



Criminal and Motor Vehicle Bills Enacted During the 2010 Short Session

20 August 2010

Prepared by Matt Osborne (with assistance from Troy Page)
NCAOC Legal and Legislative Services Division

Subject Matter	Number, Title and Session Law	Summary	Effective Date
2010 Budget Bill	SB 897 (Appropriations Act of 2010) S.L. 2010-31, as amended by SB 1202 (S.L. 2010-123)	The 2010 budget bill contains the following criminal and motor vehicle provisions: <ul style="list-style-type: none">▪ CJLEADS (Section 6.10): Provides for the continued implementation of the Criminal Justice Law Enforcement Automated Data Services (CJLEADS) application in Wake County. Provides for the transition of CJLEADS oversight from the Office of the State Controller to the Department of Justice. DOJ will administer CJLEADS with the assistance of a Leadership Council, the members of which include the Director of the AOC. Provides that non-public information remains non-public when incorporated into CJLEADS. Also provides that each "source agency" supplying data for CJLEADS remains the sole custodian of the supplied data for purposes of public records requests to access the data. Accordingly, CJLEADS may allow access to the data only in accordance with rules adopted by the supplying agencies. Effective 1 July 2010, except that the transition to DOJ will begin 1 July 2011 and be complete by 1 July 2012.	1 July 2010, 1 August 2010, 1 October 2010, 1 January 2011, and 1 July 2011, as noted at left

		<ul style="list-style-type: none"> ▪ Confidentiality of public assistance records (Section 10.19A): Makes a technical correction to subsection (b) of G.S. 108A-80 (confidentiality of public assistance records), a violation of which is a Class 1 misdemeanor. Effective 1 July 2010. ▪ Medicaid fraud data (Section 10.26): Provides for the release of confidential Medicaid data to a court pursuant to an order in a criminal action. Effective 1 July 2010. ▪ Criminal District Court costs increase (Section 15.5): Amends G.S. 7A-304 (costs in criminal actions) to increase the Criminal District Court General Court of Justice Fee from \$95.50 to \$100.50. Applies to costs assessed or collected on or after 1 October 2010. The standard exception applies for persons charged prior to the effective date who dispose of the offense by waiver on or after that date. <u>See</u> S.L. 2010-123, § 6.1. ▪ Failure to comply fee increase (Section 15.5): Amends G.S. 7A-304 (costs in criminal actions) to increase the failure to comply fee from \$25.00 to \$50.00. Applies to fees assessed or collected on or after 1 October 2010. ▪ Expert witness compensation (Section 15.7 and Section 15.12): Amends G.S. 7A-314 (uniform fees for witnesses; experts; limit on number) and G.S. 7A-343 (duties of AOC Director) to authorize the AOC to adopt uniform, statewide policies and procedures for the compensation of experts acting on behalf of the court or the prosecution. Effective 1 July 2010. ▪ Attorney appointment fee increase (Section 15.11): Amends G.S. 7A-455.1 (appointment fee in criminal cases) to increase the attorney appointment fee from \$50.00 to \$60.00. Applies to fees assessed or collected on or after 1 October 2010. ▪ Evidence storage fees (Section 17.1 and Section 17.2): Directs the Law Enforcement 	
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		<p>Support Services Division of the Department of Crime Control and Public Safety to develop a fee schedule for its services, including centralized evidence storage. <u>See</u> new G.S. 143B-508.1. Applies to services provided on or after 1 July 2010, but allows Crime Control until 1 October 2010 to report the fee schedule to the General Assembly, so it is not entirely clear when the fees will be in place.</p> <ul style="list-style-type: none"> ▪ Privatization of probation services (Section 19.2): Requires the DOC Division of Community Corrections to "develop a plan for implementing a pilot program on the privatization of probation services." This plan must "include a determination of what resources and policy changes are necessary to conduct a pilot program for fee-based supervision of low-risk or community-level offenders by private entities." Effective 1 July 2010. DCC must report its plan to the General Assembly by 1 March 2011. ▪ Supervision fee increase (Section 19.3): Amends G.S. 15A-1343 (conditions of probation), G.S. 15A-1368.4 (conditions of post-release supervision), and G.S. 15A-1374 (conditions of parole), to increase the monthly supervision fee from \$30.00 to \$40.00. Applies to persons placed on supervised probation, parole or post-release supervision prior to, on, or after 1 October 2010. [Note: The AOC interprets this increase to apply to supervision fees accruing on or after 1 October 2010.] ▪ Community service fee increase (Section 19.4): Amends G.S. 143B-262.4 (community service program) to increase the community service fee from \$225.00 to \$250.00. Applies to persons ordered to perform community service on or after 1 October 2010. <u>See</u> S.L. 2010-123, § 6.3. ▪ Elimination of Class 3 misdemeanors/study (Section 19.5): "It is the intent of the General Assembly that there be only three misdemeanor 	
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		<p>punishment levels: Class A1, Class 1, and Class 2. The North Carolina Sentencing and Policy Advisory Commission, in consultation with the Conference of District Attorneys, the Office of Indigent Defense Services, and the School of Government, shall review all Class 3 misdemeanor offenses and provide recommendations to the 2011 General Assembly for reclassifying each Class 3 misdemeanor as either an infraction or a Class 2 misdemeanor. The Commission may, in its discretion, consider other misdemeanor offenses for reclassification as infractions." Effective 1 July 2010.</p> <ul style="list-style-type: none"> ▪ Event ticket resales (Section 31.7): Amends G.S. 105-37.1 (taxes on dances, athletic events, shows, exhibitions, and other entertainments) to address the privilege tax on gross admissions receipts to live entertainment events. Specifically addresses the gross admissions receipts of a person who resells an event ticket on the Internet under G.S. 14-344.1 (Internet sale of admission tickets in excess of printed price). Amends G.S. 14-344.1 to provide that a person may resell an event admission ticket on the Internet at a price greater than face value only if all of the following conditions are satisfied: (i) the event venue has not prohibited the Internet resale under G.S. 14-344.1(b); (ii) the reseller offers the ticket for resale on a website with a ticket guarantee that satisfies G.S. 14-344.1(c) and the website directs the purchaser to this guarantee prior to completion of the transaction; and (iii) the reseller collects and remits to the State the privilege tax imposed by G.S. 105-37.1. Repeals G.S. 14-344.1(e) to eliminate the requirement that Internet ticket resellers submit a monthly gross receipts report to the NC Department of Revenue. Provides that if a court strikes down any of these changes, G.S. 14-344.1 is repealed. Certain of the amendments to G.S. 	
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		<p>105-37.1 are effective on 1 August 2010 and 1 January 2011. The remaining changes took effect on 1 July 2010.</p> <ul style="list-style-type: none"> ▪ [Note: In addition to the fees changes listed above, the General Assembly also enacted a new \$2.00 DNA fee. See the summary in this document for HB 1973 (S.L. 2010-147).] 	
<p>Handling of Discarded Computer Equipment and Discarded Televisions</p>	<p>SB 887 (Amend Electronics Recycling Law)</p> <p>S.L. 2010-67, as amended by HB 1766 (S.L. 2010-180)</p>	<ul style="list-style-type: none"> ▪ Repeals the current statutes governing discarded computer equipment and televisions, which were scheduled to take effect on 1 July 2010 and 1 January 2011. See Part 2E of Article 9 of Chapter 130A; G.S. 130A-309.09A(b)(6)e; and G.S. 130A-309.10(f)(14), (f)(15), (f1)(7) & (f1)(8). This repeal was effective 1 July 2010. [Note: The Governor did not sign this bill into law until 8 July 2010.] ▪ Enacts a new Part 2H of Article 9 of Chapter 130A to address discarded computer equipment and discarded televisions. Addresses the following: definitions; duties imposed on computer equipment manufacturers and television manufacturers, including recycling obligations; duties imposed on computer and television retailers, including a requirement to verify that their computer and television manufacturers have complied with the new Part 2H; a new fee-supported Electronics Management Fund to support the implementation of Part 2H and local government efforts to manage discarded electronics; responsibilities of the Department of Environment and Natural Resources, including the maintenance of a list of Part 2H-compliant manufacturers; and the authority of local governments to manage discarded computer equipment and discarded televisions. Violators of the new Part 2H will be subject to the criminal and other penalties in Part 2 of Article 1 of Chapter 130A. Effective 1 August 2010, except for the following: a computer manufacturer 	<p>1 July 2010, 8 July 2010, 1 August 2010, 31 December 2010, 1 July 2011, 1 October 2011, and 1 January 2013, as noted at left</p>

