

CMPD POLICE LAW BULLETIN

A Police Legal Newsletter

Legislative Edition – 2009

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NOTE: This is not intended to be an exhaustive list but highlights legislation impacting law enforcement. Legislation is arranged by the effective dates.

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EFFECTIVE DATE: 5/27/2009

Juveniles

1. *Juvenile Law* (G.S. 14-27.2A, G.S. 14-27.4A)
 - Adds G.S. 14-27.2A, *Rape of a Child by an Adult Offender*, and G.S. 14-27.4A, *Sexual Offense with a Child by an Adult Offender*, to the list of offenses which, when committed upon a juvenile by a parent, guardian, custodian or caretaker, makes the juvenile an abused juvenile under G.S. 7B-101(1)(d).

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1272v3.pdf>

EFFECTIVE DATE: 6/10/2009

Schools

1. *Char/Meck School Board Police* (G.S. 115C-47.1)
 - Enacts new G.S. 115C-47.1 permitting CMS to establish a campus law enforcement agency. Jurisdiction of campus police officers is all property owned or leased by the local school board, and roads and highways passing through that property or immediately adjoining it.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H538v4.pdf>

EFFECTIVE DATE: 6/16/09

Miscellaneous Law Enforcement

1. *Amend Survivor's Alternate Benefits* (G.S. 135-5(m), G.S. 128-27(m))
 - Amends G.S. 135-5(m) and G.S. 128-27(m), providing a retirement benefit for survivors of law enforcement officers killed in the line of duty, after 15 years of service.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S411v4.pdf>

EFFECTIVE DATE: 6/30/2009

Miscellaneous Law Enforcement

1. *Wearing of Medals by Public Safety Personnel* (G.S. 165-44.01)
 - Enacts new G.S. 165-44.01 allowing uniformed public safety officers to wear military service medals during the business week prior to Veterans Day, Memorial Day, July 4th, the day of, and the following business day.
 - Employers retain the right to prohibit wearing of service medals if it poses a safety hazard.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H631v4.pdf>

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EFFECTIVE DATE: 7/17/2009

Motor Vehicles

1. *Motor Vehicle Inspection Program Changes* (G.S. 20-183.4C)
 - Amends G.S. 20-183.4C requiring that three-day permits authorizing the driver of a motor vehicle to travel to a repair shop or inspection station are to be conditioned upon proof of financial responsibility.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H882v6.pdf>

EFFECTIVE DATE: 7/31/2009

Domestic Violence

1. *Clarify Domestic Violence Laws / Arrest / Valid Protective Order* (G.S. 50B-4.1(b))
 - Amends G.S. 50B-4.1(b) requiring a law enforcement officer to arrest and take into custody, with or without a warrant or other process, a person the officer has probable cause to believe violated a valid DV protective order.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1464v5.pdf>

EFFECTIVE DATE: 8/5/2009

Domestic Violence

1. *Strengthen Domestic Violence Protection / Pets* (G.S. 50B-3(a))
 - Rewrites G.S. 50B-3(a) to include in the protective order provisions that:
 - a) Provide for the care of a pet owned by either party or a child living in the household; and
 - b) Directs a party to refrain from cruel treatment of a pet kept by either party or minor child residing in the household.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S1062v5.pdf>

EFFECTIVE DATE: 8/11/2009

Criminal Procedure

1. *North Carolina Racial Justice Act* (G.S. 15A-2010 - G.S. 15A-2012)
 - Adds new G.S. 15A-2010 through G.S. 15A-2012.
 - Sets out procedure when a person subjected to or sentenced to the death penalty contends that race was a significant factor in the decision to seek or impose a death sentence.
 - The defendant has the burden to show that race was a significant factor in the county, prosecutorial district, judicial division, or State at the time the death sentence was sought or imposed.
 - If the court finds race was a significant factor, the court shall order that the death sentence not be sought or that the death sentence be vacated and the defendant resentenced to life without parole.

