

LEGISLATIVE UPDATE

2007



NORTH CAROLINA
DEPARTMENT OF JUSTICE

INTRODUCTION

The Legislative Update for Law Enforcement is a review of laws enacted during the 2007 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.

TABLE OF CONTENTS

INTRODUCTION	1
ABC LAW	3
CRIMINAL LAW AND PROCEDURE.....	4
DOMESTIC VIOLENCE LAWS	7
ETHICS, ELECTION AND CAMPAIGN LAWS.....	8
LOCAL LAWS	9
MOTOR VEHICLE LAWS	10
WEAPONS LAW	18
RETIREMENT BENEFITS AND DISABILITY	18
MISCELLANEOUS.....	19
BUDGET PROVISIONS	26
Department of Justice	26
Judicial	27
Juvenile Justice and Delinquency Prevention.....	27
Corrections.....	27
Crime Control and Public Safety	28

ABC LAW

ABC LAW CHANGES

HB 267; SL 2007-402

This act allows the issuance of off-premises malt beverage and unfortified wine permits in incorporated municipalities which have voted to allow the sale of mixed drinks. It also allows the holder of an unfortified winery permit holder to allow winemaking on site.

Effective Date: August 21, 2007

DRIVERS LICENSE REVOCATION FOR ABC VIOLATION

HB 1277; SL 2007-537

Creates a new subsection, G.S. §18B-302(a1), that provides it is unlawful for any person to give malt beverages, unfortified wine, fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old. The statute further provides that a person in violation of this subsection is guilty of a class 1 misdemeanor. G.S. §18B-302(g) is amended to provide that upon a violation of subsection (a1), the court shall file a conviction report with DMV indicating the name of the convicted person and DMV shall revoke the person's license for one year. A person whose license is revoked under this section for a violation of G.S. §18B-302(a1) shall be eligible for a limited driving privilege under G.S. §20-179.3.

Effective Date: December 1, 2007

ABC ELECTION/CITIES IN TWO COUNTIES

SB 661; SL 2007-386

Amends the Alcoholic Beverage Control Election Laws (G.S. §18-600) to allow cities which are located in more than one county to have a citywide election for mixed beverages.

Effective Date: July 1, 2007

BOXING AUTHORITY COMMISSION

SB 692; SL 2007-528

Creates the Boxing Authority Commission to advise ALE (Alcohol Law Enforcement) concerning matters related to boxing. Of the eight members on the commission, at least two members are to be licensed physicians.

Effective Date: August 1, 2007

ALCOHOL MONITORING SYSTEMS FOR DWI OFFENDERS

SB 1290; SL 2007-165

Amendments to G.S. §§ 20-19, 20-179, 15A-1374 allow earlier conditional restoration of a driver's license in certain circumstances, and allow for the use of continuous alcohol monitoring systems to be used to monitor individuals who have been sentenced for DWI convictions. It also allows continuous monitoring systems to be used by the courts as necessary to ensure compliance with conditions of release, probation, or parole. Adds a new subsection (h1) to G.S. § 20-179 to provide that the judge may impose, as a condition of probation for defendants subject to Level One or Level Two punishments, that the defendant abstain from alcohol consumption for a minimum of 30 days, to a maximum of 60 days, as verified by a continuous alcohol monitoring system. The total cost to the defendant for the continuous alcohol monitoring system may not exceed one thousand dollars (\$1,000). The defendant's abstinence from alcohol shall be verified by a continuous alcohol monitoring system of a type approved by the Department of Correction. Also adds a new subsection (h2) providing that "if the court finds, upon good cause shown, that the defendant should not be required to pay the costs of the continuous alcohol monitoring system, the court shall not impose the use of a continuous alcohol monitoring system unless the local governmental entity responsible for the incarceration of the defendant in the local confinement facility agrees to pay the costs of the system."

Effective Date: December 1, 2007

CRIMINAL LAW AND PROCEDURE

SEX OFFENDER GPS/DOC REQUESTS

HB 29; SL 2007-213

New sections, G.S. §§ 14-208.40 through 14-208.45, specify the requirements, criteria, and guidelines for satellite based monitoring of certain sex offenders. This legislation establishes a procedure requiring the District Attorney to present certain evidence in specified cases so that the court can determine whether or not the offender should be enrolled in a satellite-based monitoring program. If the court has not made this determination, a procedure is established requiring the Department of Correction to make the determination, and to schedule a court hearing if necessary.

Effective Date: December 1, 2007 and applies to all sentences entered on or after date, all offenses committed on or after that date, and all persons placed on parole or probation on or after that date.

SEX OFFENDER TEST FOR STD'S

HB 118; SL 2007-403

Provides that a defendant ordered to be tested for STDs under G.S. §15A-615(b) shall be tested not later than 48 hours after the date of the court order. A test for HIV ordered pursuant to this section shall use the HIV-RNA Detection Test for determining HIV infection.

Effective Date: December 1, 2007

INCREASE CRIMINAL PENALTY/THEFT OF METALS

HB 367; SL 2007-301

Creates a new section, G.S. § 66-11, to regulate the sale of certain metals by secondary metals recyclers, to add wireless and cable telecommunications equipment to the statute providing penalties for the injury or destruction of wires, phone, telegraph, and electrical fixtures, to increase the criminal penalties for violations of those regulations of the injury or destruction of wires, phone, telegraph, and electrical fixtures, and to provide for forfeiture of vehicles used in the felonious theft of metals.

Effective Date: December 1, 2007

EXECUTION/CHANGE AGE

HB 784; SL 2007-81

Amends the penalty of first degree murder to life in prison without parole for defendants who were younger than 18 years old at the time of the murder.

Effective Date: June 14, 2007

LAW ENFORCEMENT OFFICER TO PROVIDE INFORMATION TO DISTRICT ATTORNEY FOR DISCOVERY

HB 786; SL 2007-183

A new subsection, G.S. § 15A-903(c) is added to G.S. § 15A-903 to require, upon request by the State, that a law enforcement or prosecutorial agency shall make available to the State a complete copy of the complete files related to the investigation of the crimes committed or the prosecution of the defendant

Effective Date: December 1, 2007 and applies to cases where the trial date set pursuant to G.S. § 7A-49.4 is on or after that date.

INVESTIGATIONS OF DEADLY FORCE

HB 1617; SL 2007-129

Creates a new section, G.S. §147-90, which provides that every instance where a private citizen is killed as a result of the use of a firearm by law enforcement in the line of duty, the district attorney in the district in which the death occurred shall, upon the request of the surviving spouse or next of kin of the private citizen within 180 days of the death, request the SBI to conduct an investigation into the incident.

Effective Date: October 1, 2007

EYEWITNESS IDENTIFICATION REFORM ACT**HB 1625; SL 2007-421**

Creates the Eyewitness Identification Reform Act which sets up mandatory lineup procedures to be used by state, county, and other local law enforcement officers. This new law specifies detailed and precise eyewitness identification procedures that must be followed when conducting a photo lineup or a live lineup. The Act defines a "live lineup" as a procedure in which a group of people is displayed to an eyewitness. Requires that a lineup be conducted by an "independent administrator", but it also allows the lineup to be conducted by alternative methods described in the legislation and by any alternative method approved by the North Carolina Criminal Justice Education and Training Standards Commission. An approved alternative method can be used whether or not an independent administrator is available. In addition to the detailed procedures outlined in this legislation, a video record of the identification procedures shall be made unless it is not practical and then an audio recording of the procedures must be made. If it is not practical to make a video or audio recording of the identification procedures, the lineup administrator must make a written record of the lineup. If it is not practical to make a video record of the identification procedure, the reason shall be documented. Also, if it is not practical to make and audio recording of the identification procedure, the reasons must be documented.

Effective Date: March 1, 2008

ENHANCE RELIABILITY OF INTERROGATIONS**HB 1626; SL 2007-434**

Provides that a custodial interrogation in a homicide case must be electronically recorded in its entirety. If the interrogation cannot be recorded, the State must show by clear and convincing evidence that the failure was for good cause. Certain types of statements are not affected by the recording requirement, including volunteered statements made in court, not in response to a question. Also requires that recordings of interrogations must be maintained for a year after all appeals are concluded. An uninterrupted recording of the interrogation in its entirety must be made, to include the law enforcement officer's advice to the person in custody of that person's constitutional rights. Brief periods of recess may be allowed if the record reflects the starting time of the recess and the time the interrogation resumed.

Effective Date: March 1, 2008

SEX OFFENDERS/PRETRIAL RELEASE**SB 17; SL 2007-172**

An amendment to G.S. § 15A-534.4 that specifies the conditions of pretrial release for a defendant charged with child abuse, or sex offenses and crimes of violence against children to allow a judicial official to waive one or more of the conditions required by subdivisions (1) and (2) of the same statute when the judicial official makes written findings of fact that imposing the conditions on the defendant would not be in the best interests of the alleged victim.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date

KILL POLICE ANIMAL**SB 34; SL 2007-80**

Amends G.S. § 14-163.1 to make it a Class H felony to willfully kill a law enforcement agency or assistance animal and to make it an aggravating circumstance for other criminal offenses that a law enforcement agency or assistance animal was seriously harmed or killed while the animal was engaged in performing official duties.

Effective Date: December 1, 2007

ALCOHOL INHALERS ILLEGAL**SB 125; SL 2007-134**

Amends G.S. § 90-113.10 to add ethyl alcohol as a substance specifically named as a toxic vapor. Also enacts G.S. § 90-113.10A to make illegal instruments that can be used to vaporize or introduce ethyl alcohol into the body unless it is a device used to deliver a prescription medication or an approved over-the-counter medication.