		<p>reporting requirement that is effective 1 October 2011; the duties imposed on retailers, which take effect 1 July 2011; the submission of a solid waste plan by local government units, due on or before 31 December 2010; and a local government recycling contractor requirement that becomes effective 1 January 2013. Also provides that during the first year, the Department of Environment and Natural Resources shall not initiate an enforcement action against a retailer for a first violation, but shall instead simply issue a notice of violation.</p> <ul style="list-style-type: none"> ▪ Amends G.S. 130A-309.09A (local government solid waste responsibilities) to address local government plans and reports on discarded computer equipment and discarded televisions. Effective 1 August 2010. ▪ Amends G.S. 130A-309.10 (prohibited acts relating to packaging; coded labeling of plastic containers required; disposal of certain solid wastes in landfills or by incineration prohibited) to address the landfill disposal and incineration of discarded computer equipment and discarded televisions. Effective 1 July 2011. ▪ Repeals the current statute governing the purchase of computer and television equipment by State agencies, which was scheduled to take effect on 1 July 2010. <u>See</u> G.S. 147-33.104. This repeal was effective 1 July 2010, although the Governor did not sign the bill into law until 8 July 2010. In its place the bill enacts a new G.S. 147-33.104A, effective 1 August 2010. ▪ Imposes study and monitoring requirements on the Environmental Review Commission. Effective 8 July 2010. ▪ [Note: HB 1766 (S.L. 2010-180) amends the definition of “notebook computer” in G.S. 130A-309.131, as enacted by SB 887. <u>See</u> the summary of HB 1766 in this document.] 	
2010 Technical Corrections	SB 1165 (General Statutes	Makes a variety of technical and quasi-technical	20 July 2010 and

<p align="center">Bill</p>	<p align="center">Commission Technical Corrections</p> <p align="center">S.L. 2010-96</p>	<p>changes, including (among others) the following:</p> <ul style="list-style-type: none"> ▪ Makes technical corrections to the following criminal statutes: G.S. 7A-498.7 (Public Defender Offices); G.S. 15-203 (duties of the Secretary of Correction; appointment of probation officers; reports; requests for extradition); G.S. 15A-534 (procedure for determining conditions of pretrial release); G.S. 15A-1230 (limitations on argument to the jury); G.S. 15A-1342 (incidents of probation); G.S. 15A-1343 (conditions of probation); G.S. 15A-1383 (plans for implementation of Article 86 of Chapter 15A; punishment for failure to comply; modification of plan); and G.S. 58-71-75 (bail bondsman license renewal; criminal history record checks; renewal fees). Effective 20 July 2010. ▪ Amends G.S. 7A-271 (jurisdiction of superior court) to provide that the Superior Court has exclusive jurisdiction over probation revocation hearings in cases where the District Court is supervising a therapeutic court probation judgment, except that the District Court may conduct the revocation hearing when the Senior Resident SCJ and the Chief DCJ agree that it is in the interest of justice that the District Court conduct the hearing. Amends G.S. 7A-272 (jurisdiction of district court; concurrent jurisdiction in guilty or no contest pleas for certain felony offenses; appellate and appropriate relief procedures applicable) to provide that, with the consent of the Senior Resident SCJ and the Chief DCJ, the District Court may preside over the supervision of a Superior Court probation judgment requiring the defendant to participate in a therapeutic court. Makes conforming changes to G.S. 15A-1344 (response to probation violations; alteration and revocation). Effective 20 July 2010. ▪ Amends G.S. 143B-262.4 (community service 	<p align="center">offenses committed on or after 1 December 2010, as noted at left</p>
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		<p>program) to provide that persons participating in the community service program as a condition of parole shall pay the community service fee to the clerk in the county in which they were convicted. (As amended during the 2009 session, the statute currently requires parolees to pay the community service fee to the clerk in the county in which they were released on parole.) Effective 20 July 2010.</p> <ul style="list-style-type: none"> ▪ In conjunction with HB 1729, amends G.S. 20-63 (registration plates furnished by Division; requirements; replacement of regular plates with First in Flight plates; surrender and reissuance; displaying; preservation and cleaning; alteration or concealment of numbers; commission contracts for issuance) to remove the last two sentences of subsection (g) regarding license plate frames and transparent license plate covers and replace these sentences with the following provision: “Any operator of a motor vehicle who covers any registration plate with any frame or transparent, clear, or color-tinted cover that makes a number or letter included in the vehicle’s registration, the State name on the plate, or a number or month on the registration renewal sticker on the plate illegible commits an infraction and shall be penalized under G.S. 14-3.1.” Applies to offenses committed on or after 1 December 2010. 	
2010 Clarifying Changes Bill	SB 1242 (Clarifying Changes to General Statutes) S.L. 2010-97	<p>Makes a variety of “clarifying” changes, including (among others) the following:</p> <ul style="list-style-type: none"> ▪ Amends G.S. 20-179 (sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments) to provide in subsection (p) that a DWI defendant given an active sentence “may not be released on parole unless he is otherwise eligible, has served the mandatory minimum period of imprisonment, 	20 July 2010

		<p>and has obtained a substance abuse assessment and completed any recommended treatment or training program <u>or is paroled into a residential treatment program.</u>" (New language underlined.)</p> <ul style="list-style-type: none"> ▪ Amends G.S. 162-62 (legal status of prisoners) to rewrite subsection (b) to read as follows: "If the administrator or other person in charge of the [county jail, local confinement facility, district confinement facility, or satellite jail/work release unit] is unable to determine if that prisoner is a legal resident or citizen of the United States or its territories, the administrator or other person in charge of the facility holding the prisoner, where possible, shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security. If 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 query from the facility." (In other words, the bill removes the references in current law to the DCI system and the ICE Law Enforcement Support Center.) Repeals subsection (d) of the statute, which imposes an annual reporting requirement. ▪ In 2009, the General Assembly amended G.S. 7A-271 (jurisdiction of superior court), G.S. 7A-272 (jurisdiction of district court; concurrent jurisdiction in guilty or no contest pleas for certain felony offenses; appellate and appropriate relief procedures applicable), and G.S. 15A-1344 (response to probation violations; alteration and revocation), to address jurisdiction over Drug Treatment Court defendants. <u>See</u> S.L. 2009-516. SB 1242 amends the effective date language for these changes so that they apply to "probation 	
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		judgments entered or modified or deferred prosecution agreements executed on or after" 1 December 2009. (New language underlined.)	
Domestic Violence Training for Judges and Magistrates	HB 1762 (Domestic Violence Training for Judges) S.L. 2010-106	<ul style="list-style-type: none"> ▪ Requests that the NC Supreme Court "adopt rules establishing minimum standards of education and training for district court judges in handling civil and criminal domestic violence cases." ▪ Encourages the UNC School of Government "to provide education and training opportunities for district court judges and magistrates in the handling of civil and criminal domestic violence cases." 	20 July 2010
Motor Vehicle Law Changes/ Conformity with Federal Law	SB 1214 (Highway Patrol Motor Carrier Fine/Local Fees) S.L. 2010-129	<ul style="list-style-type: none"> ▪ Amends G.S. 20-4.01 (Chapter 20 definitions) to add definitions for "gross combination weight rating (GCWR)," "gross vehicle weight (GVW)" and "gross combined weight (GCW)." Also amends the definition of "hazardous materials." These changes are necessary in order to comply with federal regulations related to motor carriers. Effective 21 July 2010. ▪ Amends G.S. 20-96 (detaining property-hauling vehicles or vehicles regulated by the Motor Carrier Safety Regulation Unit until fines or penalties and taxes are collected) to provide that the authority of law enforcement to seize a property-hauling vehicle "shall not be affected by the statutes of limitations set out in Chapter 1 of the North Carolina General Statutes." Effective 21 July 2010. ▪ Amends G.S. 20-118 (weight of vehicles and load) to address the exceptions that apply to vehicles hauling crops, vehicles hauling aggregates, and vehicles hauling wood residuals. Applies to offenses committed on or after 1 October 2010. [Note: It does not appear that a violation of G.S. 20-118 may be prosecuted in criminal court. See G.S. 20-118(e)(5).] ▪ Amends G.S. 20-196.4 (oversized and 	21 July 2010 and offenses committed on or after 1 October 2010, as noted at left

		<p>hazardous shipment escort fee) to address the escort fees recoverable by the Department of Crime Control and Public Safety. Effective 21 July 2010.</p> <ul style="list-style-type: none"> ▪ Amends G.S. 20-376 (motor carrier safety definitions) to alter the definition of “intrastate motor carrier” in order to comply with federal regulations related to motor carriers. Applies to offenses committed on or after 1 October 2010. ▪ Amends G.S. 1-52 (statute of limitations of three years) to provide for a three-year statute of limitations for an action “[u]pon a liability for a civil penalty, civil assessment, or civil fine imposed pursuant to Chapter 20 of the General Statutes.” Effective 21 July 2010. ▪ In an uncodified provision, allows “[a] local government that imposed an assessment prior to 2007 to finance a capital project that has been assumed by another unit of local government [to] return unused assessments to the person that paid the assessment.” Effective 21 July 2010. 	
ATV Use by Disabled Hunters and Fishermen	HB 617 (Disabled Sportsmen/ ATV Exception) S.L. 2010-146	<ul style="list-style-type: none"> ▪ Enacts a new G.S. 20-171.26 to provide that “[p]ersons qualified under the Disabled Sportsmen Program, pursuant to G.S. 113-296, are authorized to transverse public roadways using an all-terrain vehicle while engaging in licensed hunting or fishing activities.” Explains that the use of an ATV under this new authorization “shall be limited to driving across the roadway, in a perpendicular fashion, without travel in either direction along the roadway.” ▪ Provides that Part 10C of Article 3 of Chapter 20 (“Operation of All-Terrain Vehicles”) and “all other State laws governing the operation of all-terrain vehicles” apply to the operation of an ATV under the new G.S. 20-171.26. ▪ Imposes the following specific requirements: (i) an ATV operated under the new G.S. 20-171.26 must be equipped with operable front and rear 	22 July 2010