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- Defendants sentenced to death before August 11, 2009, have until August 11, 2010, to file a motion under this section.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S461v7.pdf>

EFFECTIVE DATE: 8/26/2009

Courts

1. *Magistrates Can Carry Gun in Courthouse* (G.S.14-269.4(4d))
 - Adds new G.S. 14-269.4(4d) to allow a magistrate to possess a concealed handgun in any portion of a building housing a courtroom, excluding the courtroom while presiding in that courtroom, if the magistrate is discharging official duties and has a concealed handgun permit and successfully completed a weapons training class and secures the weapon in a locked compartment when it is not on the magistrate's person.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H473v5.pdf>

EFFECTIVE DATE: 8/28/2009

Miscellaneous Law Enforcement

1. *Firearms Qualify Sites / Expand Commission Powers* (G.S. 14-415.26, G.S. 17C-6(a))
 - Amends *Firearms Qualifications for Retired Law Enforcement Officers*, G.S. 14-415.26, directing the NC Criminal Justice Education and Training Commission to coordinate with local and state law enforcement officers, and with the community college system, to provide multiple firearms qualification sites for qualified retired law enforcement officers to qualify to carry a concealed weapon.
 - Amends G.S. 17C-6(a) expanding powers of the Commission to suspend, revoke or deny persons, schools, instructors. Provides in G.S. 17C-11 that if the Commission determines a school or course of instruction does not comply with the rules, it cannot offer such programs or courses of instruction.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S978v5.pdf>

EFFECTIVE DATE: 9/1/2009

Controlled Substances

1. *Clarify Weight Measurement / Methamphetamine Trafficking* (G.S. 90-95(h)(3b), G.S. 90-95(h)(3c))
 - Amends G.S. 90-95(h)(3b) specifying that anyone who sells, manufactures, transports, or possesses 28 grams or more of methamphetamine, or any mixture containing such substance, is guilty of the offense of *Trafficking in Methamphetamine*.
 - Adds G.S. new 90-95(h)(3c) specifying that anyone who sells, manufactures, transports, or possesses 28 grams or more of amphetamine, or any mixture containing such substance, is guilty of the offense of *Trafficking in Amphetamine*.

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- Punishment is based on amount of methamphetamine or amphetamine involved.
<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S1091v3.pdf>

EFFECTIVE DATE: 10/1/2009

Miscellaneous Law Enforcement

1. *Prevent the Theft of Scrap Metal* (G.S. 66-11)

- Amends G.S. 66-11(a1) requiring that a secondary metals recycler issue a receipt to the person delivering regulated metals, when purchasing regulated metals. Seller signs the receipt and recycler maintains information on the employee who bought the regulated metals.
- Adds new G.S. 66.11(b)(2)(j) requiring that for transactions involving catalytic converters not attached to a vehicle and central air conditioner evaporator coils or condensers that the person delivering the material must sign a receipt and have their index finger fingerprinted in ink placed next to the signature. The fingerprint also can be obtained either electronically or if presently on file, using the earlier fingerprint after examining the person's photo ID.
- Amends G.S. 66-11(c) to allow a police officer to inspect, during regular business hours, *all* (was either), the purchased regulated metals property and all records that a secondary metals recycler is required to keep. Provides that the sheriff or police chief may request such records to be transferred electronically to the law enforcement agency. Also requires law enforcement agencies to maintain such records in a secure manner and destroy them in a way which protects the identities of the owner, seller, and buyer of the property.
- Amends GS 66-11(c)(1) exempting from the public records statute, records submitted to law enforcement agencies pursuant to the statute.
- Amends GS 66-11(d) allowing recyclers to purchase recycled metals, as listed, not only with check or money order, but with a cash card system that captures the photograph of the seller of the recycled metals. Adds a list of twelve types of metal products that are unlawful for the recycler to buy.
- Amends GS 66-11(g) to exempt metal beverage containers.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H323v5.pdf>

2. *Modernize Precious Metal Business Permitting* (G.S. 66-165, G.S. 66-169)

- Amends G.S. 66-165 increasing the annual license fee that a precious metal business pays to local law enforcement from \$10.00 to \$180.00, with such fees to cover administrative costs (purchasing forms) and the cost of conducting criminal records checks on the applicant.
- Also allows the law enforcement agency that issued the permit to approve another physical address where the permit holder can hold an item included in a dealer purchase.