Effective Date: December 1, 2007

LEGAL STATUS OF PRISONERS**SB 229; SL 2007-494**

Enacts a new G.S. §162-62 providing that “when any person charged with a felony or an impaired driving offense is confined for any period in a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit, the administrator or other person in charge of the facility shall attempt to determine if the prisoner is a legal resident of the United States by an inquiry of the prisoner, or by examination of any relevant documents, or both.” If the administrator or other person in charge is unable to determine through these methods whether the person in question is a legal resident, the administrator or other person in charge must “make a query through the Division of Criminal Information (DCI) system to the Law Enforcement Support Center (LESC) of Immigration and Customs Enforcement of the United States Department of Homeland Security.” Provides that “if the LESC determines that the prisoner has not been lawfully admitted to the United States, the United States Department of Homeland Security will have been notified of the prisoner’s status and confinement at the facility by its receipt of the DCI query from the facility.” Provides that nothing in the new G.S. §162-62 shall be construed to deny bond to a prisoner or to prevent a prisoner from being released from confinement when that prisoner is otherwise eligible for release. Requires the administrator or other person in charge to report annually to the Governor’s Crime Commission on the number of queries to the LESC and the results of those queries. These reports shall be made available to the public.

Effective Date: January 1, 2008

BAIL BONDS/AMEND FORFEITURE REQUIREMENT**SB 880; SL 2007-105**

Amends G.S. § 15A-544.5 to allow bail bondsman to not have the bond forfeited if the defendant fails to appear in court because the defendant was in jail or in prison elsewhere in the United States at the time of the failure to appear.

Effective Date: October 1, 2007

DISCOVERY/DA NOTES**SB 1009; SL 2007-377**

Amends G.S. §15A-904 to provide that the district attorney is not required to disclose the identity of a confidential informant in a criminal case unless disclosure is otherwise required by law. Provides that the district attorney is not required to provide any personal identifying information about a witness other than the witness’ name, address, date of birth and published telephone number, unless the court determines, after a motion is filed by the defendant, that additional information is necessary to accurately identify and locate the witness. Amends G.S. §15A-903 concerning oral statements made by witnesses to specify that oral statements made by a witness to a prosecutor outside the presence of a law enforcement officer or investigational assistant are not required to be in written or recorded form unless there is significantly new or different information in the oral statement from a prior statement made by the witness.

Effective Date: August 19, 2007

OPEN DISCOVERY/AOC CHANGES**SB 1130; SL 2007-393**

Requires the state to make available to the defendant the complete files of all prosecution agencies including any public or private entity that obtains information on behalf of a law enforcement agency or prosecutor.

Effective Date: October 1, 2007

AMEND LARCENY LAWS**SB 1270; SL 2007-373**

Makes various changes to the larceny laws to include making the following offenses a Class H felony; (1) knowingly receiving or possessing property in the custody of a law enforcement agency that was explicitly represented to the person by an agent of the law enforcement agency as stolen; (2) larceny of property of a value of more than \$200 by using an exit door if a sign was on the exit door notifying persons that it is a felony to steal by using the exit door; (3) by removing, destroying, or deactivating an inventory control device to prevent its activation; (4) by affixing a product code created for the purpose of fraudulently obtaining merchandise at less than its actual sale price; (5) larceny of infant formula valued in excess of \$100; and (6) conspiring with another person to

commit theft of retail property from a retail establishment with a value exceeding \$1,500 in total over a 90-day period with the intent to sell that property for financial gain.

Effective Date: December 1, 2007

DOMESTIC VIOLENCE LAWS

AMEND DV LAWS/HOMICIDE REPORTING

HB 42; SL 2007-14

Amends G.S. §15A-534.1 to include domestic violence offenses where the defendant was stalking the victim. Specifies certain criteria that must be imposed by a judge when releasing a defendant on bond when the defendant is charged with a domestic violence offense. Requires the Attorney General's Office, in consultation with the NC Council for Women/Domestic Violence Commission, the North Carolina Sheriff's Association and the North Carolina Association of Chiefs of Police to develop a reporting system and database that reflects the number of homicides in the State where the offender and the victim had a personal relationship. All State and local law enforcement agencies are required to report information to the Attorney General's Office upon determining that a homicide meets the reporting system's requirements. Reporting requirement applies to all offenses occurring on or after July 1, 2007.

Effective Date: December 1, 2007

DOMESTIC VIOLENCE VICTIMS/SECURITY

HB 46; SL 2007-15

Requires that where practical, upon the request of a domestic violence victim, the clerk of Superior Court of any county shall coordinate with the county Sheriff to make available to the victim a secure area, segregated from the general population of the courtroom, to await hearing of their court case. The Clerk shall notify the presiding judge on the date of the hearing that the victim is present in a segregated location. The Administrative Office of the Courts shall report to the Joint Legislative Committee on Domestic Violence no later than May 1, 2008, on the progress of providing the space in each courthouse.

Effective Date: April 12, 2007

VIOLATE ORDER/POSSESS DEADLY WEAPON FELONY

HB 47; SL 2007-190

A new subsection G.S. § 50B-4.1(g) is added which makes it a Class H felony for any person to violate a valid domestic violence protective order while in possession of or in close proximity to a deadly weapon.

Effective Date: December 1, 2007 and applies to all acts done on or after this date.

AMEND CIVIL NO-CONTACT ORDER LAWS

HB 1482; SL 2007-199

Amends G.S. § 50C-1(7) by adding the language "by a person 16 years of age or older" to the definition of unlawful conduct under civil no-contact orders. Also amends the civil no-contact order law to define stalking as following or harassing on more than one occasion.

Effective Date: July 8, 2007

DNA EVIDENCE/PRESERVE AND ACCESS BY DEFENDANT

HB 1500; SL 2007-539

Allows a defendant who has previously had DNA evidence tested to have the DNA evidence tested again if more accurate testing procedures become available that were not available at the time of the previous testing and there is a reasonable possibility that the result would have been different if the newer test had been used. A defendant who files a motion for DNA testing of the evidence must sign a sworn affidavit of innocence. Also requires any governmental entity in custody of any physical evidence that is reasonably likely to contain any biological evidence collected during a criminal investigation to preserve that evidence in a manner reasonably calculated to prevent contamination or degradation of any biological evidence that might be present. This act specifies

that this type evidence must be kept for certain periods of time: (1) in a death penalty case, until the defendant is executed; (2) for a conviction of a violent felony as defined in G.S. §14-7.7(b), the evidence shall be maintained as long as the defendant is incarcerated, except that if the person is convicted on a plea of guilty the evidence must be retained only for three years from the date of conviction; (3) for offenses requiring sex offender registration, the evidence must be maintained for the defendant's period of incarceration and any period of mandatory supervised release or probation; and (4) for conviction of any other felony not governed by the previous sections if the defendant's genetic profile may be included in the State DNA database, the evidence must be preserved for seven years from the date of conviction, except in cases where the person pled guilty in which case the evidence shall be preserved for three years from the date of conviction. This bill specifically allows the governmental entity in possession of the evidence to petition a court for an order allowing the disposition of the evidence prior to these specific time periods based on specific criteria listed in the law.

Effective Date: March 1, 2008

VIOLENCE AGAINST WOMEN ACT

HB 1810; SL 2007-294

Creates a new section, G.S. § 15A-831.1, which states that a criminal or juvenile justice agency shall not require an alleged victim or witness of sexual assault to submit to a polygraph or similar examination as a precondition to the agency conducting an investigation into the matter. If an agency wishes to perform a polygraph, the agency shall inform the victim/witness that taking the polygraph examination is voluntary, that the results of the examination are not admissible in court, that the person's decision to submit to or refuse a polygraph examination will not be the sole basis for a decision by the agency not to investigate the matter. Further, if an agency declines to investigate an alleged case of sexual assault following a persons decision to decline to submit to a polygraph examination, it shall provide to that person, in writing, the reasons why the agency did not pursue the investigation at the request of the person.

Effective Date: December 1, 2007

DV VICTIMS/ADD PROTECTIONS

SB 30; SL 2007-116

Amends G.S. § 101-2 to provide for increased protection for victims of domestic violence, sexual offenses, or stalking. Persons that can show evidence that they are a victim of these types of offenses are not required to give notice by posting a publication at the courthouse door in order to change their name. Records are to be maintained separately from other records and may be examined only by a court order or with the applicant's written consent. When a domestic violence protective order has been issued and filed by the clerk of court, the clerk shall provide to the victim an informational sheet developed by AOC that includes domestic violence agencies and services, sexual assault agencies and services, victims compensation services, legal aid services, address confidentiality services, and an explanation of the plaintiff's right to apply for a concealed handgun permit.

Effective Date: October 1, 2007

ETHICS, ELECTION AND CAMPAIGN LAWS

PROTECT JUDICIAL OFFICER SAFETY

SB 184; SL 2007-2

Amends G.S. § 138A-24(a) to allow judicial officers to list a business address on a statement of economic interest and to keep their home addresses and the names of their unemancipated children confidential.

Effective Date: January 1, 2007

LOCAL LAWS

REGULATE GOLF CARTS

HB 181; SL 2007-18

Adds the town of Four Oaks to the list of towns that are authorized to adopt an ordinance that would allow electric golf carts to operate on any public street or road in the town. Also deletes the requirement that golf carts must be "electric."

Effective Date: April 19, 2007

EXTEND JOHNSTON RABBIT SEASON

HB 203; SL 2007-64

The act extends the season for taking rabbits in Johnston County to coincide with the rabbit season in the other counties of the State.

Effective Date: June 27, 2007

ALLOW CONOVER TO REGULATE GOLF CARTS

HB 254; SL 2007-259

Amends the list of municipalities to adopt ordinances regulating golf carts and utility vehicles to include the City of Conover.