		lights and a horn; (ii) a person operating an ATV under the new G.S. 20-171.26 “shall observe posted speed limits and shall not exceed the manufacturer’s recommended speed for the vehicle”; and (iii) a person operating an ATV under the new G.S. 20-171.26 “shall carry evidence of membership in the Disabled Sportsmen Program and the appropriate license to engage in the hunting or fishing activity.”	
2010 Studies Bill	SB 900 (Studies Act of 2010) S.L. 2010-152	<ul style="list-style-type: none"> ▪ Authorizes or mandates studies on a variety of issues, including the following criminal/motor vehicle topics: commercial dog breeding; sale of vehicles for scrap; event ticket resales; unsecured bonds; compulsory school attendance age; teen driving fatalities; biological evidence preservation; and abuse of prescription drugs. 	22 July 2010
Ethics Omnibus Bill	HB 961 (Government Ethics and Campaign Reform Act of 2010) S.L. 2010-169	<p>This is a lengthy omnibus ethics bill that addresses the following areas:</p> <ul style="list-style-type: none"> ▪ Coercion of political contributions (G.S. 126-14). Applies to offenses committed on or after 1 December 2010. ▪ Public officers and employees improperly benefiting from public contracts (G.S. 14-234). Applies to offenses committed on or after 1 December 2010. ▪ Bribery of public office holders, candidates and nominees (G.S. 14-217). Applies to offenses committed on or after 1 December 2010. ▪ Lobbying by former State officers and former State employees (G.S. 120C-304 and G.S. 120C-200). Applies to persons who leave office or separate from employment on or after 1 October 2010. ▪ Local government legislative liaisons (G.S. 120C-700 and new G.S. 120C-502). Effective 1 January 2011. ▪ Improper political contributions (G.S. 163-278.27, G.S. 163-278.14, G.S. 150B-38, and an uncodified provision requiring the State Board of 	2 August 2010, 1 October 2010, 1 December 2010, and 1 January 2011, as noted at left

		<p>Elections to create a publicly available campaign contribution and expenditure database). The amendments to G.S. 163-278.27 and G.S. 163-278.14 apply to offenses committed on or after 1 December 2010. The other changes in this section took effect on 2 August 2010.</p> <ul style="list-style-type: none"> ▪ State contracts and grants (Article 2 of G.S. Chapter 143C). Effective 2 August 2010. ▪ Persons covered by the State Ethics Act (G.S. 138A-3, G.S. 143B-478, and new G.S. 138A-22). Effective 2 August 2010. ▪ State Ethics Act statement of economic interest (G.S. 138A-24). Applies to statements of economic interest filed on or after 1 January 2011. ▪ Adoption by the Governor of ethics standards in addition to those set out in the State Ethics Act (G.S. 138A-41). Effective 2 August 2010. ▪ Acceptance of gifts by State officials and employees (G.S. 120C-303 and G.S. 138A-32). Applies to offenses committed on or after 1 December 2010. ▪ Rule making by the State Ethics Commission (G.S. 120C-101). Effective 2 August 2010. ▪ Lobbying definitions, lobbyist compensation, lobbyist expenditures, lobbying reports, State Ethics Act compliance advice, State Ethics Act statement of economic interest, and gift restrictions under the State Ethics Act (G.S. 120C-100, G.S. 120C-300, G.S. 120C-305, G.S. 120C-400, G.S. 120C-402, G.S. 120C-403, G.S. 120C-404, G.S. 120C-501, G.S. 120C-800, G.S. 138A-3, G.S. 138A-13, G.S. 138A-24, and G.S. 138A-32). Applies to offenses committed on or after 1 January 2011. ▪ Public information in government employee personnel files (G.S. 126-23, G.S. 115C-320, G.S. 115D-28, G.S. 122C-158, G.S. 153A-98, G.S. 160A-168, and G.S. 162A-6.1). Effective 1 	
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		<p>October 2010.</p> <ul style="list-style-type: none"> ▪ Statistical reporting by the Secretary of State and the State Ethics Commission on lobbying law violations (G.S. 120C-600 and G.S. 120C-601). Effective 2 August 2010. ▪ Exemption from the lobbying laws for “[a]nything of value given or received in connection with seeking or hosting a national convention of a political party” (G.S. 120C-700). Effective 2 August 2010. ▪ Public records access, including a new mediated settlement procedure for public records disputes (new G.S. 7A-38.3E, G.S. 7A-38.2, and G.S. 132-9). Applies to actions filed on or after 1 October 2010. ▪ Technical changes to the State Ethics Act, the Legislative Ethics Act, and the lobbying laws (G.S. 138A-14, G.S. 138A-24, G.S. 138A-22, G.S. 138A-37, G.S. 138A-38, G.S. 120-104, and G.S. 120C-800). Effective 2 August 2010. ▪ Complaint investigation procedures under the State Ethics Act and the Legislative Ethics Act (G.S. 138A-12 and G.S. 120-103.1). Effective 2 August 2010. ▪ Legislative confidentiality (G.S. 120-129 and G.S. 120-132). Effective 1 October 2010. ▪ Study by the Legislative Ethics Committee of “the need for additional regulation of campaign contributions to State officials and candidates for State office by persons doing business with, or regulated by, the office held by the State official.” Effective 2 August 2010. Study report due to the General Assembly on or before 1 April 2011. ▪ Establishment of the Public Funding of Council of State Elections Commission, which will study “issues related to the continuation of public funding for Council of State elections.” Effective 2 August 2010. Study report due to the General Assembly on or before 1 March 2011. 	
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		<ul style="list-style-type: none"> ▪ Funds appropriated to the State Ethics Commission. Effective 2 August 2010. <p>This bill affects, directly or indirectly, the following criminal statutes:</p> <ul style="list-style-type: none"> ▪ G.S. 126-14 (promise or threat to obtain political contribution or support); ▪ G.S. 14-234 (public officers or employees benefiting from public contracts; exceptions); ▪ G.S. 14-217 (bribery of officials); ▪ G.S. 120C-602 (punishment for lobbying violation); ▪ G.S. 163-278.27 (criminal penalties for campaign contribution violations; duty to report and prosecute); ▪ G.S. 163-278.14 (no campaign contributions in names of others; no anonymous contributions; contributions in excess of fifty dollars; no contribution without specific designation of contributor); ▪ G.S. 163-278.19 (campaign contribution violations by corporations, business entities, labor unions, professional associations and insurance companies); ▪ G.S. 138A-26 (concealing or failing to disclose material information under State Ethics Act); ▪ G.S. 138A-27 (penalty for false information under State Ethics Act); ▪ G.S. 126-27 (penalty for permitting access to confidential personnel file by unauthorized person); ▪ G.S. 126-28 (penalty for examining, copying, etc., confidential personnel file without authority); ▪ G.S. 115C-321 (confidential information in personnel files; access to information); ▪ G.S. 122C-158 (privacy of personnel records); ▪ G.S. 153A-98 (privacy of employee personnel records); ▪ G.S. 160A-168 (privacy of employee personnel records); 	
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		<ul style="list-style-type: none"> ▪ G.S. 162A-6.1 (privacy of employee personnel records); and ▪ G.S. 120-86 (bribery, etc. of legislator). 	
<p style="text-align: center;">Innocence Inquiry Commission Changes</p>	<p style="text-align: center;">SB 144 (Amend Innocence Inquiry Commission)</p> <p style="text-align: center;">S.L. 2010-171</p>	<ul style="list-style-type: none"> ▪ Removes the 31 December 2010 sunset date for the Innocence Inquiry Commission enabling legislation. <u>See</u> S.L. 2006-184, § 12. This means the Commission and the statutory changes enacted in the 2006 enabling legislation are now permanent. Effective 2 August 2010. ▪ Makes several changes to G.S. 15A-1469 (postcommission three-judge panel). First, amends subsection (a) to provide that “[t]he Chief Justice shall appoint the three-judge panel within 20 days of the filing of the Commission’s opinion finding sufficient evidence of factual innocence to merit judicial review.” Second, enacts a new subsection (a1) providing that “[i]f there is an allegation of or evidence of prosecutorial misconduct in the case, the Chair of the [Innocence Inquiry] Commission or the district attorney of the district of conviction may request the Director of the Administrative Office of the Courts to appoint a special prosecutor to represent the State in lieu of the district attorney of the district of conviction or the district attorney’s designee.” The Chair or the DA must make this request within 20 days of the filing of the Commission’s opinion. In response to the request, the AOC Director “may temporarily assign a district attorney, assistant district attorney, or other qualified attorney, including one from the prosecutorial district where the convicted person was tried, to represent the State at the hearing before the three-judge panel.” The Director shall not, however, “appoint as special prosecutor any attorney who prosecuted or assisted with the prosecution in the trial of the convicted person.” The Director must make the appointment within 20 days of 	<p style="text-align: center;">2 August 2010 and claims of factual innocence filed on or after 1 October 2010, as noted at left</p>