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- Amends G.S. 66-169, requiring merchants to maintain a record of each precious metal transaction with a clear and accurate description of the item(s) involved in the transaction as spelled out in the statute. Records can either be a consecutively numbered hard copy or electronic database.
- Such records are subject to law enforcement inspection, on premises, at reasonable times. Records are to be retained for two years after a transaction. Copies of each consecutively numbered transaction are to be filed, within 48 hours, with local law enforcement, as authorized by the local law enforcement agency.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1637v6.pdf>

3. *Prohibit Sale of Novelty Lighters* (G.S. 66-16.1)

- Enacts new section G.S. 66-16.1 to prohibit the sale of *novelty lighters*, as defined in the statute. Offense is an infraction.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S652v6.pdf>

Motor Vehicles

1. *Various Changes to Motor Vehicle Laws* (G.S. 20-136.1)

- Amends G.S. 20-136.1 prohibiting a driver from viewing any television, computer, or video player located in a motor vehicle at any point forward of the driver's seat and visible to the driver. GPS system and other devices listed in the statute are exempt.
- Also exempt are law enforcement or emergency personnel while performing their official duties or drivers lawfully parked or stopped.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S368v8.pdf>

EFFECTIVE DATE: 12/1/2009

Controlled Substances

1. *Paraphernalia Control Act* (G.S. 90-113.80 through G.S.90-113-84)

- Enacts new G.S. Chapter 90, Article 5F (G.S. 90-113.80 – G.S. 90-113.84), regulating the sale of *glass tubes*, 2 to 7 inches in length and 1/8 inch to 3/4 inch in diameter, that can be used as drug paraphernalia. Also regulates the sale of *splitters*, a ring-shaped device, as defined in the statute.
- Requires retailers to store glass tubes and splitters behind store counters and require photo ID (and other forms of identification as stated in the statute), from buyers.
- Requires retailers to keep these records for 2 years and must be made available within 48 hours, for inspection by local, state, or federal law enforcement. Class 2 misdemeanor for retailer or employee to willfully and knowingly violate G.S. 90-113.82. Class 1 misdemeanor for any person who knowingly makes a false statement to fulfill requirements of the statute.

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- Contains civil liability immunity for violators who reasonably, and in good faith, report drug offenses associated with glass tubes or splitters to law enforcement or who refuse to sell these items when they reasonably believe they'll be used as drug paraphernalia.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H722v6.pdf>

Criminal Law

1. *Offense for Portable Toilets / Pumper Trucks* (G.S. 14-86.2)
 - Enacts new G.S. 14-86.2, creating the offense of larceny, destruction, defacement or vandalism of portable toilets or pumper trucks.
 - Violation is a Class 1 misdemeanor.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H616v5.pdf>
2. *Increase Penalty / Remove Serial Number from Gun* (G.S. 14-160.2)
 - Adds new G.S. 14-160.2 to make it a Class H felony to alter, deface, destroy, or remove a firearm's serial number, manufacturer's ID plate or other permanent identification mark with the intent to conceal or misrepresent the identity of a firearm.
 - Also unlawful to knowingly sell, buy, or possess such a firearm.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H787v5.pdf>
3. *Targeted Picketing* (G.S. 14-277.4A)
 - Creates new G.S. 14-277.4A, creating the offense of *targeted picketing of a residence*.
 - It is a Class 2 misdemeanor to engage in targeted picketing, specifically directed toward a residence, when the person knows or should know the manner of picketing would cause a reasonable person to fear for their safety or their family's safety, or cause substantial emotional distress.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H885v5.pdf>
4. *Amend Computer Solicitation of a Child* (G.S. 14-202.3)
 - Amends G.S. 14-202.3, to add that solicitation by computer includes any device capable of electronic data storage or transmission. The child solicited must now be at least five years younger than the defendant (formerly 3 years younger).

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S65v5.pdf>
5. *Regulate Ownership and Use of Certain Reptiles* (G.S. 14-417 - 14-417.2, G.S.14-419)
 - Amends G.S. 14-417 (changes in italics) making it unlawful for any person to own, possess, use, *transport*, or traffic any **venomous reptile not housed in a sturdy and secure enclosure** (enclosure requirements stated in statute).

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- Amends G.S. 14-417.1 and G.S.14-417.2, using the language in G.S. 14-417, as it applies to **large constricting snakes** and **crocodilians** and requiring the immediate notification to law enforcement if a large constricting snake or crocodilian escapes from its enclosure.
- Amends G.S. 14-419 changing the present requirement for investigation of suspected violation from “reasonable grounds” to “probable cause.”
- Amends G.S. 14-419 to specify that the above stated 3 types of reptiles, seized by law enforcement for a suspected violation of this Article be delivered, for examination, to the N.C. Zoological Park.
- Specifies conditions in which the reptile must be returned to its owner.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S307v4.pdf>

6. *Larceny of Motor Vehicle Part* (G.S. 14-72.8)

- Enacts new G.S. 14-72.8, making *Larceny of Motor Vehicle Part*, a Class I felony, if the costs of repairing the vehicle, including parts and installation costs, is \$1,000.00 or more.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1256v6.pdf>

