Cable and Uniform Taxation of Video Programming Services Act:

- Establishes a statewide video service franchising process;
- Makes changes to the regulatory treatment of existing local cable franchises;
- Eliminates local governments' authority to assess and collect cable franchise fees;
- Replaces local revenues from franchise fees with a new distribution of shared sales tax collections from telecommunications, cable service, and satellite television service;
- Removes the state tax credit for franchise fees paid to local governments;
- Provides for a proportional tax distribution to local governments based on previous revenues from cable, including franchise fees and per subscriber charges;

- Provides for public, educational, and governmental (PEG) channel funding via several mechanisms;
- Designates the North Carolina Secretary of State as the exclusive statewide video service franchising authority;
- Designates the Consumer Protection Division of the North Carolina Office of the Attorney General as the agency responsible for handling consumer complaints and creates reporting requirements for the Consumer Protection Division regarding the type and volume of complaints handled;
- Requires the Revenue Laws Study Committee to study the impact of this legislation and report finding to the 2008 session of the North Carolina General Assembly.

Effective Date: January 1, 2007

VICTIMS' COMPENSATION CHANGES

HB 2060; SL 2006-183

Changes the maximum allowable reimbursement amount from \$3500 to \$5000 for expenses related to funeral, cremation, and burial. The Act further provides that a victim's compensation claim could be denied if the victim, without good cause, has not fully cooperated in the prosecution of criminal cases that are related to the basis for the award.

Effective Date: July 1, 2006

SERVICE MEMBERS AND VETERANS/ID THEFT

HB 2883; SL 2006-158

Amends G.S. §75-63(o) to prevent consumer reporting agencies from charging a veteran for a freeze or temporary lifting of the freeze for a period of time regarding access to a consumer credit report. This applies to veterans who have received notice from the United States Department of Veteran's Affairs that their information may have been breached. Persons who are the authorized agents of, or receive benefits from the State or federal government based on a relationship to, a veteran who would or could qualify are also included.

Effective Date: This act is effective when it becomes law. The act shall be effective for a minimum of 90 days from the date this act becomes law, but otherwise shall expire on January 1, 2007, or upon the United States Department of Veterans Affairs implementing a program that will pay for a subscription to a credit monitoring program for persons eligible for a fee waiver under G.S. §75-63(o)(2) and G.S. §75-63(o)(3), whichever event occurs first.

TECHNICAL CORRECTIONS ACT-2 2005

SB 602; SL 2006-264

This Act makes numerous technical corrections to the General Statutes. Among those of interest:

- Makes it clear that a summons issued to a person to serve jury duty must inform the prospective juror that persons 72 years of age or older may request to be exempt from jury service based on their age. Effective: October 1, 2006.
- G.S. §14-269.2 prohibits possession of weapons on school or college campuses. G.S. §14-269.2(h) provides that person is not in violation of this statute if they find a firearm on campus and immediately delivers it to law enforcement. Previously this exemption applied to weapons and not just firearms and this change amends the statute so that the exception now applies to all weapons" and not just to "firearms".
- Amends G.S. §15A-1371(b) to require the Parole Commission to notify the Sheriff of the county where the crime occurred if they are considering the parole of a prisoner serving a sentence of life imprisonment. The Parole Commission will continue to also notify the head of the law enforcement agency that arrested the prisoner, and the head of that agency is no longer required to provide the Parole Commission with a written request for notification.
- Specifies that reserve Alcohol Law Enforcement (ALE) agents are employees of ALE for workers' compensation purposes when they are performing duties assigned or approved by the ALE director.