Effective Date: July 23, 2007

REGULATION OF GOLF CARTS/ NORTH TOPSAIL BEACH

HB 279; SL 2007-204

Session Law 2003-124 is amended to allow the Town of North Topsail Beach to regulate the operation of golf carts and utility vehicles on any public street or road within the town.

Effective Date: July 10, 2007

REGULATION OF GOLF CARTS BY VARIOUS TOWNS

HB 538; SL 2007-72

Session Law 2006-27 is amended to allow the towns of Badin, Carolina Beach, Emerald Isle, Fremont, Faison, Indian Beach, Kings, Mountain, Kure Beach, Shelby and Wrightsville Beach to adopt ordinances regulating golf carts.

Effective Date: June 12, 2007

MOORE COUNTY FOX AND COYOTE TRAPPING

HB 720; SL 2007-11

Enacts, notwithstanding any other provision of law, an open season for trapping foxes and coyotes from October 1 through January 31 of each year in Moore County and an open season for trapping foxes and coyotes from December 1 through January 31 of each year in Cumberland and Harnett Counties. An aggregate season limit of 10 foxes may be taken during the first trapping season established in this act and the Wildlife Resources Commission shall provide for the sale of foxes taken under this act. No limit applies to coyotes taken under this act.

Effective Date: October 1, 2007, and expires on September 30, 2010.

GRANITE QUARRY/FAITH POLICE AUTHORITY

HB 925; SL 2007-88

Authorizes the Town of Granite Quarry and the Town of Faith to establish a joint police authority to provide police protection for the two towns.

Effective Date: June 18, 2007

FRANKLINTON CHARTER/LAKE ROYALE POLICE

HB 1089; SL 2007-138

A modification to Article IV of the Charter of the Town of Franklinton changes the form of government from a Mayor-Council form of government to a Council-Manager form of government.

It gives the Town Manager the power to appoint a Town Clerk and it abolishes the position of Town Tax Collector.

Effective Date: June 28, 2007

ATV USE IN VARIOUS CITIES AND TOWNS

SB 74; SL 2007-4

Adds the list of municipalities where law enforcement officers and municipal employees may use all-terrain vehicles on highways with posted speed limits of thirty-five miles per hour by including Atlantic Beach, Burgaw, Carolina Beach, Emerald Isle, Indian Beach, Kure Beach, Oakboro, North Topsail Beach, Pine Knoll Shores, Stanley, Topsail Beach, Wrightsville Beach, the Cities of Albemarle, and Rockingham.

Effective Date: March 26, 2007

WILMINGTON CIVILIAN TRAFFIC INVESTIGATORS

SB 226; SL 2007-218

Various provisions allow the City of Wilmington to establish "Civilian Traffic Investigators". These are civilian personnel who are authorized to investigate traffic crashes involving only property damage. The provisions specify the authority and training procedures for the civilian investigators.

Effective Date: July 12, 2007

VARIOUS CITIES AND TOWNS/JUNKED VEHICLES

SB 426; SL 2007-208

Amends G.S. §§ 160A-303(b2) and 160A-302.2(a) to expand the applicability of a statute designed to allow municipalities to regulate the abandonment of abandoned vehicles on public or private property to include the towns of Eden, Greensboro, High Point, Reidsville, Ayden, Cornelius, Davidson, Huntersville, and Spring Lake.

Effective Date: July 11, 2007

NC ARBORETUM CAMPUS POLICE

SB 630; SL 2007-285

Amends G.S. § 116-40.5 to allow the Board of Directors of the North Carolina Arboretum to establish a campus law enforcement agency and to make joint agreements with the boards of municipalities to extend the law enforcement authority of campus police officers into the county or municipalities jurisdiction.

Effective Date: July 27, 2007

MOTOR VEHICLE LAWS

CHILD RESTRAINT SYSTEM/FEDERAL COMPLIANCE

HB 61; SL 2007-6

Amends the child restraint law, G.S. § 20-137.1, to ensure compliance with federal regulations by eliminating the exception for restraint of a child "when the child's personal needs are being attended to."

Effective Date: June 1, 2007

BAN CELL PHONE USE BY SCHOOL BUS DRIVERS

HB 183; SL 2007-261

Adds a new section, G.S. § 20-137.4, of Chapter 20 of the General Statutes to prohibit the use of a cell phone or any related technology by any person operating a public or private school bus, school activity bus, or while transporting students in any vehicle, on a public street, highway or public vehicular area except in an emergency.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date.

IDENTITY THEFT

HB 454; SL 2007-534

Amends G.S. § 15A-502 (photographs and fingerprints) to authorize law enforcement to take a photograph of a person who operates a motor vehicle on a street or highway, who is cited for a

motor vehicle moving violation, who does not produce a valid drivers license upon the request of a law enforcement officer and concerning whose true identity the law enforcement officer has a reasonable suspicion. A motor vehicle moving violation as defined in this new law does not include offenses for which no license points are assessed under G.S. § 20-16(c) and does not include equipment violations in Part 9 of Article 3 of Chapter 20. Limits the photograph of the defendant to being from the neck up. Authorizes the officer to take the photograph either where the citation is issued or at the jail if the defendant is arrested. Allows the use of the photograph only for the purpose of confirming the identity of the defendant. Requires the charging officer or agency to retain the photograph until the final disposition of the case, at which time the officer or agency must destroy the photograph.

Effective Date: December 1, 2007

TRAFFIC AND PERSONAL SAFETY CHANGES/PROTEST

HB 563; SL 2007-360

Creates a new subsection, G.S. § 20-158(b)(6), to provide that when a traffic signal is not illuminated, vehicles shall treat the intersection as that of a four way stop unless traffic is being otherwise directed by an officer, another authorized person, or another traffic control device. Provides an amendment to G.S. § 20-161(e) where any vehicle parked or left standing upon the right-of-way of a highway, including rest areas, for a period of 24 hours or more, the owner shall be deemed to have appointed any investigating law-enforcement officer, his agent for the purpose of arranging for the transportation and safe storage of such vehicle, and such investigating law-enforcement officer shall be deemed a legal possessor of the motor vehicle within the meaning of G.S. § 44A-2(d). G.S. § 20-157 is changed to state that a public service vehicle be one that has been called to the scene by a motorist or law enforcement officer. Also amends G.S. § 20-140.4(a)(2) to provide that a person shall operate a motorcycle or moped on a highway or public vehicular area unless the operator and passengers wear helmets that comply with Federal Motor Vehicle Safety Standard with a retention strap properly secured. This section is effective January 1, 2008.

Effective Date: Except as otherwise noted, effective August 17, 2007

SAFETY/EMMISSION INSPECTION CHANGES

HB 679; SL 2007-503

Makes changes to the motor vehicle inspection laws, the most notable of these changes being a shift from the use of inspection stickers to the use of an "electronic inspection authorization." "Electronic inspection authorization" is defined as follows: "An inspection authorization that is generated electronically through the electronic accounting system that creates a unique nonduplicating authorization number assigned to the vehicle's inspection receipt upon successful passage of an inspection. The term 'electronic inspection authorization' shall include the term 'inspection sticker' during the transition period to use of electronic inspection authorizations." A new vehicle acquired from out of state must be inspected within 10 days of registration in North Carolina. Also provides that motor vehicle inspections will expire in the same month as the expiration of the vehicle registration. In order for the vehicle registration to be renewed, the motor vehicle inspection must first be done. Requires that registration plates that are not renewed must be surrendered to the Division of Motor Vehicles within 120 days of expiration.

Effective Date: January 1, 2008

PENALTIES FOR INSURANCE RATE EVASION FRAUD

HB 729; SL 2007-443

Enacts a new G.S. § 58-2-164 to make it a Class 3 misdemeanor to make fraudulent or misleading statements (written or oral) in an application for an auto insurance policy.

Effective Date: January 1, 2008

ATV USE FOR EMERGENCIES

HB 767; SL 2007-433

Allows all law enforcement officers, and fire, rescue and emergency medical services personnel throughout the state to use all-terrain vehicles on public highways with a speed limit of 35 mph or

less, and on certain other specified highways. This authority is also provided to other local government employees of certain cities, towns and counties specified in the bill.

Effective Date: October 1, 2007

UNIFIED CARRIER REGISTRATION/CDL CHANGES **HB 769; SL 2007-492**

Amends G.S. § 20-17.4 (disqualification to drive a commercial motor vehicle) so that DMV must disqualify a commercial drivers license holder not only for testing positive on a federally-required drug or alcohol test (as under current law), but also for refusing to participate in such a test. Amends G.S. § 20-37.19 (employer responsibilities) to require a commercial motor vehicle employer to report to DMV not only when an employee or employment applicant tests positive on a federally-required drug or alcohol test, but also when an employee refuses to participate in such a test.

Effective Date: August 30, 2007

PUBLIC VEHICULAR AREAS DEFINED **HB 976; SL 2007-455**

Adds a new G.S. § 20-158.3 to require roads that are in gated subdivisions or communities to allow immediate access by law enforcement and other emergency service vehicles.

Effective Date: December 1, 2007

**WEIGHT AND SIZE EXEMPTION FOR
FIRE RESPONSE** **HB 1321; SL 2007-290**

Amendments to G.S. §§ 20-118.4, 20-119 provide a weight and size exemption to state and local firefighting agencies transporting overweight and oversized vehicles being used to combat forest fires, wildfires, and other emergencies or disasters, authorize the issuance of an annual or single trip permit for oversize and overweight commercial vehicles used in emergency response, and authorize the issuance of a single trip permit for oversize or overweight vehicles or vehicle combinations responding to an emergency event.

Effective Date: July 27, 2007

**EXEMPT LAW ENFORCEMENT FROM
BACKSEAT BELTS** **HB 1330; SL 2007-289**

Amends G.S. § 20-135.2A(c) creating an exception to the requirement of seatbelt use by occupants in the custody of a law enforcement officer, being transported in the backseat of a law enforcement vehicle.