7. *Interference with Electronic Monitoring Devices* (G.S. 14-226.3)

- Enacts new G.S. 14-226.3 making it unlawful to remove, destroy, or circumvent the operation of an electronic monitoring device of a person wearing such device, for house arrest, as a condition of bond, pretrial release, probation, parole, or post release supervision.
- Also unlawful to request or solicit another to remove, destroy or circumvent the operation of a monitoring device. Does not apply to juveniles.
- Penalties for violations enumerated in the statute.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S713v6.pdf>

8. *Protect Search and Rescue Animal* (G.S.14-163.1)

- Amends G.S. 14-163.1, *Assaulting Law Enforcement, Assistance Animal*, to add search and rescue animals to the statute’s provisions.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1098v5.pdf>

9. *Increase Penalty / Timber Theft* (G.S. 14-135)

- Amends G.S. 14-135 providing that the cutting, injuring, or removing another’s timber, is to be punished as in G.S. 14-72, *Larceny of Property*.
- Class 1 misdemeanor if the damage is \$1,000 or less and a Class H felony if the damage exceeds \$1,000.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S990v7.pdf>

10. *Protect Our Kids / Cyber-Bullying Misdemeanor* (G.S. 14-458.1)

- Enacts new G.S. 14-458.1 making it a Class 1 or 2 misdemeanor (depending on the offender’s age) to use a computer or computer network to engage in the offense of cyber-bullying.

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- Makes it unlawful to build a fake profile, pose as a minor, post a real or doctored image of a minor, copy data pertaining to a minor or disseminate it, etc., with intent to intimidate or torment a minor or a minor's parent.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1261v4.pdf>

Criminal Procedure

1. *Preservation of Biological Evidence* (G.S. 15A-266.1 through G.S. 15A-270.1)

- Amends the definition of *biological evidence* to identifiable human biological material that may reasonably be used to incriminate or exculpate any person in a criminal investigation.
- Reduces the list of felonies in which the biological evidence must be preserved to homicide and B-1 to E sex offenses, assaults, kidnapping, burglary, robbery, and burning cases.
- Specifies that biological evidence collected in an unsolved homicide or rape must be preserved as long as case remains unsolved.
- Requires the SBI to establish minimum guidelines for the retention and preservation of biological evidence.
- Provides that a defendant shall have access pretrial to a complete inventory of all physical evidence collected in connection with the investigation.
- The transcript of plea must specify the shorter period of time for the preservation of biological evidence applicable to a guilty plea.
- Imposes a criminal penalty if custodian of evidence intentionally destroys, alters, or tampers, with the intent to impair, the integrity of evidence or prevent the evidence from being tested or used in a proceeding.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1190v6.pdf>

2. *Child Witness Testimony / Procedures* (G.S. 15A-1225.1)

- Enacts new G.S. 15A-1225.1 allowing a child under 16 to testify remotely in a criminal proceeding away from the defendant if the court determines that the child would suffer serious emotional distress by testifying in the defendant's presence and the child's ability to testify before the judge or jury would be impaired by being in defendant's presence.
- The child must be otherwise competent to testify and will still be sworn and subject to cross examination.
- In G.S. 15A-1225.2, the same procedure is applicable to individuals who have developmental disabilities as defined in G.S. 122C-3(12a) or mental retardation as defined in G.S. 122C-3(22).

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H192v7.pdf>

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3. *Probation Reform* (G.S. 15A-1340.50, G.S. 15A-1341, G.S. 15A-1343)

- G.S.15A-1340.50 allows the court to issue a permanent no-contact order prohibiting future contact by convicted sex offender with crime victim. A law enforcement officer shall arrest and take into custody with or without a warrant when the officer has probable cause to believe that the person knowingly violated a permanent no-contact order.
- A violation of the no-contact order is a Class A1 misdemeanor.
- Under amended G.S. 15A-1341, a probation officer may examine and obtain copies of the defendant's juvenile record consistent with G.S. 7B-3000(b) and (e1).
- New conditions of regular probation have been added in G.S.15A-1343(b) (13), (14) and (15).
 - (13) The probationer must submit at reasonable times to warrantless searches of his person, vehicle, and premises by a probation officer. The purpose of the search must be directly related to the probation supervision. The probationer must reimburse DOC if drug test results used as part of a warrantless search are positive.
 - (14) The probationer must submit to warrantless searches by a law enforcement officer of the probationer's person and vehicle when there is reasonable suspicion that the probationer is engaged in criminal activity or is in possession of a firearm or deadly weapon under G.S. 14-269 without written permission by the court.
 - (15) The probationer can not possess, use, or control any illegal drug or controlled substance unless it is prescribed and in its original container with the prescription number affixed. The probationer may not associate with any convicted users, sellers, or possessors of illegal drugs or controlled substances. The probationer may not be present or frequent any place where illegal drugs or controlled substances are sold, kept, or used.
- G.S. 15A-1343 is amended by adding new conditions to intermediate punishment, requiring community service, no alcohol, travel restrictions, and counseling programs. G.S. 15A-1343(b1)(3c) allows a probation officer to authorize a probationer to leave their residence for a specific purpose when they are under house arrest as a condition of probation.
- Also contains provisions related to pretrial release consideration of whether a person poses danger to community when probationer arrested for probation violation and has a pending felony. The provisions