- Requires a person applying for a driver's license to provide a social security number to the Division of Motor Vehicles (DMV) and no longer allows the applicant to provide an Individual Taxpayer Identification Number instead of the required social security number. Provides that DMV cannot issue an identification card, learner's permit, or driver's license to an applicant who fails to provide a valid social security number, except that DMV may issue a license of limited duration to a person present in the United States under a valid visa issued by the Department of Homeland Security if that person presents the valid visa. It also provides that if the applicant has a visa of limited duration, the license issued by DMV cannot be issued for a period longer than 30 days beyond the duration of the visa.
- Clarifies that wine producers are also permitted to be issued an on-premises wine permit.
- Amends a law enacted in 2004 to clarify that law enforcement officers in the town of Mint Hill and in Surry County and municipal employees and law enforcement officers of the City of Kings Mountain are authorized to operate motorized all-terrain vehicles on highways with speed limits of 35 miles per hour or less.
- Amends the statutes requiring an owner of an automobile to maintain automobile liability insurance by waiving the penalty and the restoration fee for persons who have a lapse in coverage while deployed as a member of the United States Armed Forces outside of the continental United States for a total of 45 or more days.
- Establishes an exception to the licensing law of the Private Protective Services Board so that representatives of non-profit organizations in business improvement districts who assist tourists and residents and notify law enforcement of illegal activity observed within the district are not required to have a license or be registered by the Private Protective Services Board.
- Amends G.S. §20-45(c) to specifically authorize State Highway Patrol Troopers to seize motor vehicle registration plates and registration cards if the plate or registration has been revoked. This authorization also applies to all other sworn law enforcement officers within their subject matter and territorial jurisdiction.
- Amends G.S. §18B-1006(p) to clarify the authority of the Alcoholic Beverage Control Commission to issue a special occasion permit to sports facilities occupied by a major league professional sports team, with suites available for sale or lease.

Effective Date: Except as otherwise provided, this act is effective when it becomes law.

PHASE OUT VIDEO POKER/EXCEPT BY COMPACT

SB 912, SL 2006-6

From the enacted date of this legislation, June 6, 2006, until September 30th, locations can have up to three video poker machines per location. As of October 1st, 2006, each location can only have up to two video poker machines and effective March 1st, 2007, each location can have only one video poker machine. As of July 1, 2007, no video poker machines can be in operation in North Carolina, with the one exception of the Cherokee Indian Reservation Casino which can continue to allow the operation of video poker machines. Effective upon enactment of this legislation, video poker machines can not be moved from their registered location, nor can any new machines be registered.

This legislation exempts assemblers, repairers, manufacturers, sellers, lessors, or transporters of video poker machines out of state or on the Cherokee Indian Reservation. To qualify for an exemption, the machines must be disabled and not operable, unless the machines are located on Indian land where they may be lawfully operated under a Tribal-State Compact.

Violations are for a first offense, guilty of a Class 1 misdemeanor, for a second violation, penalties are increased from a Class I to a Class H felony, and for third or subsequent offenses, from a Class H to a Class G felony.

Effective Date: June 6, 2006, except where otherwise noted.

JUNK FAXES

SB 1295; SL 2006-207

Act provides increased protection for consumers who receive unsolicited faxes. No person or entity, where either the person, entity or recipient is in the state of North Carolina shall not use a fax machine, computer or other device to send unsolicited advertisements to a fax machine. This does not apply to a person or entity that has an established business relationship with the recipient. A person or entity that receives an unsolicited fax may bring an action in civil court to enjoin further violations by the person or entity that sent the unsolicited fax, and an action to recover \$500.00 for the first violation, \$1000.00 for the second violation, and \$5,000 for the third and any additional violations that occur within two years of the initial violation. Actions should be brought in the county in which the recipient resides, and reasonable plaintiff attorney's fees may be awarded. This act does not restrict or alter any remedies available under federal law.

Effective Date: September 1, 2006, and applies to offenses committed on or after that date.