Effective Date: July 27, 2007

MOTOR VEHICLE CHOP SHOP ACT **HB 1354; SL 2007-178**

A new section, G.S. § 14-72.7, of Chapter 14 of the General Statutes makes it a Class H felony to alter, destroy, or disassemble any motor vehicle the person knows to be obtained by fraud, theft, or other illegal means.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date

DMV TEMPORARY LOCATIONS **SB 60; SL 2007-243**

An amendment to G.S. § 20-63 provides that upon the closing of the only contract license plate agency in a county, the DMV shall, as soon as practicable, designate a temporary location for the issuance of all registration plates, registration certificates, and certificates of title issued by the Division for that county. A sign notifying of the new location shall be posted at the previous location for not less than 30 days and shall include the address of the new temporary location and phone number.

Effective Date: July 20, 2007

EXPUNGE DWI CIVIL REVOCATION**SB 301; SL 2007-509**

Amends G.S. § 15A-145 (expunction of records for first offenders under the age of 18 at the time of conviction of misdemeanor; expunction of certain other misdemeanors) and G.S. § 15A-146 (expunction of records when charges are dismissed or there are findings of not guilty) to provide that when an implied-consent offense is expunged, the court shall expunge its record of the related CVR, all law enforcement agencies, including DMV, shall expunge their records of the related CVR and the clerk shall forward a certified copy of the expungement order to DMV.

Effective Date: October 1, 2007

**MOTOR VEHICLE INSPECTION FAILURE/
REINSPECTION****SB 493; SL 2007-364**

Increases the period of time allowed for reinspection after failing a motor vehicle inspection from 30 days to 60 days. Also waives the civil penalty for failure to have a motor vehicle inspected while on active military duty outside the State.

Effective Date: January 1, 2009 except for the exemption for active military personnel, this section is effective August 17, 2007.

REGISTRATION AND LENGTH EXEMPTIONS**SB 738; SL 2007-194**

Amendments to G.S. §§ 20-51, 20-116(d), 20-116(j) exempt an "agricultural spreader vehicle" from the requirements of registration and certificate of title, prescribe the maximum length for trucks transporting unprocessed cotton, and specify the guidelines for operating farm equipment on public highways.

Effective Date: July 1, 2007

LIMITED DRIVING PRIVILEGE/DWLR**SB 758; SL 2007-293**

Adds a new section, G.S. § 20-20.1, that allows persons convicted of certain driving while license revoked offenses to obtain a limited driving privilege by filing a petition in district court in the county of residence. The privilege is limited to essential driving including travel to, from, and in the course of the person's employment; travel necessary for maintenance of the person's household; and travel to provide emergency medical care for the person or for an immediate family member of the person who resides in the same household.

Effective Date: December 1, 2007

DMV REGISTRATION**SB 830; SL 2007-164**

Amends G.S. §§ 136-44.3, 136-33.2A, 20-54 to modify the Department of Transportation's duty to survey the condition of the State Highway System, establish guidelines for signs marking the beginning of reduced speed zones, and modify the situations in which the Division of Motor Vehicles shall refuse registration or issuance of a certificate of title. Modifies motor vehicle registration to allow registration of a motor vehicle so that a convicted DWI defendant can comply with the ignition interlock installation requirements.

Effective Date: July 1, 2007

STUDY SAFETY RESTRAINTS ON SCHOOL BUSES**SB 812; SL 2007-191**

Mandates that the child fatality task force study issues relating to requiring the installation and use of passenger safety restraint systems on school buses.

Effective Date: July 8, 2007

AMEND PRIVATE PROTECTIVE SERVICES ACT**SB 854; SL 2007-511**

This Act makes various changes to the Private Protective Services Act which regulates security guard companies, private investigators, and related businesses. Authorizes the Board to approve training schools, instructors, and course materials for PPSB training, and also authorizes the Board to approve a design for a badge that indicates that a person is licensed or registered to engage in

private protective services, so long as the badge designed is approved by the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police. Amends G.S. §14-269.2(g) to allow armored car service guards and armored courier service guards properly registered by the Private Protective Services Board to carry firearms when doing so with permission on the premises of a college or university. Allows armed security guards to carry firearms while on the premises of a hospital or healthcare facility located on educational property when acting in the discharge of the guard's duties with the permission of the college or university.

Effective Date: October 1, 2007, except the provisions authorizing armed armored car service guards and armed courier service guards to carry weapons on the premises of a college or university and the authority for an armed security guard to carry a weapon while on the premises of a hospital or health care facility located on educational property are effective August 30, 2007.

SCHOOL BUS SAFETY ACT CORRECTION **SB 924; SL 2007-382**

Amends G.S. § 20-217 (motor vehicles to stop for properly marked and designated school buses in certain instances) to make it a Class I felony to pass a stopped school bus and strike a person while the bus is receiving or discharging passengers. Amends the definition of "school bus" to require that the bus be painted primary yellow below the roofline and that the words "school bus" be plainly visible on the front and back of the bus (removing the previous height requirement of the letters).

Effective Date: December 1, 2007

SPEEDING LAW CHANGES **SB 925; SL 2007-380**

Amends G.S. § 20-141 to specify that speeding charges cannot be reduced due to improper equipment if the speeding is in excess of 25 mph or more over the posted speed limit. Also provides that a driver charged with speeding in excess of 25 mph over the posted speed limit cannot get a prayer for judgment continued.

Effective Date: December 1, 2007

DWI TECHNICAL CORRECTIONS **SB 999; SL 2007-493**

- Death and injury by vehicle offenses as "offenses involving impaired driving": Amends G.S. §20-4.01(24a) to provide that any violation of G.S. §20-141.4 (felony and misdemeanor death by vehicle; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle) based on impaired driving is an "offense involving impaired driving." (Currently, only the death by vehicle offenses under G.S. §20-141.4 based on impaired driving are "offenses involving impaired driving.")
- License consequences for offenses: Amends G.S. §20-17 (mandatory revocation of license by Division of Motor Vehicles), G.S. §20-17.8 (restoration of a license after certain driving while impaired convictions; ignition interlock) and G.S. §20-19 (period of license suspension or revocation; conditions of restoration) to (i) clarify the license consequences that arise from violations of G.S. 20-141.4 and (ii) make other changes to the revocation and restoration provisions.
- Elimination of filing requirement for DHHS lists: Amends G.S. §20-139.1(b6) to eliminate the requirement that DHHS file its permittee lists and preventative maintenance records with the clerk. (DHHS will still be required to post this information on its web page.) Also provides that an administrative agency (in addition to a court, as under current law), shall take judicial notice of these DHHS materials.
- Clarification of ignition interlock period: Amends G.S. §20-28(c4) to clarify the duration of the ignition interlock period imposed by DMV under subsection (c4). (Subsection (c4) involves the conditional restoration of a license to a person who was convicted of either (i) DWLR based on an impaired driving revocation under G.S. §20-28(a) or (ii) driving after notification from DMV or failure to appear under G.S. §20-28(a2).)
- Clarification of effective date of new evidence provisions: The 2006 DWI bill amended Rule of Evidence 702 to address the introduction of Horizontal Gaze Nystagmus Test results, Drug Recognition Expert testimony, and accident reconstruction expert testimony. SB 999 provides that this change to Rule 702 became effective August 21, 2006 and applies to hearings held on or after that date.

- Clarification of start date for medical exception to ignition interlock: In the 2006 DWI bill, the General Assembly amended G.S. §20-17.8 to allow for a medical exemption from the interlock requirement imposed on restored licenses under that statute. SB 999 clarifies that the exemption is available to persons who committed a triggering offense before or after December 1, 2006.
- DWI sentencing changes: Amends G.S. §20-179 (sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments) to provide that, even in Superior Court, the judge (rather than the jury) may determine the prior conviction aggravating factor in G.S. §20-179(d)(5). Expands gross aggravator (c) (1) to include a prior conviction for an offense involving impaired driving where “[t]he conviction occurred in [D]istrict [C]ourt; the case was appealed to [S]uperior [C]ourt; the appeal has been withdrawn, or the case has been remanded back to [D]istrict [C]ourt; and a new sentencing hearing has not been held pursuant to G.S. §20-38.7.” (In other words, if a previously-appealed implied-consent offense has been returned to District Court for a new sentencing hearing under G.S. §20-38.7, the court may treat that case as a prior conviction for sentencing purposes in another case even if the new sentencing hearing as required by G.S. §20-38.7 has not yet occurred in the case.)
- Seizure clarifications: Amends G.S. §20-28.2(b) and (b1) to clarify that the judge may determine whether the vehicle should be forfeited at (among other times) a sentencing hearing for the underlying offense. (As amended in 2006, these provisions currently authorize the judge to consider the forfeiture issue at any hearing on the underlying offense, which is inconsistent with other provisions in the seizure law.) Also clarifies that the vehicle is subject to forfeiture if the court determines by the greater weight of the evidence that the defendant is guilty of an underlying offense involving impaired driving. (As amended in 2006, these provisions currently authorize forfeiture if the court finds by the greater weight of the evidence that the underlying offense involved impaired driving, without regard to the defendant’s guilt. Again, this current language is inconsistent with other provisions in the seizure law.)
- Remand sentencing change: Amends G.S. §20-38.7 (appeal of implied-consent offense to superior court) to remove the language that prohibits the imposition of a new sentence on remand or withdrawal until all other pending impaired driving charges are resolved. (This is designed to eliminate the “endless loop” problem that may result under current law when multiple DWI convictions have been appealed and remanded/withdrawn and each is awaiting the resolution of the other.)
- Appeal of new sentence entered following remand: Amends G.S. §20-38.7 to provide that a defendant may appeal a new sentence that is entered in District Court following remand or withdrawal only if (i) the new sentence entered in District Court is based on additional facts that were not considered in imposing the previous sentence in District Court (i.e., the previous District Court sentence that was vacated by the giving of the notice of appeal to Superior Court) and (ii) the defendant would be entitled to a jury determination of these additional facts in Superior Court under G.S. §20-179. Also provides that if a defendant appeals the new sentence under this “additional facts” theory and then withdraws the appeal, the new District Court sentence will be “reinstated by the [D]istrict [C]ourt as a final judgment that is not subject to further appeal.”
- Repeat felony death by vehicle: Amends G.S. §20-141.4(a6) to make repeat felony death by vehicle a separate offense (as opposed to a sentence enhancement, as under current law). Also addresses the proof of, and punishment for, this offense
- Dismissal explanations: Amends G.S. §20-138.4 (requirement that prosecutor explain reduction or dismissal of charge involving impaired driving) to clarify that the explanation requirements apply to “implied-consent cases.” (There are currently provisions in G.S. §20-138.4 that refer to an “offense involving impaired driving.” This has created some confusion because “implied-consent offense” and “offense involving impaired driving” are not synonymous terms. This change is designed to eliminate this confusion.)
- Civil revocation: Amends G.S. §20-16.5 (immediate civil license revocation for certain persons charged with implied-consent offenses) to substitute the term “law enforcement officer” for the term “charging officer” throughout the statute.
- Additional chemical analysis: Amends G.S. §20-139.1(d), which addresses an implied-consent defendant’s right to an additional chemical analysis at his or her own expense, to correct a mistaken statutory reference.