		<p>the request. Makes a conforming change to subsection (c). Third, amends subsection (b) to provide the State 90 days (rather than 60 days as under current law) within which to file a response to the Commission’s opinion. Further provides that the State’s response, “at the time of original filing or through amendment at any time before or during the proceedings, may include joining the defense in a motion to dismiss the charges with prejudice on the basis of innocence.” Fourth, amends subsection (d) to provide that at the hearing before the three-judge panel, “the court, and the defense and prosecution through the court” (as opposed to just the court, as under current law) “may compel the testimony of any witness, including the convicted person.” Also adds in subsection (d) that “[a]ll evidence relevant to the case, even if considered by a jury or judge in a prior proceeding, may be presented during the hearing.” Fifth, adds the following new subsection (i): “A person who is determined by the three-judge panel to be innocent of all charges and against whom the charges are dismissed pursuant to this section is eligible for compensation under Article 8 of Chapter 148 of the General Statutes [“Compensation to Persons Erroneously Convicted of Felonies”] without obtaining a pardon of innocence from the Governor.” Applies to claims of factual innocence filed on or after 1 October 2010.</p> <ul style="list-style-type: none"> ▪ Amends G.S. 7A-64 (temporary assistance for district attorneys) to account for the new process by which the AOC Director appoints a special prosecutor to represent the State before the three-judge panel. Applies to claims of factual innocence filed on or after 1 October 2010. ▪ Amends G.S. 148-82 (provision for compensation) to add the following language: 	
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		<p>“Any person who, having been convicted of a felony and having been imprisoned therefor in a State prison of this State, and who is determined to be innocent of all charges and against whom the charges are dismissed pursuant to G.S. 15A-1469 may as hereinafter provided present by petition a claim against the State for the pecuniary loss sustained by the person through his or her erroneous conviction and imprisonment, provided the petition is presented within five years of the date that the dismissal of the charges is entered by the three-judge panel under G.S. 15A-1469.” Makes conforming changes to G.S. 148-84 (evidence; action by Industrial Commission; payment and amount of compensation). Effective 2 August 2010.</p>	
<p>Mercury Products/Solid Waste Disposal/Sewage Discharge into Coastal Waters</p>	<p>HB 1766 (Amend Environmental Laws 2010)</p> <p>S.L. 2010-180</p>	<ul style="list-style-type: none"> ▪ mercury products: Enacts a new Part 7 of Article 9 of Chapter 130A to require public agencies to “establish a program . . . for the collection and recycling of all spent fluorescent lights and thermostats that contain mercury generated in public buildings owned by each respective entity” and to report on this program to the NC Department of Environment and Natural Resources and the NC Department of Administration on or before 1 December 2011. Also provides that “[p]rior to demolition of any building or structure in the State, the contractor responsible for the demolition activity or the owner of the building or structure to be demolished shall remove all fluorescent lights and thermostats that contain mercury from the building or structure to be demolished.” Amends G.S. 130A-309.10 (prohibited acts relating to packaging; coded labeling of plastic containers required; disposal of certain solid wastes in landfills or by incineration prohibited) to add the following new subsection (m): “No person shall knowingly dispose of fluorescent 	<p>2 August 2010 and 1 July 2011 as noted at left</p>

		<p>lights and thermostats that contain mercury in a sanitary landfill for the disposal of construction and demolition debris waste that is unlined or in any other landfill that is unlined.” Amends G.S. 130A-25 (misdemeanor violation of Chapter 130A) to provide that it is a Class 3 misdemeanor to violate the new Part 7 of Article 9 of Chapter 130A or the new G.S. 130A-309.10(m). Effective 1 July 2011.</p> <ul style="list-style-type: none"> ▪ solid waste disposal violations/study: Provides, in an uncodified provision, that “[t]he Environmental Review Commission may study the penalties applicable to violations of G.S. 130A-309.10 . . . and report its findings, together with any recommended legislation, to the 2011 Regular Session of the 2011 General Assembly upon its convening.” Effective 2 August 2010. ▪ change to IT recycling legislation: Amends the definition of “notebook computer” in G.S. 130A-309.131, as enacted by SB 887 (S.L. 2010-67). <u>See</u> the summary of SB 887 in this document. Effective 2 August 2010. ▪ sewage discharge into coastal waters: Delays the effective date of S.L. 2009-345, which enacted a new Article 9 in Chapter 77 to address the discharge of sewage into coastal waters. The new Article 9 was originally set to apply to offenses committed on or after 1 July 2010. HB 1766 delays the effective date until 1 April 2011. Also amends G.S. 77-131 (application of Article 9) to address the waters to which the new Article 9 applies. Effective 2 August 2010. 	
Pyrotechnics Omnibus Bill	SB 992 (Pyrotechnics Operator’s License) S.L. 2010-22	<ul style="list-style-type: none"> ▪ Makes a number of changes to Article 82A of Chapter 58 (Pyrotechnics Training and Permitting) to further address the use, handling, exhibition and discharge of pyrotechnics in connection with concerts and other public events. 	1 October 2010 [Note: The provisions authorizing the issuance of

		<ul style="list-style-type: none"> ▪ Matters addressed include the following: the authority and duties of the Commissioner of Insurance; definitions; and the licensure and discipline of pyrotechnics operators, including the issuance of temporary licenses. ▪ Provides that a person may not receive a pyrotechnics permit under Article 54 of Chapter 14 (Sale, etc., of Pyrotechnics) without having first obtained the appropriate license under Article 82A of Chapter 58. <u>See</u> new G.S. 58-82A-2A(a). ▪ Amends G.S. 14-410 (manufacture, sale and use of pyrotechnics prohibited; exceptions; permit required; sale to persons under the age of 16 prohibited) so that subdivision (a1)(2) reads as follows: "It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State, provided . . . (2) All individuals who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training and licensing required under Article 82A of Chapter 58 of the General Statutes. The display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the concert or public exhibition and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics." ▪ [Note: The bill also addresses the unrelated issue of the authority of the Department of Insurance to conduct on-site examinations of fire, rescue and EMS equipment and supplies purchased with grant funds awarded under Article 87 of Chapter 58.] 	<p>temporary pyrotechnics licenses took effect on 25 June 2010. The on-site examinations provision took effect on 1 July 2010.]</p>
<p>Towing in Certain Counties and Cities</p>	<p>SB 1136 (Regulate Towing From Private Lots) S.L. 2010-134</p>	<ul style="list-style-type: none"> ▪ Makes various changes to G.S. 20-219.2 (removal of unauthorized vehicles from private lots) to address (i) the required signage, (ii) how far away an illegally parked vehicle may be 	<p>Vehicles towed on or after 1 October 2010</p>

		<p>towed and stored, (iii) a written statement of rights that must be provided to the owner at the time of retrieval of the vehicle from the storage facility and (iv) the use by towing and storage companies of “waivers of rights.”</p> <ul style="list-style-type: none"> ▪ Reduces a violation of the statute from a Class 3 misdemeanor to an infraction, but increases the maximum fine from \$10.00 to \$100.00. ▪ Expands the counties and cities to which the statute applies and provides that G.S. 20-219.2 “shall not be interpreted to preempt the authority of any county or municipality to enact ordinances regulating towing from private lots, as authorized by general law.” 	
Domestic Violence Bail/ Criminal Record Review	HB 1812 (DV Cases/Review Criminal Record) S.L. 2010-135	<ul style="list-style-type: none"> ▪ Amends G.S. 15A-534.1 (crimes of domestic violence; bail and pretrial release) by adding the following language to subsection (a): “The judge shall direct a law enforcement officer or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of release. After setting conditions of release, the judge shall return the report to the providing agency or department. No judge shall unreasonably delay the determination of conditions of pretrial release for the purpose of reviewing the defendant’s criminal history report.” 	1 October 2010
Expunction Clarifying Changes/Out-of-State Sex Offender Effective Date Change	HB 726 (Clarify Expunctions) S.L. 2010-174	<ul style="list-style-type: none"> ▪ expunctions (specific bill changes): Makes a technical change to G.S. 14-50.30 (expunction of records) to delete extraneous language appearing in the statute as the result of a prior drafting oversight. 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) to provide for a criminal record check conducted by the NC Department of Justice rather than (as under current law) affidavits from the clerk and law enforcement 	1 October 2010, as noted at left