2006 TECHNICAL CORRECTIONS ACT

SB 1523; SL 2006-259

This Act makes numerous technical corrections to the General Statutes. Among those of interest:

- A new definition for "antique firearm" is added under G.S. §14-409-11 to mean the following: (1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before 1898. (2) any replica of any firearm described in (1) if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition. (3) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder substitute, and which cannot use fixed ammunition. Antique firearm shall not include any weapon which incorporates a firearm frame or receiver, is converted to a muzzle loading weapon, or is a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof. Antique firearm does not apply under G.S. §14-415.1(a) for those who have been convicted of a felony to purchase, own, possess, or have in his custody, care, or control any firearm or weapon of mass death and destruction.
- A violation of G.S. §14-54.1, breaking or entering a religious building, is a felony. This clarifies a technical error in G.S. §14-72(b). A violation of G.S. §14-54.1, breaking or entering a religious building, remains a felony.
- Adds certified law enforcement officers employed by a company police agency to the list of law enforcement officers that are authorized to carry concealed weapons while on duty. These certified officers were already authorized to carry concealed weapons while off duty pursuant to federal law (HR218) and this change will allow them to also carry concealed weapons while on duty as well.
- Corrects a bill drafting error in G.S. §14-306.1A. Senate Bill 912, Phase Out Video
- Poker/Except by Compact, was enacted earlier this Session and contained a technical drafting error that is corrected by this provision.
- Reinstates a previous State law that will now be in conformity with federal law providing that the prohibition against a convicted felon of possessing a firearm does not apply to an "antique firearm."
- Makes technical changes to G.S. §20-157(f), the "move over" law, to make it clear that it also applies to "public service vehicles." This was the original intent of the "move over" law and some technical drafting changes were needed in the original version.
- Provides that employees of electric utility companies while engaged in power line inspection, may operate all-terrain vehicles while wearing safety helmets required by the Department of Labor, and when they are doing so they are not required to wear the safety helmets normally required of riders of ATVs.
- Clarifies G.S. §20-217(g), penalty for passing a stopped school bus, to make it clear that a violation occurs when the driver "willfully" passes the stopped school bus.
- Amends G.S. §128-1.1 to clarify the authority of State and local law enforcement agencies to authorize their law enforcement officers to enforce specified federal laws when there is a Memorandum of Agreement or a Memorandum of Understanding with the federal agency.

- Corrects a typographical error in a specific statute number contained in Senate Bill 912, Phase Out Video Poker/Except by Compact, that was enacted into law earlier this Session. Effective: June 6, 2006.
- Makes a technical correction to the effective date of House Bill 2098, Protection of Animals, that was enacted into law earlier this Session.
- Requires the Legislative Research Commission to study drug treatment courts in North Carolina.
- Amends House Bill 2188, The Candidate Challenge Bill, to make it clear that the new procedure applies to all candidates for public office. The original version of the bill enacted earlier this Session unintentionally limited the procedure to certain candidates.

Effective Date: Except as otherwise provided, this act is effective when it becomes law.

DISORDERLY CONDUCT/FUNERAL/MILITARY SERVICES

SB 1833; SL 2006-169

This Act prohibits disorderly conduct at a military funeral or memorial service. A person who commits a violation of this Act is guilty of a Class 2 misdemeanor for a first offense, a Class 1 misdemeanor for a second offense, and a Class I felony for third or subsequent offenses.

Effective Date: December 1, 2006, and applies to offenses committed on or after that date.

BUDGET PROVISIONS

2006 MODIFY APPROPRIATIONS ACT OF 2005

SB 1741; SL 2006-66

Following is a short summary of pertinent provisions contained in the approved continuation budget for 2006:

Department of Justice

- Funding was provided to expand the State Bureau of Investigation by providing twelve new positions. Funding was approved for five new drug chemistry experts to analyze evidence from drug crimes including meth busts. Funding was also provided for a DNA expert and a computer forensic analyst for the Lab, five new SBI field agents including one to investigate trafficking of methamphetamines and other drugs, two to specialize in financial crimes and public corruption cases, and two computer crimes agents to partner with the national Internet Crimes Against Children Task Force.
- Provides funding to replace the Statewide Automated Fingerprint Identification System (SAFIS) to greater serve more than 500 law enforcement agencies across the state. Law enforcers use the system to pinpoint suspects using unique identifiers on fingerprints from a crime scene, and the data is also used to screen potential employees who work in schools and nursing homes. Provides \$72,180 recurring and \$1,891,588 non-recurring for SAFIS replacement as well as funding for one application development supervisor position..
- Funding is provided to start the Sex Offender Watch Program, which will notify people by email when a registerd sex offender moves into their neighborhood or near their child's school. The alerts will also link to maps so communities can pinpoint where a sex offender lives.
- The Criminal Justice Training and Standards Division is provided funding in the amount of \$300,000 to develop new online training and registration. The system will support Division efforts to provide training and certification services to the state's 29,000 law enforcement officers, 7,000 detention officers, and all 911 operators.

- Provides expansion for the SBI to purchase two diesel generators and cubicle furniture to accommodate personnel relocating from Blount Street to the SBI campus.
- Funds are provided for a business recovery site to house the back-up computer center being relocated from Blount Street. This funding also includes money for telecommunication charges and IT service charges.
- Legal Services positions were added to the Law Enforcement Liaison Section and Criminal Appellate Sections to include two Attorney II positions and one Attorney III position. In addition, an Attorney I position as well as a Tort Claims Adjustor position were included to handle the increased demand for tort claims processing services.
- Funding is provided to the North Carolina Legal Assistance Fund (NC LEAF) to increase education loan repayment assistance for qualified law school graduates who accept positions with public or non-profit agencies.

Administrative Office of the Courts/Judicial (Court System)

- Funding is provided for 90 new assistant district attorneys and 9 victim witness legal assistants. This will provide new assistant district attorneys in every Prosecutorial District in North Carolina. These positions are effective January 1, 2007.
- \$3 million is provided for the Administrative Office of the Courts to implement an automated evidence tracking system that can register items of evidence, track their use and verify that the items have been disclosed as required by law.
- Prosecutorial District 19B is split by leaving Randolph and Montgomery Counties in 19B and moving Moore County to the newly created Prosecutorial District 19D. This change will be effective January 15, 2007.
- Funding is provided for 75 additional Deputy Clerk of Court positions throughout the State. These new positions will be effective January 1, 2007.
- Provides funding for 17 new District Court Judges in the Districts listed below. These new judgeships are effective January 15, 2007. The Districts are:
 - 3B — Craven, Carteret and Pamlico Counties
 - 6A — Halifax County
 - 10 — Wake County
 - 1 — Johnston, Lee and Harnett Counties
 - 14 — Durham County
 - 15B — Orange and Chatham Counties
 - 17A — Rockingham County
 - 18 — Guilford County
 - 19B — Randolph, Montgomery and Moore Counties
 - 19C — Rowan County
 - 20B — Union County
 - 25 — Burke, Catawba and Caldwell Counties
 - 26 — Mecklenburg County
 - 27A — Gaston County
 - 27B — Cleveland and Union Counties
 - 28 — Buncombe County
 - 30 — Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties
- Funding is provided for six new magistrates to be assigned in the following counties: Carteret, Greene, Alamance, Robeson, Montgomery and Gaston.
- Appropriates funds to raise the fee paid to jurors from \$12 per day to \$12 per day for the first day of service, \$20 per day for days 2 - 5, and \$40 per day thereafter. Grand jurors' pay would be raised from \$12 to \$20 per day.

Corrections

- Funding is provided for five positions in the Community Corrections Division of the Department of Correction to implement GPS monitoring of the most serious convicted sex offenders.
- Provides \$712,500 to restore part of the funds cut from the Criminal Justice Partnership Program (CJPP) in previous years.
- Provides \$385,000 to begin replacement of body armor worn by probation and parole officers.
- Provides funding to increase prison bed capacity by a total of 468 beds, spread over six prisons: Brown Creek, Harnett, Lumberton, Dan River, Tiller and Tyrrell.
- Provides funding to the Department of Correction to continue the "Security Threat Group Unit" at Foothills Correctional Institution. This program is designed to target gang members, to increase supervision of inmates who belong to gangs and to provide them with education and skills.
- Additional funding of \$75,000 is provided to Women at Risk which works with female offenders in Western North Carolina.
- Authorizes the Department of Correction to issue certificates of participation for the planning and construction of a new 120-bed medical center and a 200-bed mental health center to serve prisoners in the state prison system. These facilities will be located at Central Prison in Raleigh.