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are identical to G.S. 15A-534(d2) (see *Delay Bond / Probationer Arrested for Felony* below).

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S920v7.pdf>

4. *Delay Bond / Probationer Arrested for Felony* (G.S. 15A-534(d2))
 - G.S. 15A-534 is amended by adding subsection (d2) requiring a judicial official to determine whether a defendant poses a danger to the community prior to imposing conditions of pretrial release when the defendant is charged with a felony and on probation. If the official determines that the defendant poses a danger, then the official must impose a secured bond under G.S. 15A-534(a)(4).
 - A defendant may be held for up to 96 hours from the time of arrest for the judicial official to receive facts relevant to the danger determination.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S1078v5.pdf>

5. *Amend House Arrest Laws / Adult / Juvenile* (G.S. 15A-531, 15A-534)
 - Adds a provision in G.S. 15A-531, *Bail Definitions*, to include pretrial release with house arrest with electronic monitoring.
 - Amends G.S. 15A-534 to allow electronic monitoring as a condition of house arrest.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S726v6.pdf>

Miscellaneous Law Enforcement

1. *Schools Notified of Criminal Intelligence* (G.S. 14-50.27A)
 - Enacts new G.S. 14-50.27A to allow a law enforcement agency to provide criminal intelligence information to a public or private school principal, when necessary to avoid imminent danger to the life of a student or school employee or to the public school property.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1327v5.pdf>

Motor Vehicles

1. *No Texting While Driving* (G.S. 20-137.4A)
 - New G.S. 20-137.4A making it unlawful for motorists to:
 - a) enter text in a cell phone to communicate with another person; or
 - b) read e-mail or texts transmitted to their cell phone, while operating a motor vehicle on a public street, highway, or PVA.
 - Exceptions include police, fire, or ambulance drivers in performance of their official duties, GPS devices used as part of a digital dispatch system, voice-operated technology, or motorists legally parked or standing.
 - Violation for school bus driver is a Class 2 misdemeanor with a fine of not less than \$100.00.

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- Other violations are infractions with a \$100.00 fine and court costs.
<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H9v5.pdf>

2. *Nicholas Adkins School Bus Safety Act* (G.S. 20-217)

- Amends G.S. 20-217 providing use of automated cameras/video systems to detect and prosecute motorists who pass stopped school buses.
- Amends G.S. 20-217(g) to provide that any person who willfully fails to stop when a school bus is stopped when receiving or discharging passengers, and strikes and kills any person, is guilty of a Class H felony

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H440v5.pdf>

3. *Motor Vehicle Inspection Program Changes* (G.S. 20-183.8)

- Section 5 amends G.S. 20-183.8, making it a Class 3 misdemeanor to perform either a safety or emissions inspection without a license

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H882v6.pdf>

4. *License Plate Frame / State Name Visible / Study* (G.S. 20-63(g), G.S. 14-3.1)

- Amends G.S. 20-63(g), so that any operator of a motor vehicle, who covers the State name, year sticker or month sticker, with a license plate frame, commits an infraction, and is fined under the provisions of G.S. 14-3.1, no more than \$100.00.
- During the period of 12/1/2009 to 11/30/2010, violators to be given a warning only.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H67v6.pdf>

5. *Increase Penalty Misdemeanor Death by Motor Vehicle* (G.S. 20-141.4(b))

- Amends G.S. 20-141.4(b), increasing the penalty for the stated offense from a Class 1 misdemeanor to a Class A1 misdemeanor.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H889v6.pdf>

Sex Offenders

1. *Sex Offenders / Permanent No-Contact Order* (G.S. 15A-1340.50)

- Creates new G.S. 15A-1340.50, authorizing a judge, at the request of the DA, during sentencing, to determine, after a show-cause hearing, whether or not to issue a permanent no-contact order, between convicted sex offender and victim. Such order would be issued if the judge determines that reasonable grounds exist for the victim to fear future contact by the offender. Both the victim and the defendant may move to dismiss an order to show cause why a permanent no-contact order should be issued.
- Lists specific types of conduct that a judge may prohibit in a permanent no-contact order.

