



INTRODUCTION

The session is expected to ramp up this week as committees begin to move into regular business and floor votes begin. It may appear that session has started slowly based upon the number of committee meetings and the bills that have made it to the floor of one chamber of another, but the real activity is taking place in legislators offices and conference rooms around the legislative complex as proposed bills are being discussed, debated and negotiated. This is a critical time for lobbyists to get their bills filed by the "right" sponsor and to work out as many issues as possible before the bill is filed officially. Many deals are being made right now that will impact legislation as it moves through the process. Freshman legislators are also getting an education about the legislative process and trying to figure out how to maneuver in this strange new world! Here are some specific updates on topics of interest.

Revenue Surplus

According to the legislature's Fiscal Research Division and the Office of State Budget and Management, state government is on track to have a \$150.8 million revenue surplus for the current fiscal year, about 0.6 percent more than the expected number in this year's state budget. "The current-year anticipated revenue surplus is mainly due to sales tax collections, which were helped by the U.S. Supreme Court's June 2018 ruling that required remote sellers to begin collecting sales tax on their sales in the state," fiscal analysts wrote in the memo. The forecast estimates revenue in fiscal year 2019-2020 will increase \$733.2 million over the current year, and increase another \$987.3 million in fiscal year 2020-2021.

The forecast calls for continued strong sales tax receipts thanks to tax collections on internet sales, while income tax receipts will remain strong, based on the "anticipation of employment gains continuing to place upward pressure on wages." Those gains will be offset temporarily by this year's corporate income tax cut, which dropped the rate from 3 percent to 2.5 percent. Corporate tax receipts "will fall by 1.6 percent in the upcoming fiscal year and grow by 6.3 percent in the following year," the forecast says.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCCEP. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCCEP AND ITS MEMBERS.

FOR MORE INFORMATION:

Colleen Kochanek
Ashley Matlock Perkinson
Rachel E. Beaulieu
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988

colleen@kochaneklawgroup.com
ashley@perkinsonlawfirm.com
rachel@beaulieuedlaw.com
www.kochaneklawgroup.com

House Speaker Tim Moore credits the surplus numbers to lower taxes creating a stronger economy. "Those calling for drastic change in our economic approach are calling for a change in these positive economic outlooks and budget surpluses," Moore said. "It is essential our state maintain financial flexibility and not return to days of higher taxes and wasteful spending and deficits."

A full joint appropriations committee is scheduled for Wednesday morning to hear a revenue forecast presentation from the legislature's economist, Barry Boardman.

Gun Proposals

February 14, marked one year since 17 people were killed in a shooting at Marjory Stoneman Douglas High School in Parkland, Florida. Several lawmakers called on this day for a variety of gun restrictions in this state. The omnibus gun bill they filed, called the Gun Violence Protection Act, includes provisions that would require background checks on all gun purchases, prohibit high-capacity magazines, ban bump stocks and raise the age to purchase an assault-style weapon from 18 to 21.

"It's sad we have to be here on Valentine's Day in remembrance of what happened a year ago in Parkland," said Rep. Marcia Morey, one of the sponsors of the bill. "It's not just Parkland. It's not just mass shootings. It happens in our communities every day."

"Gun violence is a public health crisis," said Rep. Christy Clark, D-Mecklenburg, a former state director for Moms Demand Action for Gun Sense in America. Sponsors wore orange ribbons at a news conference to announce their bill, and members of Moms Demand Action carried a bouquet of 17 orange roses for the Parkland victims and held up note cards with the names and ages of the victims.

Sponsors are hopeful that public sentiment has changed among lawmakers and the public since the Parkland shooting and that some of their proposals will succeed this year, although previous gun control measures have failed to pass through the Republican-controlled General Assembly in recent years. Rep. Pricey Harrison said she has filed gun-related bills every session since the Sandy Hook Elementary School shooting in 2012, but none have ever gotten a committee hearing.

Some Republican House members filed another gun omnibus bill that would actually loosen gun laws and allow access to guns in more places, among other provisions, calling for eliminating the requirement to obtain a permit to carry a concealed weapon.

BILLS OF INTEREST

HOUSE BILL 46, Economic Security Act of 2019, would seek to advance economic security in the State by:

- raising the State's minimum wage as follows:
 - removing the provision that requires wages of at least \$6.15 per hour;
 - requiring a minimum wage of (1) \$8.00 per hour, effective Labor Day, September 2, 2019; (2) \$9.50 per hour, effective Labor Day, September 7, 2020; (3) \$11.00 per hour, effective Labor Day, September 6, 2021; (4) \$13.00 per hour, effective Labor Day, September 4, 2022; and (5) \$15.00 per hour, effective Labor Day, September 2, 2024;