- Driving after DMV has sent notice of revocation: Amends G.S. §20-28(a2)(1), which created a new offense of driving after DMV has sent notice of an impaired driving revocation, to clarify that it applies to a person “operat[ing] a motor vehicle.”
- Additional DWI sentencing changes: Amends G.S. §20-179 to remove a stray reference to G.S. 20-138.3 in subsection (a). Also clarifies the parole requirements in subsection (p) so that they comport with DWI parole changes made in the 2006 legislation. In addition, makes a purely technical change to subsection (s) to remove a redundant word.
- “Impaired driving license revocation”: Amends G.S. §20-28.2(a), which defines “impaired driving license revocation,” to remove a reference to G.S. 20-17.2, which was repealed by the 2006 DWI legislation.
- Blood and urine test results: Amends G.S. §20-139.1(c2), which addresses the admissibility of blood and urine analysis results, to (i) make a technical wording change and (ii) provide the correct name for the entity that accredits laboratories. Amends G.S. §20-139.1(c1), which also addresses the admissibility of blood and urine analysis results, to remove the requirement that the results be reported on a form approved by the Attorney General. The provision will instead simply provide that “[t]he results shall be certified by the person who performed the analysis.”
- Conforming change to LDP statute: Amends G.S. §20-179.3 (DWI limited driving privilege) to delete references to court-ordered nonoperation periods because the 2006 DWI bill removed court-ordered nonoperation periods from the DWI sentencing statute.
- Appeal from DMV refusal revocation hearing: Amends G.S. §20-16.2 (implied consent to chemical analysis) to provide that when a defendant appeals a DMV decision upholding a refusal revocation, the appeal petition must be filed (i) in the Superior Court district or set of districts where the implied-consent charge was brought and (ii) within 30 days of the DMV decision.
- DWI aggravating factor based on alcohol concentration: Amends G.S. §20-179 to reduce from 0.16 to 0.15 the alcohol concentration that triggers aggravating factor (d)(1). Also provides that, for purposes of this aggravating factor, “the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove the person’s alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court.” (Note: This change and the following 0.15 changes are necessary in order for the State to receive additional federal funds.) Effective Date: Applies to offenses committed on or after December 1, 2007.
- Alcohol concentration report by law enforcement to DMV: Amends G.S. §20-16.2 to reduce from 0.16 to 0.15 the alcohol concentration that triggers a post-arrest report from the law enforcement officer and the chemical analyst to DMV under subsection (c1). Effective Date: Applies to offenses committed on or after December 1, 2007.
- Interlock requirement on restored license: Amends G.S. §20-17.8 to reduce from 0.16 to 0.15 the alcohol concentration that triggers the ignition interlock requirement for a restored license. Also provides that for purposes of G.S. §20-17.8, DMV will rely on the alcohol concentration reported by the officer and chemical analyst under G.S. §20-16.2(c1) rather than (as is currently the case) relying on a court finding reported by the clerk. Effective Date: Applies to offenses committed on or after December 1, 2007.
- Interlock requirement on limited driving privilege: Amends G.S. §20-179.3(g5) to reduce from 0.16 to 0.15 the alcohol concentration that triggers an interlock restriction on a limited driving privilege. Provides that, for purposes of subsection (g5), “the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person’s alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court.” Also provides, in a new G.S. §20-179.3(c1), that a limited driving privilege issued to a defendant convicted of an impaired driving offense who had an alcohol concentration of 0.15 or more at the time of the offense is subject to the following special conditions: (i) the privilege may not take effect until 45 days or more after the date of final conviction; (ii) the person must comply with the ignition interlock requirements in subsection (g5); and (iii) the person is limited “to driving only to and from the [person’s] place of employment, the place the [person] is enrolled in school, any court ordered treatment or substance abuse education, and any ignition interlock service facility.” Again, for purposes of imposing these special conditions, “the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person’s alcohol concentration, shall be conclusive, and shall not be subject to modification by any party,

with or without approval by the court.” Effective Date: Applies to offenses committed on or after December 1, 2007.

- Impaired driving by juveniles: Amends G.S. §7B-1903 (criteria for secure or nonsecure custody) to add the following new circumstance that will support a secure custody order: “The juvenile has demonstrated that the juvenile is a danger to persons and is charged with a violation of G.S. §20-138.1 [impaired driving] or G.S. §20-138.3 [driving by person less than 21 years old after consuming alcohol or drugs].” Also authorizes the Legislative Research Commission to study dispositional alternatives for juveniles adjudicated delinquent for violations of G.S. §20-138.1 and G.S. §20-138.3. Effective Date: Applies to offenses committed on or after December 1, 2007 (except that the study provision took effect on 30 August 2007).

Effective Date: August 30, 2007, unless otherwise noted.

DRIVERS LICENSE ISSUANCE/EXPIRATION DATES SB 1026; SL 2007-56

Amends G.S. §20-7 to make the expiration date for a drivers license for anyone 18 years of age or older the person’s birthday. Also amends G.S. §20-15 to authorize the DMV to cancel a driver’s license issued to a legal nonimmigrant if that person is no longer authorized under federal law to be in the United States.

Effective Date: May 23, 2007

**DEALER MOTOR VEHICLE INSPECTION/
RECORDS/MV REGISTRATION SB 1147; SL 2007-481**

Requires that the driver of any vehicle displaying a dealer license plate be required to carry a copy of the dealer plate registration card. Also allows the registration card to be maintained on file at the dealer’s address if it can be produced within 24 hours upon request of any law enforcement officer.

Effective Date: August 30, 2007

REQUIRE FINGERPRINTING FOR DWI/DWLR SB 1211; SL 2007-370

Amends G.S. § 15A-502 (photographs and fingerprints) to require the arresting law enforcement agency to fingerprint and photograph a defendant who is charged with an offense involving impaired driving or driving while license revoked based on an impaired driving revocation and “cannot be identified by a valid form of identification.”

Effective Date: October 1, 2007

CLARIFY MOTOR VEHICLE REGISTRATION SB 1350; SL 2007-209

Amends G.S. § 20-52 to specify the information that an individual must disclose when an applicant applies to the Division of Motor Vehicles for certificate of title, a registration plate, and a registration card. It specifies that the applicant must provide either their North Carolina Driver’s License number, their home state driver’s license number and valid military identification if they are on active military duty, or their home state driver’s license number and proof of enrollment in a school in the State if they are residents of another state but are currently students in state.

Effective Date: Section 2 of this act is effective September 1, 2007 and applies to applications for registration and certificate of title made on or after that date. Section 1, 3, and 4 of this act are effective July 11, 2007.

RED LIGHT EXCEPTION FOR MOTORCYCLES SB 1359; SL 2007-260

An amendment to G.S. § 20-158 allows an operator of a motorcycle to proceed through an intersection controlled by a vehicle actuated traffic signal which fails to detect the motorcycle if the motorcycle, after waiting at least three minutes, fails to activate the sensor to change the traffic signal.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date.

TANDEM VEHICLE OPERATIONS ON HIGHWAYS **SB 1456; SL 2007-77**

Amends G.S. § 20-116(e) to allow motor vehicle combinations of one semi trailer of not more than 48 feet in length and a truck tractor (power unit) to exceed the 60-foot maximum length to operate on highways within the State. Also states that the Department of Transportation may designate reasonable routes for particular types of vehicles.

Effective Date: June 14, 2007

VEHICLES USED FOR TOWING TO BE MARKED **SB 1495; SL 2007-404**

Amends G.S. § 20-101 to provide that a motor vehicle that is towing or transporting another motor vehicle, hired for the purpose of towing or transporting another motor vehicle, shall have the name and address of the registered owner of the vehicle, and the name of the business or person being hired if different, printed on the side of the vehicle in letters not less than three inches in height. Also exempts the drivers and passengers of residential garbage or recycling trucks from the seatbelt law while they are making their rounds or while traveling to and from loading and unloading locations.

Effective Date: December 1, 2007

WEAPONS LAW

CERTAIN LAW OFFICERS/WAIVE HANDGUN PERMIT **HB 1231; SL 2007-427**

Waives the requirement to obtain a concealed handgun permit to carry a concealed handgun for certain persons authorized by federal law to carry concealed handguns and for certain federal and state retired law enforcement officers, and to exempt armed armored car service guards and security guards while performing duties from prohibitions on carrying weapons on certain educational property.

