



INTRODUCTION

The legislative session is entering a new phase, as the House and Senate begin work on a compromise budget. As we have reported, the differences between the spending plans passed by each chamber are vast and numerous, many of the policy provisions included in the Senate budget are controversial, and all indications are the process will be as contentious as it is lengthy. The Senate has announced it intends to complete all policy committee work by July 23rd, with the implied threat that bills important to the House will be stranded unless the budget is resolved in an agreeable manner. Of course, there are many bills important to Senate members that will be stranded in the House if that chamber follows suit, meaning all remaining issues will be resolved in the context of the budget negotiations, and many good policy bills (even those with widespread support) may become victim to the standoff, possibly stalled until the “short” session next year. We will continue to push for good legislation to be heard and passed, despite the current and deepening stagnation.

On Tuesday, the House appointed its negotiations team, known as budget conferees, tapping 82 of the 120-member body. The Senate President Pro Tem responded Thursday by appointing every Republican member of the Senate (aside from himself) as a conferee. The main negotiations will be handled by the conference Chairs (8 from the House, 3 from the Senate), who will presumably begin negotiations soon but have yet to begin the process. Currently, the deadline to reach a compromise is set for August 14th, though given the vast differences between the chambers and public statements from each chamber that they will stay in Raleigh until an acceptable deal is reached, that may well be delayed further. Serious talk about the session stretching to late September or October has been heard, and no one seems confident that such predictions are unrealistic.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILL UPDATES

SENATE BILL 182, Automatic License Plate Readers, was amended in the House Judiciary IV Committee to replace the provisions regarding the preservation and disclosure of records with new provisions to:

- provide that captured plate data obtained by an automatic license plate reader system, whether or not the system is operated by a law enforcement agency, may not be preserved for more than 90 days after the date the data is captured;
- allow data obtained by an automatic license plate reader to be preserved for more than 90 days pursuant to any of the following: (1) a preservation request by a law enforcement agency; (2) a search warrant issued pursuant to Article 11 of Chapter 15A of the General Statutes; or (3) a federal search warrant issued in compliance with the Federal Rules of Criminal Procedure;
- require the custodian of the captured plate data, upon the request of a law enforcement agency, to take all necessary steps to immediately preserve captured plate data in its possession;
 - the requesting agency would have to specify in a written, sworn statement all of the following: (1) the location of the particular camera or cameras for which captured plate data must be preserved and the particular license plate for which captured plate data must be preserved; (2) the date(s) and time frame(s) for which captured plate data must be preserved; and (3) specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation; and (4) the case and identity of the parties involved in that case; and
 - after one year from the date of the initial preservation request, the captured plate data obtained by an automatic license plate reader system shall be destroyed according to the custodian's own record or data retention policy, unless the custodian receives within that period another preservation request under this subsection, in which case the retention period established under this subsection shall reset;
- require a law enforcement agency that uses an automatic license plate reader system to update the system every 24 hours if such updates are available or as soon as practicable after such updates become available; and
- provide that captured plate data obtained is confidential and not a public record, and data could not be disclosed except to a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose pursuant to a written request from the requesting agency.

The bill as amended was approved by the House Judiciary IV Committee and will next be considered by the House Judiciary I Committee.

SENATE BILL 192, Citations/Sheriffs Accept Faxes. The provisions of this bill were removed in the House Judiciary IV Committee and replaced with new provisions to:

- require law enforcement agencies to accept copies of domestic violence protective orders and civil no-contact orders issued by the clerk of court by electronic or facsimile transmission for service on defendants;
- require a city or county, *to the extent feasible*, to provide transportation of a respondent in an involuntary commitment action by a driver or attendant who is the same sex as the

respondent, unless the law-enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent;

- allow a IVC custody order entered by the clerk or magistrate pursuant to Chapter 122C (the Mental Health, Developmental Disabilities, and Substance Abuse Act) to be delivered to the law enforcement officer by electronic or facsimile transmission; and
- require the Administrative Officer of the Courts, within 60 days of this act becoming law, to solicit input from clerks of courts regarding use of the term "costs" rather than "court costs" on the citation form used for motor vehicle law violations, and make changes as appropriate based on the received input.

The bill as amended was approved by the House Judiciary IV Committee and will next be considered by the full House.

LEGISLATION ENACTED

SENATE BILL 286, Regulate the Sale of E-Liquid Containers. This legislation makes it a Class A1 misdemeanor for a person, firm, or corporation to sell, offer for sale, or introduce into commerce in this State an e-liquid container (1) unless the container constitutes child-resistant packaging, or (2) for an e-liquid product containing nicotine unless the packaging for the e-liquid product states that the product contains nicotine. The legislation was signed into law by the Governor on July 8, 2015. **Effective: December 1, 2015, and applies to offenses committed on or after that date.**

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