		<p>regarding the defendant's criminal history. (This change conforms the law to the current practice.) Also amends G.S. 15A-145 to clarify that the look-back period for the misdemeanor larceny expunction is 15 years. Amends G.S. 15A-145.1 (expunction of records for first offenders under the age of 18 at the time of conviction of certain gang offenses) to provide for a criminal record check conducted by the NC Department of Justice rather than (as under current law) affidavits from the clerk and law enforcement regarding the defendant's criminal history. Makes technical changes to the statute and addresses the expunction of the defendant's case information from the records of other government agencies. Amends G.S. 15A-145.2 (expunction of records for first offenders not over 21 years of age at the time of the offense of certain drug offenses) to provide for a criminal record check conducted by the NC Department of Justice rather than (as under current law) affidavits from the clerk and law enforcement regarding the defendant's criminal history. Also makes technical changes to the statute and addresses the expunction of the defendant's case information from the records of other government agencies. Amends G.S. 15A-145.3 (expunction of records for first offenders not over 21 years of age at the time of the offense of certain toxic vapors offenses) to provide for a criminal record check conducted by the NC Department of Justice rather than (as under current law) affidavits from the clerk and law enforcement regarding the defendant's criminal history. Also makes technical changes to the statute and addresses the expunction of the defendant's case information from the records of other government agencies. Amends G.S. 15A-150 (notification requirements) to make clarifying and technical changes.</p>	
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		<p>Amends G.S. 15A-151 (AOC maintain confidential file) to address the duties imposed on government agencies that maintain criminal data licensing agreements with private entities. Also provides that DMV need not expunge a record if the expunction is expressly prohibited by federal motor vehicle law. Amends G.S. 15A-152 (civil liability for dissemination of certain criminal history information) to address the deletion of expunged case information by private entities that are in the business of compiling and disseminating criminal history information. Also addresses the ability of a defendant to obtain proof of expunction and proof that notice was sent to private entities. Amends G.S. 90-96 (conditional discharge for first drug offense) and G.S. 90-113.14 (conditional discharge for first toxic vapors offenses) to make technical changes and to delete extraneous language resulting from a prior drafting oversight. Applies to expunction petitions filed on or after 1 October 2010, except that the changes to G.S. 15A-150, G.S. 15A-151, and G.S. 15A-152, take effect on 1 October 2010.</p> <ul style="list-style-type: none"> ▪ expunctions (general overview of expunction provisions once HB 726 is applied to the existing statutes): Effective 1 October 2010 (regardless of when the expunction petition was filed), the clerk must report all expunctions and conditional discharges to the AOC, the clerk must report all expunctions to the arresting agency, DOC, DMV and “[a]ny State or local agency identified by the petition,” and all agencies must expunge their records accordingly (except for certain records DMV must retain under federal law). Effective 1 October 2010 (regardless of when the expunction petition was filed), the AOC and other State agencies that distribute records to 	
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		<p>private vendors must (i) notify the vendors to delete the expunged record and (ii) keep a confidential file verifying the expunction and the notice to the vendors. If a private vendor subsequently reports an expunged case as part of a background check, the petitioner has a civil cause of action against the vendor for damages. The petitioner can obtain verification of a prior expunction from the expunging agency as part of filing suit against the vendor. Effective for expunction petitions filed on or after 1 October 2010, record check affidavits from the clerk and law enforcement will be no longer required. These will be replaced by record checks by the SBI and prior expunction checks by the AOC. Effective for expunction petitions filed on or after 1 October 2010, the misdemeanor larceny expunction in G.S. 15A-145(d1), enacted in 2009, has been clarified to provide that the look-back period is 15 years.</p> <ul style="list-style-type: none"> ▪ sex offender registration: Section 19 of S.L. 2006-247 addressed the duty to register of sex offenders relocating to NC from another state. Section 19(a) of S.L. 2006-247 amended G.S. 14-208.6 (sex offender registration definitions) to provide that a “reportable conviction” includes “a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state.” The original effective date language for this change in S.L. 2006-247 read as follows: “Section 19(a) of this act becomes effective December 1, 2006, and applies to all offenses committed on or after that date and to all individuals who move into this State on or after that date.” HB 726 amends this effective date language to read as follows: “Section 19(a) of this act becomes effective December 1, 2006, and applies to all offenses committed prior to, on, or after that date and to all individuals who move into this State prior to, 	
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		<p>on, or after that date.” (New language in bold.) HB 726 further provides that this change to the 2006 legislation effective date “becomes effective October 1, 2010, and applies to any person required to register as a sex offender under Article 27A of Chapter 14 of the General Statutes, any person serving an active sentence or on supervised probation, parole, or post-release supervision, for any offense, on or after that date, and any person convicted of any felony offense on or after that date.”</p>	
<p>DNA Fee and Funding for Implementation of HB 1403</p>	<p>HB 1973 (Various Economic Incentives) S.L. 2010-147</p>	<ul style="list-style-type: none"> ▪ Amends G.S. 7A-304 (costs in criminal actions) to impose a new \$2.00 fee, to be remitted to the NC Department of Justice, for the support of the State DNA Database and DNA Databank. This fee applies to a defendant convicted of a misdemeanor or felony. It does <u>not</u> apply to a person only found responsible for an infraction. ▪ Explains, in an uncodified provision, that “[a]ny additional costs needed for the implementation of the provisions of the DNA Database Act of 2010 as enacted by . . . House Bill 1403, 2010 Regular Session of the 2009 General Assembly, that are not specifically provided for by this [new DNA fee] shall be provided by the Department of Justice from other funds appropriated to the Department.” Requires the NC Department of Justice to “pursue and apply for funds to supplement any amounts needed to implement the provisions of the DNA Database Act of 2010 from grants, the federal government, or any other available source.” ▪ [Note: The bill makes various other changes that do not have a criminal or motor vehicle law impact.] 	<p>Costs imposed or collected on or after 1 October 2010, except persons charged prior to that date who dispose of the offense by waiver on or after that date may pay the old costs amount in effect at the time of the charge</p>
<p>Improper Entry of Domestic Violence Safe House</p>	<p>SB 140 (Protect Victims/DV Shelters) S.L. 2010-5</p>	<ul style="list-style-type: none"> ▪ Adds the following new subsection (g1) to G.S. 50B-4.1 (violation of valid protective order): “Unless covered under some other provision of law providing greater punishment, any person who is subject to a valid protective order, as 	<p>Offenses committed on or after 1 December 2010</p>

		<p>provided in subsection (a) of this section, who enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing, shall be guilty of a Class H felony. A person violates this subsection regardless of whether the person protected under the order is present on the property."</p> <ul style="list-style-type: none"> ▪ [Note: The bill also enacts a new Article 52 in Chapter 1 to address the civil liability of domestic violence shelters. This civil portion of the bill took effect on 7 June 2010.] 	
Animal Abuse/Penalty Increase	SB 254 (Susie's Law) S.L. 2010-16	<ul style="list-style-type: none"> ▪ Amends G.S. 14-360 (cruelty to animals; construction of section) to increase the penalty for animal abuse. ▪ Amends subsection (a1) to make it a Class H felony (as opposed to a Class A1 misdemeanor as under current law) to "maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance." ▪ Amends subsection (b) to make it a Class H felony (as opposed to a Class I felony as under current law) to "maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal." 	Offenses committed on or after 1 December 2010
Video Sweepstakes Prohibition	HB 80 (Ban Electronic Sweepstakes) S.L. 2010-103	<ul style="list-style-type: none"> ▪ Enacts a new G.S. 14-306.4 making it unlawful "to operate, or place into operation, an electronic machine or device to do either of the following: (1) Conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize. (2) Promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the reveal of a prize." Sets out an exception for activity lawfully conducted on Indian lands. ▪ Provides definitions of "electronic machine or 	<p>Offenses committed on or after 1 December 2010</p> <p>[Note: Provides that "[p]rosecutions for offenses committed before the effective date of this act are not</p>

		<p>device,” “enter” or “entry,” “entertaining display,” “prize” and “sweepstakes.”</p> <ul style="list-style-type: none"> ▪ Makes a first offense a Class 1 misdemeanor, a second offense a Class H felony, and a third or subsequent offense a Class G felony. Provides that each violation is a separate offense. ▪ Explains that it is the intent of the new G.S. 14-306.4 “to prohibit any mechanism that seeks to avoid application of [the new G.S. 14-306.4] through the use of any subterfuge or pretense whatsoever.” ▪ Amends G.S. 14-298 (seizure of illegal gaming items) to authorize law enforcement to seize an electronic machine or device used in violation of the new G.S. 14-306.4. ▪ Amends G.S. 14-306 (slot machine or device defined) to expand the list of payment methods to include “any piece of money or coin or token or any credit card, debit card, prepaid card, or any other method . . . whether [placed] directly into the slot machine or device or resulting in remote activation.” ▪ Amends G.S. 14-306.1A (types of machines and devices prohibited by law; penalties) to expand the definition of “video gaming machine” to include, by way of illustration, any “video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.” Also amends G.S. 14-306.1A to expand the methods of payment to include “any coin or token, or . . . any credit card, debit card, prepaid card, or any other method . . . whether [placed] directly into the video gaming machine or resulting in remote activation.” ▪ Explains, in an uncodified provision, that “[n]othing in [HB 80] shall be construed to make lawful any machine or device that is unlawful under any other provision of law.” 	<p>abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.”]</p>
Motor Vehicle Law Omnibus	HB 1729 (Motor Vehicles Law	As the bill’s title indicates, makes a variety of	Offenses