Crime Control and Public Safety

- Funding is provided of \$440,000 for training and equipment for the Urban Search & Rescue and Swift Water Rescue teams.
- Provides funding for the State's seven HAZMAT Regional Response Teams to support their training and equipment replacement.
- \$1.5 million is provided to the Governor's Crime Commission for competitive grants that will be awarded to local government and community agencies for gang violence prevention, intervention and suppression.
- Funding is provided for four additional State Trooper positions.
- Provides \$208,892 from the Highway Fund for the maintenance of the portion of the VIPER system that has already been built.
- \$1 million is provided to be used for the backlog of approved, but unpaid, victim compensation claims.
- Requires the State Highway Patrol to issue a request for a proposal for bids for the maintenance of the current VIPER system. It also requires the Criminal Justice Information Network (CJIN) to "prepare a cost allocation plan for the continued construction and operation or the leasing of the VIPER system that shall include proposed shared costs for installation and use by all government users, including but not limited to, the Department of Health and Human Services, the State Emergency Management Division, the Wildlife Resources Commission, the State Bureau of Investigation, the State Highway Patrol, and Alcohol Law Enforcement, and local agencies. The plan to be developed by CJIN will include an assessment of service contracts needed to ensure technology updates to the VIPER system. The CJIN report shall be made to the General Assembly by October 1, 2006.

Salaries and Employee Benefits

- The budget provides a 5.5 percent annual salary increase for state employees.
- The budget provides a 3 percent increase in retirement benefits for retired State employees. The North Carolina Local Governmental Employees' Retirement System has authorized a 2.8 percent increase in retirement benefits for retired local governmental employees.

Miscellaneous

- Provides funding for one additional Unauthorized Substances Tax Enforcement Agent, which brings the total number of agents to 13.
- Provides funding to the Division of Motor Vehicles to replace old license plates that are often in poor condition and that provide limited visibility to law enforcement officers. The last plates were recalled in 1990.
- Provides \$10 million for the continued development and building of the Voice Interoperability Plan for Emergency Responders (VIPER).
- Provides \$8.5 million that will be added to federal funding to design and construct a new Emergency Operations Center in Raleigh.
- Provides \$98,000 to the Department of Health and Human Services to inform the public about the Safe Surrender Act, which was enacted into law in 2001. That law provides that it is not a criminal offense for a person to abandon a baby less than seven days old as long as the baby is delivered to a health care provider, law enforcement officer, EMS worker or social services worker.
- Provides an additional \$750,000 for training of judges at the Judicial College of the School of Government at UNC-Chapel Hill.
- Repeals the Sunset of Open Container Law. Currently, the law that prohibits open containers of alcoholic beverages in motor vehicles is scheduled to expire on September 30, 2006. This provision removes that expiration date and allows this law to continue in effect indefinitely, unless it is changed by a future session of the General Assembly.
- The Unauthorized Substances Tax Division of the North Carolina Department of Revenue distributed \$2,434,270 too much to State and local law enforcement agencies for the period of 7/1/05 to 12/31/05. The overpayment of these funds was made to 375 different law enforcement agencies. The largest amount of overpayment was \$324,560.69 to the Charlotte-Mecklenburg Police Department. The smallest amount was \$.13 to the Andrews Police Department. Until June 30, 2009, the Unauthorized Substances Tax Division is required to deduct the overpayments from future payments owed to the affected agencies "to offset the amount that was improperly distributed to that agency."