- stating that, if the minimum wage in the federal Fair Labor Standards Act is higher than the stated new minimum wage, then the rate specified in the Fair Labor Standards Act is the state minimum wage;
- enacting a new Equal Pay Act:
 - establishing that no employer can pay any person in the employer's employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work;
 - providing that any employer who violates the statute is liable to the employee affected in the amount of the wages that the employee is deprived of by reason of the violation;
 - defining an employer to include the state and any local political subdivision of the state and every person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another who employs more than five employees;
 - defining an employee as any woman or man in receipt of or entitled to compensation for labor performed for another;
 - providing that nothing in the statute prohibits a variation of rates of pay for male and female employees engaged in the same classification of work based upon seniority; a difference in length of service; ability; skill; difference in duties or services performed, whether regularly or occasionally; difference in the shift or time of day worked; hours of work; or restrictions or prohibitions on lifting or moving objects in excess of specified weight or other reasonable differentiation; or factor or factors other than sex, when exercised in good faith;
 - prohibiting an employer who is in violation of the statute from reducing the pay of any employee in order to bring the employer into compliance with these provisions;
 - prohibiting an employer from retaliating against any employee who seeks redress or who participates in the investigation of a complaint;
 - allowing an affected employee to file a complaint with the Department of Labor, who would have to investigate the complaint and notify the employer and the employee of the results of the investigation;
 - authorizing an employee who receives less than the wage to which the employee is entitled to recover in a civil action the balance of those wages, together with costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage;
 - providing that the employee is not required to exhaust administrative remedies before filing the civil action;
 - requiring a civil action to be brought within two years after the date that the alleged violation is discovered by the affected employee.
- enacting the Healthy Families and Healthy Workplaces Act:
 - providing that the Act does not apply to (1) bona fide volunteers in an organization where an employer-employee relationship does not exist or (2) any person who is exempt from the Wage and Hour Act under specific provisions with an exception regarding domestic workers who are exempt only if they are employed in the place of residence of their employer;
 - providing that paid sick time begins to accrue at the start of employment at a rate of one hour of paid sick time for every 30 hours worked;
 - requiring, for employees of small businesses, a limit of 32 hours of accrued paid sick time in a calendar year, and for employees of other employers, a limit of 56 hours of accrued paid sick time in a calendar year;
 - providing a list of reasons that an employee may be absent from work and use their paid sick time;

- requiring paid sick time is to be provided by an employer to an employee to:
 - care for a member of the employee's immediate family suffering from health issues or to care for the employee's own health, unless the care is covered under federal law; or
 - allow an employee to address the psychological, physical, or legal effects on himself or herself or an immediate family member of domestic violence, sexual assault, or stalking;
- prohibiting an employer from requiring the disclosure of details relating to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing paid sick time to an employee;
- requiring an employer to treat as confidential any information that the employer acquires about the employee or the employee's immediate family regarding domestic violence, sexual assault, stalking, or health conditions;
- requiring employers to provide notice to employees, in Spanish and English, of their entitlement to paid sick time and other related information;
- amending the State's labor laws to reduce the amount of tips that may be counted as wages of tipped employees (against the minimum wage requirements) through December 31, 2020, and subsequently requiring that no tips may be counted as wages for minimum wage purposes;
- requiring only written notification to employees at the time of hiring and upon any material change of: (1) the promised wages and basis upon which wages will be calculated; (2) the method, day, and place for payment; (3) the full name, mailing address, and telephone number of the employer and the federal and state tax identification number of each employer who is not a natural person; and (4) the employment status of the employee;
- amending the provisions regarding recovery and violations of unpaid wages;
- enacting new provisions to entitle an employee to enumerated liens for wage claims and collections, and providing that liens recorded pursuant to these provisions take precedence over all other debts, decrees, liens, or mortgages against the employer;
- enacting provisions regarding the Fair Assessment of Persons with Criminal Histories to:
 - prohibit a hiring authority from: (1) asking about or considering the criminal history of an applicant for public employment; or (2) including such an inquiry on any initial employment application form until the hiring authority has made a conditional offer of employment to the applicant;
 - provide that these provisions do not apply to public employment in positions where the hiring authority is required by law to consider the applicant's criminal record;
 - prohibit a person from being disqualified for public employment solely or in part because of a previous conviction except as otherwise required by law or if the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after all of the following factors are considered: (1) the level and seriousness of the crime; (2) the date of the crime; (3) the age of the person at the time of conviction; (4) the circumstances surrounding the commission of the crime; (5) the connection between the criminal conduct and the duties of the position; (6) the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and (7) the subsequent commission of a crime by the person. Clarifies that an arrest record that did not result in a conviction cannot be the basis for disqualification from public employment; and

- require a hiring authority to inform an individual of a potential adverse hiring decision based on the background check and provide the applicant an opportunity to provide evidence that the report is incorrect or inaccurate.
- repealing the statute that prohibits public employee union collective bargaining agreements;
- reenacting the earned income tax credit for taxable year 2020 and beyond; and
- reenacting the tax credit for child care.

Introduced by Representatives Fisher and Harrison and referred to the House Commerce Committee.

HOUSE BILL 50, Allow Hyperbaric Oxygen Therapy for TBI/PTSD, would:

- prohibit anyone other than an authorized medical professional from prescribing or providing hyperbaric oxygen therapy treatment to a veteran for the treatment of traumatic brain injury or posttraumatic stress disorder (PTSD);
- allow any veteran residing in North Carolina who has been diagnosed with a traumatic brain injury or PTSD to receive hyperbaric oxygen therapy treatment; and
- require prescribers and providers of hyperbaric oxygen therapy treatment for veterans to follow the standard approved treatment protocols for hyperbaric oxygen therapy.