<p align="center">Bill</p>	<p align="center">Changes)</p> <p align="center">S.L. 2010-132, as amended by SB 1165 (S.L. 2010-96)</p>	<p>changes to Chapter 20 of the General Statutes:</p> <ul style="list-style-type: none"> ▪ Amends G.S. 20-63 (registration plates furnished by Division; requirements; replacement of regular plates with First in Flight plates; surrender and reissuance; displaying; preservation and cleaning; alteration or concealment of numbers; commission contracts for issuance) to remove the last two sentences of subsection (g) regarding license plate frames and transparent license plate covers. Replaces these sentences with the following provision: “Any operator of a motor vehicle who covers any registration plate with any frame or transparent, clear, or color-tinted cover that makes a number or letter included in the vehicle’s registration, the State name on the plate, or a number or month on the registration renewal sticker on the plate illegible commits an infraction and shall be penalized under G.S. 14-3.1.” [Note: This new language reflects an additional change made by SB 1165, also summarized in this document.] Also makes technical changes to the statute and addresses the requirements for plates issued for vehicles licensed for 7,000 pounds through 26,000 pounds. ▪ Amends G.S. 20-79 (dealer license plates) and G.S. 20-79.2 (transporter plates) to address the number and use of dealer plates and transporter plates. Increases the fine for a violation (which is an infraction) from \$50.00 to \$100.00. Also adds a provision making it a Class I felony to sell, rent, lease or otherwise provide a transporter plate to another person in exchange for money or any other thing of value. Expressly authorizes law enforcement to seize a transporter plate being used in violation of G.S. 20-79.2. ▪ Amends G.S. 20-130.1 (use of red or blue lights on vehicles prohibited; exceptions) to provide 	<p>committed on or after 1 December 2010</p> <p>[Note: The DMV call center change took effect on 21 July 2010.]</p>
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		<p>that the prohibition on the use of a red light does not apply to “[a]n Incident Management Assistance Patrol vehicle operated by the Department of Transportation, when using rear-facing red lights while stopped for the purpose of providing assistance or incident management.”</p> <ul style="list-style-type: none"> ▪ Amends G.S. 20-157 (approach of law enforcement, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking fire-fighting equipment; parking, etc., near law enforcement, fire department, or rescue squad vehicle or ambulance) to extend the protection of the “move over law” to “a vehicle being used to restore electric utility service due to an unplanned event.” ▪ Amends G.S. 20-161 (stopping on highway prohibited; warning signals; removal of vehicles from public highway). First, amends subsection (a) by removing the references to “paved” and “outside municipal corporate limits” and adding a reference to a posted speed limit of less than 45 MPH so that the first sentence of subsection (a) reads as follows: “No person shall park or leave standing any vehicle, whether attended or unattended, upon the main-traveled portion of any highway or highway bridge with the speed limit posted less than 45 miles per hour unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main[-] traveled portion of the highway or highway bridge.” Second, adds the following new subsection (a1): “No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge with the speed limit posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and 	
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		<p>temporarily leaving the vehicle upon the paved or main-traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in collecting garbage . . . or recyclable material . . .” Third, amends subsection (b) by removing the reference to “outside municipal corporate limits” so that subsection (b) reads as follows: “No person shall park or leave standing any vehicle upon the shoulder of a public highway unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic.” (Violations of G.S. 20-161 are infractions pursuant to G.S. 20-176.)</p> <ul style="list-style-type: none"> ▪ Other changes include the following: amends G.S. 20-7 (issuance and renewal of drivers licenses) to address the duration of a commercial drivers license; repeals G.S. 20-64.2 (permit for emergency use of registration plate), which currently allows DMV to permit the temporary transfer of a plate when the vehicle for which the plate is issued is being repaired; amends G.S. 20-79.7 (fees for special registration plates and distribution of the fees) to address the annual fees for special plates; amends G.S. 20-85.1 (registration by mail; one-day title service; fees) to address certain vehicle registration fees; amends G.S. 20-88.02 (registration of logging vehicles) to clarify the vehicles covered by the statute; amends G.S. 20-118 (weight of vehicles and load) to address “light-traffic roads,” the transportation of livestock or poultry, and the hauling of animal waste; amends G.S. 20-294 (grounds for denying, suspending or revoking licenses) to address motor vehicle dealers who violate the transporter plate requirements in G.S. 20-79.2; amends Article 15 of Chapter 160A (“Streets, 	
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		Traffic and Parking”) to address the yellow light change interval at intersections with red light cameras and to address abandoned vehicles; and makes clarifying changes to a 2009 budget provision relating to DMV call centers.	
Medicaid Fraud	SB 675 (Prohibit Medicaid Fraud/Kickbacks) S.L. 2010-185	<ul style="list-style-type: none"> ▪ Amends G.S. 108A-63 (medical assistance provider fraud) by adding two new offenses. ▪ First, makes it a Class I felony “for any person to knowingly and willfully solicit or receive any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in-kind: (1) In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this Part [i.e., Part 6 of Article 2 of Chapter 108A]. (2) In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this Part.” ▪ Second, makes it a Class I felony “for any person to knowingly and willfully offer or pay any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in-kind to any person to induce such person: (1) To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this Part. (2) To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this Part.” ▪ Provides that these two new provisions do not apply to (i) “[c]ontracts between the State and a public or private agency where part of the agency’s responsibility is referral of a person to 	Offenses committed on or after 1 December 2010

		<p>a provider” or (ii) “[a]ny conduct or activity that is specified in 42 U.S.C. § 1320a-7b(b)(3), as amended, or any federal regulations adopted pursuant thereto.” [Note: 42 U.S.C. § 1320a-7b addresses “criminal penalties for acts involving Federal health care programs.”]</p> <ul style="list-style-type: none"> Also provides that nothing in these two new provisions “shall be interpreted or construed to conflict with 42 U.S.C. § 1320a-7b(b), as amended, or with federal common law or federal agency interpretations of the statute.” 	
<p>National Guard Courts-Martial Changes</p>	<p>HB 1412 (Courts-Martial Amendments)</p> <p>S.L. 2010-193</p>	<ul style="list-style-type: none"> Makes a number of changes to Article 3 of Chapter 127A to address courts-martial for National Guard personnel not in the service of the United States. Four of the changes are of interest to the court system. First, authorizes the arrest and pretrial confinement of a National Guard court-martial defendant and provides that the bail provisions in Article 26 of Chapter 15A apply to such a defendant “in the same manner as if the defendant had been placed into confinement for an alleged violation of the criminal laws of this State.” <u>See</u> amended G.S. 127A-54. Second, provides that once a National Guard court-martial sentence imposing a fine or period of confinement has been finalized, trial counsel must deliver a certificate of sentence to the Wake County Clerk’s Office. It will then “be the duty of the clerk to take such actions as are necessary to carry said sentence into execution in the same manner as prescribed by law for the collection of fines, or commitment to service of terms of imprisonment, in criminal cases determined in the courts of this State.” Also requires the Wake County Clerk’s Office to enter the case information into the State’s automated criminal system. <u>See</u> amended G.S. 127A-59. Third, authorizes a National Guard court-martial 	<p>Offenses committed on or after 1 December 2010, except that the requirement that the Wake Clerk’s Office enter the court-martial information into the automated criminal system does not take effect until the necessary system changes can be incorporated into the new CCIS-Clerk Component</p>

		<p>defendant to appeal a court-martial judgment that includes a sentence of confinement. The appeal is heard in Superior Court in Wake County by a SCJ assigned by the Chief Justice. The court system files and processes the appeal in the same manner as an administrative appeal from a State agency decision. However, "in determining whether there were errors, [the SCJ] shall apply the law as provided for trial by courts-martial under this Article." <u>See</u> new G.S. 127A-62.</p> <ul style="list-style-type: none"> ▪ Fourth, enacts a new G.S. 7A-31.1 providing that while there is no right of appeal from the Superior Court to the Court of Appeals in a court-martial case, the Court of Appeals may, in its discretion, review a National Guard court-martial case following the Superior Court review. Amends G.S. 7A-28 (decisions of Court of Appeals on post-trial motions for appropriate relief final or valuation of exempt property) to provide that the decision of the Court of Appeals is final and no Supreme Court review is available. Also makes conforming changes to G.S. 7A-27 (appeals of right from the courts of the trial divisions) and G.S. 7A-31 (discretionary review by the Supreme Court). 	
Appraisal Management Company Regulations	<p>SB 829 (Regulation of Appraisal Management Companies)</p> <p>S.L. 2010-141</p>	<ul style="list-style-type: none"> ▪ Enacts a new Article 2 of Chapter 93E to regulate real estate appraisal management companies. ▪ Addresses the following: definitions; rule-making and disciplinary authority of the NC Appraisal Board; registration of appraisal management companies; duties of appraisal management companies; and prohibited acts by appraisal management companies. ▪ Provides, in a new G.S. 93E-2-10 that a violation of the new Article 2 a Class 1 misdemeanor. 	<p>1 January 2011</p> <p>[Note: A new G.S. 93E-2-3, which authorizes the North Carolina Appraisal Board to adopt rules, took effect on 22 July 2010.]</p>
Election Law Changes	HB 748 (Citizens United Response)	<ul style="list-style-type: none"> ▪ Makes a number of changes to Article 22A of Chapter 163 (Regulating Contributions and 	Elections held on or after 1

