

News Roundup

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Categories : [Uncategorized](#)

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Date : March 28, 2013

Since tomorrow's a holiday for many, including me, this week's news roundup comes a day early.

The lead story is the apparent crumbling of the video sweepstakes industry. Major software vendor International Internet Technologies has announced that it will immediately cease doing business in North Carolina, so that the company's owner can turn his full attention to answering gambling-related criminal charges that he is facing in Florida. The *News and Observer* has the story [here](#). Several politicians, including the Governor, have disgorged campaign contributions previously received from IIT's owner. Meanwhile, police departments and sheriffs' offices are charging violations of the recently-upheld sweepstakes statute, G.S. 14-306.4, with increasing vigor. The *Fayetteville Observer* discusses the stepped-up enforcement activity [here](#). Perhaps reports of the industry's demise will turn out to be premature, but for now, the writing seems to be on the wall.

In other news:

1. **Capacity to proceed.** On Tuesday, the General Assembly overwhelmingly approved [S 45](#), which makes changes to the statutes concerning a defendant's capacity to proceed. For example, it limits "state facility" competency examinations to felony cases. The AOC provides a full summary of the bill in [this document](#). I would be interested in comments on which provisions of the bill, if any, are most controversial or most significant.
2. **Death penalty bill.** The General Assembly continues to move forward with S 306, the bill intended to repeal the Racial Justice Act and to allow executions to resume. The current version is [here](#). The *News and Observer's* editorial in response is [here](#). The bill has been reported out of a Senate committee and is scheduled to be considered by the full Senate next Wednesday.
3. **Habitual DWI.** [H 40](#), which would amend G.S. 20-138.5 to require only two, rather than three, previous DWI convictions to support a charge of habitual DWI has passed the House and moves to the Senate. The House also passed [H 31](#), which would amend G.S. 20-138.5 to add a new theory of habitual DWI, namely, driving while impaired while having "been previously convicted of the offense of habitual impaired driving."
4. **Overbilling.** Nationally, one of the most intriguing stories concerns big firm billing practices. Megafirm DLA Piper is in a fee dispute with one of its former clients, who claims that the firm padded his bill. It seems like the client may have a point, in light of emails sent by several DLA Piper attorneys. For example, one lawyer wrote to another: "Now [a third lawyer at the firm] has random people working full time on random research projects in standard 'churn that bill, baby!' mode. That bill shall know no limits." The *New York Times* has the story [here](#).
5. **Sex offender fees.** Finally, the *Detroit Free Press* has [this interesting article](#) about an effort in Michigan to require sex offenders to pay \$50 per year to cover the cost of maintaining the sex offender registry. The story discusses other states' experiences with such fees. Most seem to have struggled to collect. North Carolina doesn't currently charge sex offenders a registration fee, though those subject to satellite-based monitoring do pay a one-time fee of \$90.