

**Legislative Update
for
Week of June 19, 2017**

Legislative Summary

Late Monday evening the conference committee released its budget resolving the differences between the House and Senate proposals. The Senate passed the \$23 billion compromise on Tuesday and Wednesday, and the House followed suit on Wednesday and Thursday. The legislation cleared both chambers on near party lines with a few Democrats joining the Republican majority in voting to approve the budget. Both the Senate and House plan to finalize all business by the end of next week.

Bills of Interest

SENATE

Four bills were taken up by the Senate this week that pertain to DPS. They are as follows:

DOC and JJ Combined Records [\(HB216\)](#)

Description:

House Bill 216 would mandate that Clerks of Superior Court send certified copies of orders granting expunctions to the Combined Records Section of the Department of Public Safety and the State Bureau of Investigation.

Introduced by:

Representatives Roger (R-Rutherford), Rep. Duane Hall (D-Wake) and Rep. Destin Hall (R-Caldwell)

Amendments Proposed:

The Senate Judiciary Committee met Tuesday and took up HB 216. A PCS was offered to strip all the language in HB 216 and replace it with language from [HB 609/SB 667](#) (Amend Various Innocence Commission Statutes). HB 609 clarifies the responsibilities of the Director of the Commission and makes other technical changes to the relevant statutes. The bill was thought to be dead, as it did not make crossover. The effect of the PCS is to revive HB 609 and leave the content of our bill in limbo.

Actions Taken:

The PCS for HB 216 passed out of the Judiciary committee and was re-referred to Senate Rules. Our language was placed in [SB 445](#) (Expungement Process Modifications), which passed the House and has been placed on the Senate calendar for Monday, June 26.

Prohibit Drone Use Over Prison/Jail [\(HB128\)](#)

Description:

House Bill 128 makes it unlawful to use unmanned aircraft systems (“UAS,” commonly known as “drones”) near local or federal correctional facilities. The legislation requires that correctional facilities be designated as fixed sites and requires that guidelines be developed for boundaries prohibiting the flight of drones over the facilities.

Introduced by:

Representatives McNeill (R-Randolph), Rep. Torbett (R-Gaston) and Rep. Faircloth (R-Guilford)

Amendments Proposed:

In the Senate State and Local Government Committee on Monday a Proposed Committee Substitute (PCS) was offered, which made the following changes:

Section 1:

This amendment would modify section one of the proposed legislation to prohibit the use of drones within 500 horizontal feet and 250 vertical feet from the building, fixed perimeter or marked boundary. The amendment allows for several exemptions to this policy including:

- 1) A person using a UAS with written consent from the facility.
- 2) An authorized law enforcement use pursuant to G.S. 15A-300.1(c).
- 3) A public utility, wireless signal provider or commercial entity using the UAS for inspections or a purpose directly related to the business, and abiding by certain criteria such as maintaining a 150-foot distance and providing notification to the facility.
- 4) First responders or emergency management agencies using a UAS in response to an emergency.

Furthermore, this amendment creates several new criminal offenses, including Class H and I felonies for violations such as attempting to deliver weapons or contraband and a Class 1 misdemeanor for a violation for any other purpose. In addition, law enforcement has the authority to seize any drone in connection with the violations outlined in this legislation as well as any property attached to them. The proceeds of seized property disposed of by sale for a violation of this act would be paid to the school fund.

Section 2:

Section two requires the Division of Aviation of the Department of Transportation to petition the Federal Aviation Administration to designate these facilities as fixed site in order to mark clear boundaries where drones are not allowed. It would also require the Social Services Commission of DHHS and DPS to provide the Division of Aviation with a list of local confinement and state correctional facilities.

Section 3:

Section three requires the Division to develop guidelines for the content and dimensions for posted notices for marked boundaries around facilities.

Actions Taken:

HB 128 was in heard in the Senate Judiciary Committee on Tuesday. The PCS received a favorable report. It was then sent to the Senate Rules Committee.

National Guard Can Purchase from Correction Enterprises ([HB120](#))

Description:

This bill would add National Guard members, employees, and retirees to the list of individuals eligible to purchase from Correction Enterprises.

Introduced by:

Representatives McNeill (R-Randolph), Warren (R-Iredell), Grange (R-New Hanover) and Goodman (D-Rockingham)

Amendments Proposed:

No amendments proposed in Senate Rules Committee.

Actions Taken:

The Senate approved HB120 on Thursday. It will now go to the Governor for signature.

National Guard Education Assistance Changes ([HB486](#))

Description:

House Bill 486 extends eligibility for North Carolina National Guard (NCHC) tuition assistance to include professional certification programs. The programs included are selected by the Director of NCNG Education and Employment Center. Final approval for inclusion in the program is given by the NCNG Education Services Officer. In addition, the Board of Governors at UNC and the State Board of Community Colleges are directed to create a uniform policy that ensures National Guard members are not academically penalized when they are away on state active duty status. National Guard members are also granted an exemption from the state law requiring a 12-month residency to qualify for in-state tuition and other federal education benefits.

Introduced by:

Representatives G. Martin (D-Wake) and Szoka (R-Cumberland)

Amendments Proposed:

No amendments proposed in Senate Rules Committee.

Actions Taken:

HB486 was placed on, then subsequently withdrawn from, the Senate calendar multiple times this week. The bill is now calendared for Monday, June 26.

HOUSE

One bill was taken up by the Senate this week that pertains to DPS. It is as follows:

Prohibit Use of Light Bars on Motor Vehicles [\(SB182\)](#)**Description:**

Senate Bill 182 would prohibit the use of light bars that project a light at an intensity greater than 25 candlepower on motor vehicles being operated on the highway.

Introduced by:

Senator McInnis (R-Richmond)

Amendments Proposed:

DPS proposed to Senator McInnis an amendment to ensure an exemption in his bill language for law enforcement vehicles. Senator McInnis was agreeable and the amendment was placed in a new PCS.

Actions Taken:

SB 182 passed the Senate and has been placed on the House calendar for Tuesday, June 27.