	<p style="text-align: center;">S.L. 2010-170</p>	<p>Expenditures in Political Campaigns). Issues addressed include the following: “coordinated expenditures” (i.e., expenditures made in concert or cooperation with, or at the request or suggestion of, a candidate or a candidate campaign committee); “electioneering communications” (i.e., broadcast, cable or satellite communications, or mass mailings, or telephone banks, referring to a clearly identified candidate); “independent expenditures” (i.e., expenditures to support or oppose a clearly identified candidate that are not coordinated expenditures); political advertising; acts by corporations, business entities, labor unions, professional associations and insurance companies; and duties of the State Board of Elections. Effective upon preclearance by the federal Department of Justice.</p> <ul style="list-style-type: none"> ▪ Repeals Articles 22E (Electioneering Communications) and 22F (Mass Mailings and Telephone Banks: Electioneering Communications) of Chapter 163 because these issues will now be addressed in the amended Article 22A. Effective upon preclearance by the federal Department of Justice. ▪ Makes conforming changes to G.S. 163-278.62 (North Carolina Public Campaign Fund definitions) and G.S. 163-278.96 (Voter-Owned Elections Act definitions). Effective upon preclearance by the federal Department of Justice. ▪ Amends the definition of “gift” for purposes of the State Ethics Act (<u>see</u> G.S. 138A-3) and makes a related change to the State lobbying laws (<u>see</u> G.S. 120C-800). Effective upon preclearance by the federal Department of Justice. ▪ Amends G.S. 163-293 (determination of election results in cities using the election and 	<p>January 2011, and upon preclearance by the federal Department of Justice, as noted at left</p>
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		runoff election method) to address write-in candidates in runoff elections. Applies to elections held on or after 1 January 2011.	
DNA Sample Upon Arrest	HB 1403 (Collect DNA Sample on Arrest) S.L. 2010-94	<p>This is a lengthy bill addressing the taking of DNA samples from arrestees, convicted defendants, and defendants found not guilty by reason of insanity.</p> <ul style="list-style-type: none"> ▪ definitions: Amends G.S. 15A-266.2 (DNA Database and Databank definitions) to revise most of the existing definitions and to add definitions for “criminal justice agency,” “arrestee” and “conviction.” ▪ State DNA Database and DNA Databank: Completely rewrites G.S. 15A-266.3 (procedural compatibility with the FBI). The new language does the following: provides for the establishment of the State DNA Database (the DNA record system) and the State DNA Databank (the repository of collected DNA samples) under the SBI; requires the SBI to provide DNA records to the FBI and to ensure that the State DNA Database is compatible with procedures promulgated by the FBI; and specifies the purposes for which the State DNA Database shall maintain records (which include not only criminal matters, but also matters related to unidentified and missing persons). ▪ DNA samples from arrestees: Enacts a new G.S. 15A-266.3A to require certain arrestees to provide a DNA sample. Provides that, unless a DNA sample has previously been taken from the person by lawful process and the person’s DNA record is still stored in the State DNA Database, a DNA sample shall be obtained from any person arrested for committing one of the following offenses: G.S. 14-17 (first and second degree murder); G.S. 14-18 (manslaughter); an offense under Article 7A of Chapter 14 (“Rape and Other Sex Offenses”); G.S. 14-32 (assault with a deadly weapon with intent to kill or inflicting serious injury); G.S. 14- 	1 February 2011

		<p>32.4(a) (assault inflicting serious bodily injury); G.S. 14-34.2 (assault with a firearm or other deadly weapon on a governmental officer or employee, company police officer, or campus police officer); G.S. 14-34.5 (assault with a firearm on a law enforcement, probation, or parole officer, or on a person employed at a State or local detention facility); G.S. 14-34.6 (assault or affray on a firefighter, emergency medical technician, medical responder, emergency department nurse, or emergency department physician); G.S. 14-34.7 (assault inflicting serious injury on a law enforcement, probation or parole officer, or on a person employed at a State or local detention facility); an offense under Article 10 of Chapter 14 (“Kidnapping and Abduction”); an offense under Article 10A of Chapter 14 (“Human Trafficking”); G.S. 14-51 (first and second degree burglary); G.S. 14-53 (breaking out of a dwelling house burglary); G.S. 14-54.1 (breaking or entering a place of religious worship); G.S. 14-57 (burglary with explosives); an offense under Article 15 of Chapter 14 (“Arson and Other Burnings”); G.S. 14-87 (robbery with firearms or other dangerous weapons); an offense that would require the person to register as a sex offender under Article 27A of Chapter 14; G.S. 14-196.3 (cyberstalking); and G.S. 14-277.3A (stalking). Also requires the taking of a DNA sample from a person arrested for attempting, soliciting another to commit, conspiring to commit, or aiding and abetting another to commit, any of these listed offenses.</p> <ul style="list-style-type: none"> ▪ method of obtaining DNA sample and arresting officer’s duties: Provides, in the new G.S. 15A-266.3A, that the arresting law enforcement officer shall obtain the sample by swabbing the arrestee’s cheek unless there is a court order authorizing the taking of a blood 	
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		<p>sample. Requires the officer to complete an SBI DNA sample form that will be placed in the case file. (The new G.S. 15A-266.3A provides that this form is intended to assist the DA's Office if it becomes necessary to expunge the DNA record and sample.) Also requires the officer to provide the arrestee with written notice, using a form promulgated by the NC Department of Justice, of the DNA expunction procedures set out in the new G.S. 15A-266.3A.</p> <ul style="list-style-type: none"> ▪ expunction of arrestee's DNA record and sample: Requires, in the new G.S. 15A-266.3A, the expunction of the DNA record and the destruction of the DNA sample if both of the following are true: (i) the charge(s) "resulting from the arrest upon which a DNA sample is required" has(have) been dismissed, or the person has been acquitted of the charge(s), or the person has been convicted of a lesser-included misdemeanor that does not require the taking of a DNA sample upon arrest, or no charge was filed within the applicable statute of limitations, or three years have passed since the date of arrest and there has been no conviction and there is no active prosecution and (ii) the person's DNA record is not required to be maintained in the State DNA Database under some other provision of law and is not required to be maintained in the State DNA Database based on an offense arising out of a different transaction. If no charge is filed within the applicable statute of limitations, or if three years have passed with no conviction and there is no active prosecution, the defendant must submit a DNA expunction request form (promulgated by the AOC) to the DA's Office in order to initiate the expunction process. If the charge is dismissed, the defendant is acquitted, or the defendant is convicted of a lesser-included misdemeanor that does not require a 	
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		<p>DNA sample, the DA's Office must initiate the expunction process without any prompting from the defendant. The DA must take action within 30 days of the defendant's request or within 30 days of the other triggering event. If the DA verifies that one of the expunction-triggering criteria is present, the DA forwards a verification form (promulgated by the AOC) to the SBI.</p> <p>[Note: Effective 1 June 2012, the defendant will no longer be required to submit an expunction request form. From that date forward, the DA must self-initiate the expunction process regardless of the triggering criterion.] Within 30 days of its receipt of the form from the DA, the SBI must determine if expunction is appropriate, remove the defendant's DNA record and DNA sample if expunction is appropriate, and notify the defendant in writing of the SBI's determination and action. If the SBI refuses to expunge, or if the DA or the SBI fails to take action in a timely fashion, the defendant may file a motion for court review. Also provides that "[a]ny identification, warrant, probable cause to arrest, or arrest based upon a database match of the defendant's DNA sample which occurs after the expiration of the statutory periods prescribed for expunction of the defendant's DNA sample, shall be invalid and inadmissible [sic] in the prosecution of the defendant for any criminal offense." Finally, provides that notwithstanding the expunction requirements, "the SBI is not required to destroy or remove an item of physical evidence obtained from a sample if evidence relating to another person would thereby be destroyed."</p> <ul style="list-style-type: none"> ▪ DNA samples from convicted defendants: Amends G.S. 15A-266.4 (blood sample required for DNA analysis upon conviction or finding of not guilty by reason of insanity) to make clarifying, conforming and formatting changes, 	
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		<p>including a change to the title to reflect the fact that the DNA sample will not necessarily be a blood sample. Also expands the list of offenses that require the taking of a DNA sample upon conviction (or upon a finding of not guilty by reason of insanity) to include the offenses listed in G.S. 15A-266.3A that trigger the taking of a DNA sample upon arrest.</p> <ul style="list-style-type: none"> ▪ SBI study and reports: Amends G.S. 15A-266.5 (tests to be performed on blood sample) to make clarifying and conforming changes, including changes indicating that the DNA sample will not always be a blood sample. Imposes a new DNA operations and expenditures reporting requirement on the SBI. Also requires the NC Department of Justice, in consultation with the AOC and the Conference of District Attorneys, to “study, develop, and recommend an automated procedure to facilitate the process of expunging DNA samples and records taken pursuant to G.S. 15A-266.3A.” A report on this automated procedure is due to the General Assembly on or before 1 February 2011. ▪ DNA sample from suspended sentence defendants: Amends G.S. 15A-266.6 (procedures for withdrawal of blood sample for DNA analysis) to make clarifying and conforming changes, including changes reflecting the fact that the DNA sample will not necessarily be a blood sample. Provides that a suspended sentence defendant who is required to provide a DNA sample upon conviction “shall continue to be subject to the court’s order to provide a DNA sample until such time as his or her DNA sample is analyzed and a record is successfully entered into the State DNA Database.” (This new language is apparently designed to address situations where there is some problem with the initial DNA sample and a 	
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		<p>second sample must be obtained from the defendant.)</p> <ul style="list-style-type: none"> ▪ SBI duties: Completely rewrites G.S. 15A-266.7 (procedures for conducting DNA analysis of blood sample). Makes a conforming change to the title to reflect that the sample will not always be a blood sample. Imposes administrative responsibilities on the SBI. ▪ access to DNA Database information: Amends G.S. 15A-266.8 (DNA database exchange) to make conforming changes. ▪ criminal penalties for unauthorized release and access: Amends G.S. 15A-266.11 (unauthorized uses of DNA Databank; penalties) to make it a Class H felony (as opposed to a Class 1 misdemeanor as under current law) to willfully disclose DNA information to a person not entitled to receive it or to willfully obtain DNA information without authorization. ▪ confidentiality of DNA information: Amends G.S. 15A-266.12 (confidentiality of DNA records) to provide that DNA profiles and samples submitted to the SBI shall not be disclosed except as provided in G.S. 15A-266.8. Similarly provides that DNA records and DNA samples submitted to the SBI are not public records under Chapter 132. Provides that in a criminal matter, “requests to access a person’s DNA record shall be in accordance with the rules for criminal discovery as defined in G.S. 15A-902. The SBI shall not be required to provide the State DNA Database for criminal discovery purposes.” Provides more generally that DNA records and DNA samples submitted to the SBI may be released for the following three purposes only: (i) “[f]or law enforcement identification purposes, including the identification of human remains, to federal, State, or local criminal justice agencies”; (ii) “[f]or criminal defense and appeal purposes, to 	
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		<p>a defendant who shall have access to samples and analyses performed in connection with the case in which such defendant is charged or was convicted”; and (iii) “[i]f personally identifiable information is removed to local, State, or federal law enforcement agencies for forensic validation studies, forensic protocol development or quality control purposes, and for establishment or maintenance of a population statistics database.” Finally, provides that the “computer software and database structures” used by the SBI to carry out the DNA requirements are confidential.</p> <ul style="list-style-type: none"> ▪ conforming criminal procedure statute: Enacts a new G.S. 15A-502A providing as follows: “A DNA sample shall be obtained from any person arrested for an offense designated under G.S. 15A-266.3A, in accordance with the provisions contained in Article 13 of Chapter 15A of the General Statutes.” ▪ bail: Amends G.S. 15A-534 (procedure for determining conditions of pretrial release) to add the following requirement: “If the defendant is required to provide fingerprints pursuant to G.S. 15A-502(a1) or (a2), or a DNA sample pursuant to G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial official shall make the collection of the fingerprints or DNA sample a condition of pretrial release.” ▪ juveniles transferred to criminal court: Amends G.S. 7B-2201 (fingerprinting juvenile transferred to superior court) to add the following provision: “When jurisdiction over a juvenile is transferred to the superior court, a DNA sample shall be taken from the juvenile if any of the offenses for which the juvenile is transferred are included in the provisions of 	
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		<p>G.S. 15A-266.3A.”</p> <ul style="list-style-type: none"> ▪ new DNA fee and supplemental funding (effective 1 October 2010): See the summary in this document for HB 1973 (S.L. 2010-147). 	
<p>Firearms Rights Restoration for Certain Felons</p>	<p>HB 1260 (Conform State Law/ Firearm Disentitlement)</p> <p>S.L. 2010-108</p>	<ul style="list-style-type: none"> ▪ Enacts a new G.S. 14-415.4 “to establish a procedure that allows a North Carolina resident who was convicted of a single nonviolent felony and whose citizenship rights have been restored . . . to petition the court to . . . restore the person's firearms rights in this State.” ▪ Defines “nonviolent felony” by reference to what it is <u>not</u>. Provides that “[t]he term nonviolent felony does not include any felony that is a Class A, Class B1, or Class B2 felony. Also, the term nonviolent felony does not include any Class C through Class I felony that is one of the following: a. An offense that includes assault as an essential element of the offense. b. An offense that includes the possession or use of a firearm or other deadly weapon as an essential or nonessential element of the offense, or the offender was in possession of a firearm or other deadly weapon at the time of the commission of the offense. c. An offense for which the offender was armed with or used a firearm or other deadly weapon. d. An offense for which the offender must register under Article 27A of Chapter 14 of the General Statutes.” ▪ Defines “firearms rights” as “[t]he legal right in this State of a person to purchase, own, possess, or have in the person's custody, care, or control any firearm or any weapon of mass death and destruction as those terms are defined in G.S. 14-415.1 [possession of firearms, etc., by felon prohibited] and G.S. 14-288.8(c) [manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions]. The term does not include any weapon defined in G.S. 14-409(a) 	<p>Offenses committed on or after 1 February 2011, except that the federal review provision took effect on 20 July 2010</p> <p>[<u>Note</u>: Provides that “[p]rosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.”]</p>