Effective Date: Some portions effective August 23, 2007 (i.e. exemption for armed armored car guards and armed security guards while performing duties on educational property), some portions effective December 1, 2007

DETENTION OFFICERS COURTHOUSE FIREARMS **HB 1707; SL 2007-474**

Provides that, as an exception to G.S § 14-269, detention officers employed by and authorized by the sheriff may carry firearms in a court house.

Effective Date: August 29, 2007

RETIREMENT BENEFITS AND DISABILITY

FLEXIBLE PAYMENT/LAW ENFORCEMENT SEPARATION **HB 328; SL 2007-69**

Amends G.S. § 143-166.41(a) to allow a more flexible payment schedule for the special separation for law enforcement officers. Instead of being required to make 12 equal installments at the end of each month, equal installments can be made on the payroll frequency used by the employer.

Effective Date: July 1, 2007

MISCELLANEOUS

RECOVERY OF COSTS IN CIVIL CASES

HB 21; SL 2007-212

Amends G.S. § 6-20 to make the expenses set forth in this section complete, exclusive, and a limit on the trial court's discretion to tax costs. Stenographic, video graphic assistance and expert witnesses are included in the list of assessable expenses in the statute. Language is added to make clear that the statute is not applicable to the trial court's discretion to assess expenses associated with pre-trial discovery.

Effective Date: August 1, 2007 and applies to all motions for costs filed on or after that date.

SMOKING IN STATE GOVERNMENT BUILDING.S./PROHIBITION

HB 24; SL 2007-193

New sections, G.S. §§ 130A-491, 130A-492, 130A-493, 130A-493.1, 130A-494, 130A-498, prohibit smoking inside State Government buildings. and allows local governments to restrict smoking in certain specified areas (school campuses, vehicles of public transportation, etc...)

Effective Date: January 1, 2008

DUTY TO REPORT CHILD PORNOGRAPHY

HB 27; SL 2007-263

A new section, G.S. §66-67.4 is added and places a duty on any "computer technician" or "processor of photographic images" who, within the scope of that person's employment observes an image of a minor engaging in sexual activity, to report the owner or person in possession of the computer or film to the Cyber Tip Line at the National Center for Missing or Exploited Children. Immunity is provided from any civil or criminal liability for a person complying with this law in good faith.

Effective Date: September 1, 2007

HAZARDOUS MATERIALS TASK FORCE RECOMMENDATIONS

HB 36; SL 2007-107

Amends and rewrites portions of Part 2 of Article 9 of Chapter 130A to improve the oversight of hazardous waste facilities. This includes: heightened financial accountability/responsibility to those applying for permits; notifications to local residents by those applying for permits; off-site record keeping by those with permits that is accessible to state and local agencies; required 24 hour security and surveillance; more frequent renewal of permits; more frequent inspections based on changes in population density; regulation of short term storage facilities; a presumption that local zoning and ordinance are valid; clarification of data confidentiality issues; a review of the state building code to ensure it addresses the safety of citizens in regards to storage facilities; a study for potential funding for medical assistance, establishment of a digital information exchange database for hazardous inventory; development of a public health response model plan for hazardous contamination; and establishment of an institute of disaster studies. Emergency response agencies that receive this information in the facilities contingency plans are required to respond to the facility in writing within 60 days about the adequacy of the contingency plan, and the availability and adequacy of resources and equipment to respond. Also clarifies that municipal 911 data is confidential, and clarifies that data contained in a reverse 911 emergency notification system is confidential.

Effective Date: Except as otherwise provided in the act, the act is effective June 26, 2006.

MODIFY LAWS FOR DESECRATING GRAVES

HB 105; SL 2007-122

Amends G.S. §§ 14-148 and 14-149 to make disturbing or vandalizing any tombstone, headstone, or monument erected within a cemetery to mark a place where human remains are interred a Class I felony. The amendments also specifically exclude the ordinary maintenance and care of a cemetery by an owner or caretaker from being considered desecrating graves under the statutes.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date

**PUBLIC HEALTH INFORMATION ACCESS/
HIPAA CLARIFICATION**

HB 353; SL 2007-115

Enacts a new G.S. § 130A-15 to require health care providers (and persons in charge of health care facilities or laboratories) to permit the State Health Director to examine or obtain copies of records containing privileged medical information or information protected under the federal Health Information Portability and Accountability Act (HIPAA) if the State Health Director determines that access to the records is “necessary to prevent, control, or investigate a disease or health hazard that may present a clear danger to the public health.” The information received under this provision by the State Health Director is not a public record and may not be released except “to another federal, state, or local public health agency for the purpose of preventing or controlling a disease or public health hazard or to a court or law enforcement official or law enforcement officer for the purpose of enforcing the provisions of Chapter 130A or for the purpose of investigating a disease or public health hazard.” Amends G.S. § 90-21.20B to allow a health care provider to disclose to a law enforcement officer protected health information to the extent that the information may be disclosed under the federal Standards for Privacy of Individually Identifiable Health Information and that is not specifically prohibited from disclosure by other State or Federal law. Amends G.S. § 20-139.1 (procedures governing chemical analyses) to provide that when an officer specifies a blood or urine test, either initially or following a refusal, “[a] person requested to withdraw blood or collect urine . . . may refuse to do so only if it reasonably appears that the procedure cannot be performed without endangering the safety of the person collecting the sample or the safety of the person from whom the sample is being collected. If the officer requesting the blood or urine requests a written justification for the refusal, the medical provider who determined the sample could not be collected safely shall provide written justification at the time of the refusal.” Also clarifies that the immunity from liability set out in G.S. § 20-139.1(c) applies not only to a person who withdraws blood, but also to a person who collects a urine sample.

Effective Date: June 27, 2007

**CRIMINAL BACKGROUND REVIEWS -
EMS PERSONNEL**

HB 535; SL 2007-411

Requires all applicants for initial or renewal EMS credentials to obtain a criminal background records check at the request of the Department of Health and Human Services.

Effective Date: October 1, 2007

MODIFY SCHOOL EMPLOYEE CONFIDENTIALITY LAW HB 550; SL 2007-192

Amends G.S. §115C-321 by adding three new sections to include that information contained in a personnel file that is relevant to possible criminal misconduct may be made available to law enforcement and the district attorney to assist in the investigation of (1) a report made to law enforcement pursuant to G.S. §115C-288(g), or (2) a report regarding arson, attempted arson, destruction of, theft of, embezzlement from, embezzlement of any personal or local property owned by the local board of education. The employee whose information is to be disclosed must be given five working days prior written notice so that the employee may apply to the district court for an “in camera” review prior to the date of disclosure for the court to determine if the information is relevant to the possible criminal misconduct. Statements or admissions made by the employee under this new section are not admissible in any subsequent criminal proceeding against the employee.

Effective Date: July 8, 2007

**ASSAULT DISABLED PERSON/
INSTITUTIONAL SETTING**

HB 554; SL 2007-188

Amends G.S. §14-32.2(b) by increasing the criminal penalty from a Class A1 misdemeanor to a Class H felony for assault on a patient in a healthcare facility or resident of a residential care facility when the conduct evinces a pattern of behavior, is wilful or culpably negligent, and causes bodily injury to the patient or resident.

Effective Date: December 1, 2007

**AUTHORIZE JUDGE/CONCEALED WEAPON
IN COURT**

HB 573; SL 2007-412

Amends G.S. §14-269.4 (weapons on State property and in courthouses) to provide that the prohibition on possessing deadly weapons in a building housing a court of the General Court of Justice does not apply to a Superior Court Judge or District Court Judge "who carries or possesses a concealed handgun in a building housing a court of the General Court of Justice if the judge is in the building to discharge his or her official duties and the judge has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. § 14-415.24 [Reciprocity; out-of-state handgun permits]."

Effective Date: August 21, 2007.

REPLACING OFFICIALS CALLED TO ACTIVE DUTY

HB 671; SL 2007-432

Creates a new G.S. §128-39A to change the procedure by which a member of the General Assembly or a state, county, or municipal official may obtain a leave of absence when the member or official is called to active duty in the armed forces or national guard. Also changes the procedure by which temporary officials are appointed to replace members of the General Assembly called to active duty.

Effective Date: August 23, 2007

**ITS/EMPLOYEE BACKGROUND INVESTIGATIONS/
IT BOARD**

HB 584; SL 2007-189

Authorizes the NC Department of Justice to provide criminal history record checks on employees or prospective employees of the Office of Information Technology Services.

Effective Date: July 8, 2007

NAME CHANGE/DIVISION OF FACILITY SERVICES

HB 720; SL 2007-182

Changes the name of the Division of Facility Services to Division of Health Service Regulation and changes the name of the Commission for Health Services to Commission for Public Health.

Effective Date: July 5, 2007

INCREASE PENALTY/STARVATION OF ANIMALS

HB 995; SL 2007-211

G.S. § 14-360 is amended, specifying that any person who maliciously kills an animal by depriving it of sustenance is guilty of a Class A1 misdemeanor and G.S. § 14-360(c) is amended to exclude "the physical alteration of livestock or poultry for the purpose of conforming with breed or show standards" from being classified as an instance of animal cruelty.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date.

INCREASE PENALTIES FOR AUDIOVISUAL PIRACY

HB 1094; SL 2007-463

Changes the law from a Class 1 misdemeanor to a Class I felony for an offender to operate an audiovisual recording device in a motion picture theatre intended to record, transmit or otherwise make a copy of a motion picture without the written consent of the motion picture theatre owner. Also provides for a minimum fine of \$2500 for a first offense and a \$5,000 fine for the second or subsequent offenses.