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- Must be enforced by all law enforcement agencies without further court order. Requires a law enforcement officer to take a person into custody if they have probable cause to believe the person knowingly violated a permanent no-contact order.
- Penalty for violation of the order is a Class A1 misdemeanor.
- After the no-contact order is issued either the victim or defendant can file motion to rescind the order, which the judge may do if there is no longer reasonable grounds for the victim to fear the defendant.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1255v5.pdf>

2. *Sex Offenders Can't Drive Bus with Children* (G.S. 14-208.19, G.S. 20-17.4(n), G.S. 20-17.9, G.S. 20-27.1, G.S. 20-37.13(f), G.S. 20-37.14A)

- Amends existing or enacts new statutes, under Chapter 20, applied to sex offenders who hold CDLs with either a P endorsement (commercial passenger vehicle) or an S endorsement (school bus). Prohibits the DMV from either issuing or renewing a CDL, with a P or S endorsement during the time a person is required to be registered as a sex offender.
- If a registered sex offender drives either a commercial motor vehicle or a school bus, with a CDL for which they are disqualified from obtaining, it is a Class F felony.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1117v3.pdf>

3. *Sex Offender Registry / Indecent Liberties with Student* (G.S. 14-208.6(5))

- Amends G.S.14-208.6(5) to include *Taking Indecent Liberties with a Student*, as a conviction requiring sex offender registration.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H209v5.pdf>

EFFECTIVE DATE: 1/1/2010

Miscellaneous Law Enforcement

1. *Use of Deadly Force by Law Enforcement Officer / Collect & Publish* (G.S. 114-10.02)

- Adds new G.S. 114-10.02 requiring the Division of Criminal Statistics to collect, maintain, and annually publish the number of deaths from the use of deadly force by sworn law enforcement officers.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H266v4.pdf>

2. *Renew Concealed Carry Permit* (G.S. 14-415.16)

- Amends G.S. 14-415.16 to make changes concerning the renewal of a concealed handgun permit.
- Includes in the definition of *qualified former sworn law enforcement officer*, persons with 20 or more aggregate years of part-time or auxiliary law enforcement service, so they are exempt from firearms safety/training course.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1132v5.pdf>

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3. *Collection of Traffic Statistics to Prevent Racial Profiling* (G.S. 114-10.01(d1), G.S. 15A-401)
 - Adds G.S. 114-10.01(d1) requiring that law enforcement have 60 days, from the end of each month, to submit the required traffic stop information.
 - G.S. 15A-401 is amended to say that when law enforcement officers arrest an adult who is supervising minor children who are present at the time of arrest, the minor children must be placed with a responsible adult approved by the parent or guardian of the minor children. If that is not possible, the officer must contact the county department of social services.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S464v6.pdf>

EFFECTIVE DATE: 1/2/2010

Miscellaneous Law Enforcement

1. *Prohibit Smoking in Certain Public Places* (G.S. 130A-491 - G.S. 130A-498, G.S. 130A-22)
 - Rewrites G.S. Article 23 of Chapter 130A, prohibiting smoking in all enclosed areas of restaurants and bars excluding cigar bars, private clubs, and designated smoking rooms in lodging establishments.
 - Prohibits smoking in state vehicles and state government buildings.
 - Violations are an infraction.
 - Local government may adopt a more restrictive ordinance than state law.

<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H2v10.pdf>

EFFECTIVE DATE: 10/1/2010

Criminal Procedure

1. *Expunctions / Purge Online Databases* (G.S. 150A-150 – G.S. 150A-152)
 - Amends G.S. Article 5 of Chapter 15A requiring the clerk of superior court to send certified copies of an expunction order to, among others, the arresting agency, and any state or local agency identified in the expunction petition of having a record of the offense which has been expunged.
 - In turn the arresting agency will forward a copy of the certified order, along with a form issued by the SBI, to that agency, who will then forward the order to the FBI.

<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S262v7.pdf>



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