		<p>[machine guns and other like weapons].”</p> <ul style="list-style-type: none"> ▪ Requires a person seeking firearms rights restoration to file a petition in the District Court district in which the person resides. Requires the defendant to pay a \$200.00 filing fee that the clerk remits to the General Fund. Requires (as noted below in the discussion of G.S. 114-19.28) that the clerk establish “a separate confidential court file” for the petition. ▪ Requires a hearing on the petition. (Despite the reference to a confidential file, there is no reference to the court hearing being closed.) Requires the clerk to notify the DA of the hearing at least four weeks in advance of the hearing date. Provides that the DA may present evidence in opposition to the petition. Requires the petitioner to establish by a preponderance of the evidence that he or she qualifies for restoration. ▪ Following the hearing, the District Court Judge may restore the person’s firearms rights if the court determines that the person (i) satisfies several criteria set out in the new G.S. 14-415.4 and (ii) is not barred by any of several “disqualifiers” set out in the new statute. ▪ Among the criteria are that the person has only one felony conviction and that it was a nonviolent felony, and that the person’s citizenship rights have been restored for a period of at least 20 years prior to the filing of the petition. ▪ Among the “disqualifiers” are that the petitioner is currently under indictment for a felony, was dishonorably discharged from the armed forces, or is currently subject to a Chapter 50B protective order or a Chapter 50C civil no-contact order. ▪ Provides that if the court grants the petition, the clerk must forward a certified copy of the order within 10 days to the sheriff in the petitioner’s 	
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		<p>county of residence, the NC Department of Justice, and the National Instant Criminal Background Check System.</p> <ul style="list-style-type: none"> ▪ Explains that upon restoration under the new G.S. 14-415.4, “the person may purchase, own, possess, or have in the person's custody, care, or control any firearm or any weapon of mass death and destruction as those terms are defined in G.S. 14-415.1 and G.S. 14-288.8(c) without being in violation of G.S. 14-415.1, if otherwise qualified.” Clarifies, however, that the restoration has no effect on the defendant’s criminal record – i.e., the restoration does not operate as an expunction. ▪ Provides that if a person is convicted of a felony following the restoration, “then the person's firearms rights are automatically revoked and shall not be restored under [the new G.S. 14-415.4].” ▪ Makes it a Class 1 misdemeanor to knowingly and willfully submit false information under the new G.S. 14-415.4 and provides that a person who is convicted of submitting false information “is permanently prohibited from petitioning to restore his or her firearms rights under [the new G.S. 14-415.4].” ▪ Does not provide for an appeal of a denial of the petition, but does provide that the petitioner may file for restoration again one year from the date of the denial. (If the sole basis for the denial was a current Chapter 50B or Chapter 50C order, the person may petition again upon expiration of the Chapter 50B or Chapter 50C order even if one year has not passed since the denial.) ▪ Enacts a new G.S. 114-19.28 providing for a fingerprint-based State and national criminal history record check of the petitioner. Requires the SBI, upon completion of the record check, to “provide a copy of the information obtained . . . 	
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		<p>to the clerk of superior court to be placed in a separate confidential court file for the petition for restoration of firearms rights.”</p> <ul style="list-style-type: none"> ▪ Makes conforming changes to G.S. 14-415.1, G.S. 14-404 (issuance or refusal of purchase permit; appeal from refusal; grounds for refusal; sheriff's fee), and G.S. 14-415.12 (criteria to qualify for the issuance of a concealed handgun permit). Also provides that G.S. 14-415.1 does not apply “if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to antitrust violations, unfair trade practices, or restraints of trade.” ▪ Requires, in an uncodified provision, that the Office of the Attorney General “send a copy of [HB 1260] to the United States Attorney General, the United States Department of Justice, and the federal Bureau of Alcohol, Tobacco, and Firearms for review and . . . ask for a determination of the following: (i) whether a person who has his or her firearms rights restored pursuant to this act can legally purchase and possess a firearm under federal law, and (ii) whether a person who falls under the exception to the State Felony Firearms Act regarding antitrust violations, unfair trade practices, or restraints of trade as enacted by this act can legally purchase and possess a firearm under federal law.” Requires the Attorney General to report the federal response to the General Assembly. 	
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