Effective Date: December 1, 2007

IDENTIFY JUVENILE ESCAPEES

HB 1148; SL 2007-458

Requires the Department of Juvenile Justice and Delinquency Prevention, within 24 hours of the time a juvenile escapes from custody, to release to the public the juvenile's first name, last initial, and a photograph as well as the name and location of the institution from which the juvenile escaped and a statement, based on the juvenile's record, of the level of concern of the Department as to the juvenile's threat to themselves or to others. This disclosure of information about juveniles

who have escaped from custody only applies when: the juvenile escapes from a detention facility and was alleged to have committed an offense that would be a Class A, B1, B2, C, D or E felony if committed by an adult; or the juvenile escapes from a youth development center and has been an adjudicated delinquent for an offense that would be a felony or a Class A1 misdemeanor if committed by an adult. The bill also provides that when a juvenile escapes from custody and has been adjudicated for an offense that would be a Class 1, 2, or 3 misdemeanor if the act had been committed by an adult, the Department may disclose the information, including a photograph of the juvenile, to the public.

Effective Date: October 1, 2007

COURTROOM PROCEDURES/JUVENILE PROCEEDINGS

HB 1243; SL 2007-100

A new section, G.S. §7B-2402.1, allows the judge to subject a juvenile to physical restraint whenever he/she deems it necessary to maintain order, prevent the juvenile's escape or provide for the safety of the courtroom.

Effective Date: October 1, 2007 and applies to all hearings conducted on or after that date.

FIRE CHIEFS/EMS DIRECTOR:CRIMINAL REQUESTS

HB 1322; SL 2007-479

Allows local fire chiefs, county fire marshals, or emergency services directors to request a criminal history records check from the Department of Justice for persons who are applying for positions within these entities. It also allows those designated to: (1) deny an applicant a position based on the criminal background check; (2) deny the applicant a position for refusing to consent to the background check; or (3) extend a conditional offer pending the results of a criminal history records check.

Effective Date: August 29, 2007

REQUIRE DISCLOSURE/SEX OFFENDERS/CHILD CUSTODY

HB 1328; SL 2007-462

This Act requires a person convicted of a sex offense, who is pursuing child custody ex parte, to disclose the conviction in the pleadings.

Effective Date: October 1, 2007

FALSE REPORT/MASS VIOLENCE AT SCHOOL

HB 1347; SL 2007-196

A new section, G.S. § 14-277.5, of Chapter 14 of the General Statutes makes it a Class H felony to make a false report that an act of mass violence is going to occur on educational property or at an extracurricular activity sponsored by a school. It also allows the court to order the defendant to pay restitution for the commission of the offense.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date

IMMUNITY/VETS REPORTING ANIMAL CRUELTY

HB 1359; SL 2007-232

A new section, G.S. § 14-360.1, of Chapter 14 of the General Statutes provides that any veterinarian licensed in the State of North Carolina who has reasonable cause to believe that an animal is the subject of animal cruelty and who makes a report or participates in any investigation shall be immune from criminal, civil, or professional liability unless the report was made in bad faith.

Effective Date: October 1, 2007

JUVENILE COMTEMPT/ PROCEDURES AND SANCTIONS

HB 1479; SL 2007-168

Creates new sections (G.S. §§ 5A-31, 5A-32, 5A-33, 5A-34, 7B-1707) and amends §7B-1603 which allows a presiding official to summarily impose measures in response to direct contempt by a juvenile when necessary to restore order and maintain the dignity and authority of the court. The new sections also enumerate what exactly constitutes contempt by a juvenile and apply to juveniles

who are at least 6 years old, but not yet 16 years old, and who have not been convicted of any crime in Superior Court.

Effective Date: December 1, 2007 and applies to all offenses committed on or after that date.

CRIMINAL HISTORY CHECKS/DPI EMPLOYEES **HB 1659; SL 2007-516**

Authorizes the Department of Justice to perform criminal history record checks of employees, applicants for employment, independent contractors and employees of independent contractors that have contracts to provide services with the Department of Public Instruction.

Effective Date: October 1, 2007

COORDINATE STATEWIDE ENHANCED 911 SYSTEM **HB 1755; SL 2007-383**

Enacts a new §14-111.4 to make it unlawful for an individual who is not seeking public safety assistance, is not providing 911 service, or is not responding to a 911 call to access or attempt to access the 911 system for a purpose other than an emergency communication. A person who knowingly violates this section commits a Class 3 misdemeanor. If a person knowingly accesses or attempts to access the 911 system for the purpose of avoiding a charge for voice communications service, as defined in G.S. §62A-40, and the value of the charge exceeds one hundred dollars (\$100.00), the person commits a Class 1 misdemeanor.

Effective Date: January 1, 2008

EXPAND SAFE ZONES/SCHOOLS, PARKS **SB 8; SL 2007-375**
CHILD CARE CENTERS

Increases the "Safe Zones" near child care centers and school grounds regarding illegal drug sales from 300 feet to 1000 feet. It also expands the "Safe Zone" for public parks to include all public parks, not just those with playgrounds, and increases the distance of these zones from 300 feet to 1000 feet.

Effective Date: December 1, 2007

CLARIFY DOG FIGHTING AND BAITING LAW **SB 21; SL 2007-181**

Amends G.S. § 14-362.2 to clarify that the application of the dog fighting and baiting statute does not apply to the use of herding dogs engaged in the working of domesticated livestock for agricultural, entertainment, or sporting purposes.

Effective Date: July 5, 2007

REMOVAL OF UNQUALIFIED JUDGES AND DAS **SB 118; SL 2007-104**

Allows the Governor to declare a vacancy in the office of the district court judge, superior court judge, judge of the court of appeals, justice of the Supreme Court, or district attorney when the incumbent is no longer authorized to practice law in the State.

Effective Date: June 21, 2007 and does not apply to persons elected to or serving in the capacity of justice or judge on or before January 1, 1981, that were not authorized to practice law at the time of their election or at the time they began serving in the capacity of justice or judge.

REFORM TAX APPEALS **SB 242; SL 2007-491**

Reforms the process for administrative and judicial review of disputed tax matters, including tax matters involving the Unauthorized Substances Tax. The hearings will now be held at the Office of Administrative Hearings, and reports by law enforcement agencies are admissible without testimony from personnel of the law enforcement agencies. However, the presiding judge can make decisions about whether or not to require testimony from law enforcement. A portion of the tax proceeds obtained through the Unauthorized Substances Tax will be distributed to the Account of the law enforcement agency that conducted the investigation that led to the assessment. If more than one law enforcement agency conducted the investigation, the Secretary shall determine the share for each agency based on the contribution each agency made to the investigation. In the

event of a refund to a taxpayer where proceeds have already been distributed to law enforcement, the amount of refunded taxes will be subtracted from succeeding distributions to that law enforcement agency.

Effective Date: January 1, 2008 (other effective dates for different portions of the Act)

2007 TECHNICAL CORRECTIONS ACT

SB 613; SL 2007-484

Criminal Provisions

- Amends G.S. § 8-58.20 (forensic analysis admissible as evidence) to (i) change “certified” to “accredited” and (ii) update the name of the laboratory-accrediting entity.
- Amends G.S. §14-208.8A (notification requirement for out-of-county employment if temporary residence established) to clarify the language regarding the sex offender *fs* temporary residence in the county of employment.
- Amends G.S. §14-298 (seizure of illegal gaming items) to change a statutory reference to account for the recent repeal of G.S. §14-306.1 (types of machines and devices prohibited by law; penalties).
- Relocates G.S. §15A-736.1 (bail in cases of manufacture of methamphetamine) from the extradition provisions of Chapter 15A (where it was inadvertently placed in 2005) to the bail provisions of Chapter 15A and recodifies it as a new G.S. § 15A-534.6. Also makes a conforming change to the first sentence of the statute as recodified.
- Repeals Section 4 of S.L. 2005-350, which has the effect of repealing subsection (d) of G.S. §18B-1200 (wine distribution agreements; construction; findings and purpose; exceptions). Subsection (d) of this statute exempts from various ABC laws a North Carolina winery holding a valid wine wholesaler permit when the winery is acting as its own master wholesaler.
- Amends G.S. §7A-177 (training course in duties of magistrate) by removing the requirement that training take place in Asheville and by making a clarifying change. As a result of these changes, G.S. §7A-177(b) reads as follows: “In addition to the basic training course required under subsection of this section, continuing education courses shall be provided at such times and locations as necessary to assure that they are conveniently available to all magistrates without extensive travel to other parts of the State.”
- Amends G.S. §84-2 (persons disqualified from practicing law) to add magistrates to the list of court officials who are prohibited from engaging in the private practice of law.

Motor Vehicle Provisions

- Amends G.S. §20-116 (size of vehicles and loads) to remove a sentence defining “automobile transport.”
- Amends G.S. §20-286 (Motor Vehicle Dealers and Manufacturers Licensing Law definitions) to change the definition of “good faith”.
- Amends G.S. §20-309 (financial responsibility prerequisite to registration; must be maintained throughout registration period) to remove subsection (g), which requires the placement of civil penalties in the Civil Penalty and Forfeiture Fund. Also recodifies subsection (h) of G.S. §20-309, which involves the waiver of penalties and fees for deployed members of the armed forces, as a new subsection (g) of G.S. §20-311 (action by the Division of Motor Vehicles when notified of a lapse in financial responsibility).
- Amends G.S. §20-309.2 (insurer shall notify Division of Motor Vehicles of actions on insurance policies) to add a new subsection (f) requiring the placement of civil penalties in the Civil Penalty and Forfeiture Fund.
- Amends G.S. §20-311 by adding a new subsection (f) requiring the placement of civil penalties in the Civil Penalty and Forfeiture Fund.

Effective Date: August 30, 2007, except that the provision prohibiting the practice of law by magistrates applies to offenses committed on or after December 1, 2007.

OFFICIALS FORFEIT PENSIONS FOR FELONIES

SB 659; SL 2007-179

Requires that elected officials who are members of the legislative retirement system, the local governmental employees retirement system, the teachers’ and state employees retirement system, or the consolidated judicial retirement system shall forfeit their pensions upon conviction of a state or federal offense involving public corruption or a felony violation of election laws.

Effective Date: July 1, 2007 and applies to all offenses committed on or after that date.

AMEND CPA CRIMINAL PUNISHMENT

SB 777; SL 2007-83

Amends G.S. § 93-13 to increase the punishment for violating certain laws regulating certified public accountants to a Class 1 misdemeanor.

Effective Date: December 1, 2007

INCREASE HOLD FOR ITEMS BY PAWNBROKER

SB 806; SL 2007-415

Extends from 48 hours to seven days the time period that must pass before pawned goods may be sold or otherwise removed from the pawn shop if the pawn ticket information is electronically reported to law enforcement, and extends the hold period to 30 days after the date of the transaction if the pawn ticket record is not electronically reported to law enforcement. Also provides that the records that must be submitted to local law enforcement can be submitted to the Sheriff or the Sheriff's designee or the Chief of Police or the Chief's designee and the records may also be submitted electronically or by facsimile transmission.

Effective Date: October 1, 2007

**DEFINE RESIDENCY REQUIREMENTS/BAIL
BONDSMAN**

SB 881; SL 2007-228

Amends G.S. § 58-71-1 to require applicants as a bail bondsman or runner to prove that they have been a resident of North Carolina for at least six consecutive months before applying for the license. Amends G.S. § 58-71-50 to provide that an applicant may be found qualified if the applicant holds either a valid and current North Carolina driver's license or a valid North Carolina ID issued by the DMV.

Effective Date: October 1, 2007

**INDUSTRIAL COMMISSION INVESTIGATORS/SWORN
LAW ENFORCEMENT OFFICERS**

SB 882; SL 2007-358

Authorizes the Industrial Commission to employ sworn law enforcement officers, certified through the North Carolina Criminal Justice Education Training and Standards Commission to perform fraud investigations.

Effective Date: September 1, 2007

PRIVATE CORRECTIONAL OFFICERS

SB 930; SL 2007-162

Amends G.S. § 148-37.3 to revise the law granting authority to private correctional officers employed pursuant to a contract with the federal bureau of prisons. It specifies that the Corporation shall bear the reasonable costs of services provided by the State, its officers, employees, and agents for the corporation and that the amount of costs shall be determined by a member of the Council of State or Cabinet member of the agency or department that provided the services.

Effective Date: July 1, 2007

TELEPHONE RECORDS PRIVACY PROTECTION ACT

SB 1058; SL 2007-374

Amends this Act to make it a Class H felony for obtaining, receiving or selling telephone records by making false statements or false representations.

Effective Date: December 1, 2007

**PROTECTIONS FOR VICTIMS OF HUMAN
TRAFFICKING**

SB 1079; SL 2007-547

Directs the North Carolina Justice Academy to develop training materials on the issue of human trafficking to be distributed to state and local law enforcement agencies across the State for their personnel. Provides that victims of human trafficking who otherwise may not be eligible for public

benefits and services from North Carolina agencies shall receive those benefits until the victim's eligibility to remain in the United States is terminated under federal law. When a person is determined to be a victim of human trafficking the District Attorney's Office shall notify the Office of the Attorney General and Legal Aid of North Carolina, Inc. to assist the victim. A victim of human trafficking is eligible to participate in the Address Confidentiality Program in the Office of the Attorney General.

Effective Date: December 1, 2007

PROHIBIT BAITING OF BEARS

SB 1246; SL 2007-96

Adds a new subsection, G.S. §113-294(r), which prohibits placement of processed foods in areas where the Wildlife Resources Commission has set an open hunting season for black bears.

Effective Date: October 1, 2007

BAIL BOND/EXCEPTION/RETURN OF BOND PREMIUM

SB 1327; SL 2007-399

Expands G.S. § 58-71-20 (surrender of defendant by surety; when premium need not be returned) to provide that a surety may surrender a defendant without the return of the premium if the defendant "fails to disclose information or provides false information regarding any failure to appear in court, any previous felony convictions within the past 10 years, or any charges pending in any State or federal court" or "knowingly provides the surety with incorrect personal identification, or uses a false name or alias." These are in addition to the grounds already provided under current law.

Effective Date: August 21, 2007.

CLARIFY PUBLIC ACCESS TO PERSONNEL RECORDS

SB 1546; SL 2007-508

Allows the public to have access to any employment contract, whether written or oral, for government employees. The bill also clarifies that salary, which is a public record, includes pay, benefits, incentives, bonuses and all other forms of compensation.

Effective Date: August 30, 2007

BUDGET PROVISIONS

2007 MODIFY APPROPRIATIONS ACT OF 2005

HB 1473; SL 2007-323

Following is a short summary of pertinent provisions contained in the approved State budget for 2007:

Department of Justice

- Provides funding to establish the Piedmont Triad Regional Crime Laboratory. This lab will provide drug chemistry, fingerprint analysis, latent evidence analysis, computer forensics, and drug toxicology services to the Triad region. Twelve positions were established to staff this lab.
- Expands the State Bureau of Investigation by providing three new sworn agent positions to investigate drug, violent crime and gang related cases, two sworn agents to investigate child exploitation and sexual predator cases and three information processing technicians to receive, analyze, and upload DNA samples into the SBI CODIS database.
- Operating funds and a staff position are provided to support the operation of the sex offender registry.
- A school training safety coordinator position is funded to develop and administer uniform school safety and gang prevention programs for school resource officers.

- The Medicaid Fraud Unit is expanded by providing five new staff positions to assist in Medicaid recovery efforts. These positions will also provide investigative and prosecutorial support for new Medicaid fraud criminal and civil penalties.
- A new Consumer Protection Specialist position is created to coordinate consumer complaints from military personnel and their families, provide a single point of contact in the Consumer Protection Division for military personnel, their families and military attorneys, and communicate with military bases in North Carolina on a regular basis to inform the appropriate military offices of services provided by the Consumer Protection Division.
- Funds are provided for the construction of a firing range and classroom at the Western Campus of the North Carolina Justice Academy in Edneyville.

Judicial

- Divides Judicial District 22 into District 22A and 22B. District 22A will include the counties of Alexander and Iredell and District 22B will include the counties of Davie and Davidson. This will be effective January 1, 2009.
- Effective October 1, 2007 funding is provided for 40 new Victim Witness Legal Assistant positions, 30 Assistant District Attorney Positions, and 7 District Attorney Investigator positions. Effective July 1, 2008, an additional 40 Victim Witness Legal Assistant positions, 28 Assistant District Attorney Positions, and 7 District Attorney Investigator positions are funded. With the exception of the 28 ADA positions effective July 1, 2008. All positions will be allocated by the Administrative Office of the Courts. The 28 ADA positions will be allocated by the General Assembly in the 2008 Session.
- Funding is provided for 150 new deputy clerk positions effective October 1, 2007 and an additional 147 positions effective July 1, 2008. These positions will be allocated by the Administrative Office of the Courts.
- Provides funding for 42 new magistrate positions in 25 counties to be allocated by the Administrative Office of the Courts. 21 of these positions are effective October 1, 2007 and the remaining will be effective July 1, 2008.
- Nine new District Court Judge Positions are funded. Six of these positions become effective January 1, 2008 and the remaining three become effective January 15, 2009. These positions are allocated to Mecklenburg (2); Wake (2); Johnson, Lee Hargett; Guilford; Cumberland; Forsyth; and New Hanover, Pender.
- Funding is provided for nine new District Court Judicial Assistant I positions effective January 1, 2008 plus an additional seven positions effective January 15, 2009.
- Family Court is expanded into two new districts to be selected by the Administrative Office of the Courts. Included are eight new positions and associated operating expenses.
- Provides funding for five new Superior Court Judicial Assistant I positions. Two of these positions become effective January 1, 2008 and the remaining effective July 1, 2008 and are allocated by the Administrative Office of the Courts.
- Two new Special Superior Court Judge Positions are funded and are effective January 1, 2008.

Juvenile Justice and Delinquency Prevention

- Provides start-up funds to reopen the Macon County Multipurpose Group Home.
- Provides scholarships to former UDC students who have completed their GED or high school diploma to take courses at a community college.
- Capital planning funds are provided for the proposed five new 32 youth development centers.

Corrections

- Authorizes DOC to convert 77 regular population beds to 77 misdemeanor processing beds at the Neuse Correctional Center.
- Capital funds are provided for the planning and development of the Health Care Facility at NC Correctional Institute for Women.
- Capital planning funds are provided for the design and additions to Scotland Correctional Institution, Bertie Correctional Institution, Lanesboro Correctional Institution, and Tabor Correctional Institution.
- Authorizes the design and construction of a 252 bed minimum security addition to Alexander Correctional Institution.

Crime Control and Public Safety

- Funding is provided to expand the automation of the citation writing process to all ALE field agents.
- Funding is provided for staff and contractual service costs for Flood Plain Mapping.
- Funding for a Governor's Crime Commission grant is provided to the North Carolina Sheriff's Association to be used for technical assistance and training associated with immigration and enforcement.
- Funds grants through the Governor's Crime Commission to local government and community agencies for gang prevention, intervention and suppression initiatives.
- Provides funding to replace an obsolete helicopter and establish a dedicated airborne unit that can perform search and rescue operations during disasters.
- An additional 24 positions are created to support VIPER (Voice Interoperability Plan for Emergency Responders).
- Five new trooper positions in each fiscal year of the biennium are provided to the Highway Patrol, for a total of 10 new trooper positions.