Introduced by Representatives Murphy, Grange, Martin and Speciale and referred to the House Health Committee.

HOUSE BILL 53, A Second Chance for Life, would:

- add requirements needed to prove that the consent of a woman is voluntary and informed based upon the mandate of the statute before an abortion is performed;
- require any physician who prescribes, dispenses or otherwise provides any drug or chemical to induce an abortion to furnish the patient with written information prepared by the Department of Health and Human Services about the ability to stop or reverse the process;
- require the original of the woman's certification, in writing, that she was given the specified information, be kept with her medical records and a copy provided to her; and
- direct DHHS to publish and make available online specified materials to inform about the possibility of reversing a drug-induced abortion.

Introduced by Representatives McElraft, White, R. Turner and Presnell and referred to the House Health Committee.

HOUSE BILL 54, Unborn Child Protection from Dismemberment, would:

- make it unlawful to willfully perform a dismemberment abortion or attempt to perform a dismemberment abortion unless necessary to prevent serious health risk to the mother;
- provide a physician accused of performing, or attempting to perform, a dismemberment abortion the opportunity to seek a hearing before the North Carolina Medical Board on whether the procedure was necessary to prevent serious health risk to the mother;
- make the findings of the Medical Board admissible in any trial on the issue;
- grant immunity from civil liability for actions related to dismemberment abortion to the patient, non-physician employees acting at the direction of a physician and pharmacists and others who provide prescriptions, instruments or materials used in the procedure;
- specify civil remedies and availability of injunctive relief under the new article;
- specify that a court cannot allow a plaintiff to maintain a claim for relief for a violation of the article if the pregnancy resulted from the plaintiff's criminal conduct; and

- clarify that the article does not create or recognize a right to abortion, nor a right to a particular method of abortion, and that it does not prohibit abortion for any reason, by any other method.

Introduced by Representatives Conrad, Johnson, Hurley, Barnes and referred to the House Health Committee.

HOUSE BILL 61, Omnibus Gun Changes, would make a number of changes to the State’s gun laws that have been sought for years by gun rights advocates. Many of these proposed changes were included in a bill that passed the House last session but was not taken up by the Senate. Among the changes proposed by the bill:

- a “Constitutional Carry” provision, which would essentially allow those who are not currently prohibited from possessing a firearm to carry a handgun concealed (current law requires a concealed carry permit, issued by a Sheriff after background check and training-course requirements are met, to carry concealed). This provision is a national priority for gun rights advocates including the NRA;
- the current Concealed Carry permit system would be maintained (those with a permit can purchase handguns without obtaining a Pistol Purchase permit from their Sheriff, enjoy reciprocity in some other states, etc.) but would be amended to shorten the time Sheriffs' departments have to issue the permit and limit the ability of Sheriffs to refuse permits for mental health reasons;
- create a list of 15 classes of individuals who would be exempt from laws prohibiting firearms or weapons on the premises of the State Capitol, Executive Mansion, or Western Residence of the Governor, in courthouses or buildings housing any court and at picket lines and certain demonstrations;
- authorize any person who can legally carry a handgun to carry any firearm openly or concealed at any state-owned rest area, at any state-owned rest stop along the highways, and at any state- owned hunting and fishing reservation, and on the grounds or waters of a park within the State Parks System;
- allow legislators, legislative employees, and qualified former sworn law enforcement officers with concealed handgun permits to carry a concealed handgun on the premises of the State legislative buildings and grounds, notwithstanding any rule by the Legislative Services Commission;
- clarify that weapons used in specified crimes must be returned to their rightful owners under specified conditions, unless the rightful owner is the convicted defendant, in which case the presiding judge may dispose of the weapon as specified at the judge's discretion. Adds that if the weapon is owned by the defendant and the defendant is not convicted as provided in the statute, then the presiding judge must order the weapon returned to the defendant;
- specify that, after a hearing, the judge must order the disposition of the firearm (which has been determined to no longer be necessary or useful as evidence in a criminal trial) by ordering that the firearm be returned to its rightful owner if the owner is someone other than the defendant and the court makes the required findings. Allows the firearm to be disposed of in the other listed ways if the defendant is the rightful owner;
- create a new Class 1 misdemeanor for persons who arm themselves with an unusual and dangerous weapon for the purpose of terrifying others, and go about on public highways in a manner to cause terror to the people, and provides that no person may be convicted of this crime based only upon the person's possession or carrying of a handgun, whether openly or concealed.

The bill would also amend current law related to the carrying of firearms on educational property by:

- defining “school operating hours” as any times when curricular or extracurricular activities are taking place on the premises and any time when the premises are being used for educational, instructional, or school-sponsored activities;
- specify that the restrictions on possessing a firearm when attending a school sponsored curricular or extracurricular activity do not apply if (1) the person is not a participant in, or chaperone or spectator of, the extracurricular activity and (2) the extracurricular activity is conducted in a public place;
- specify that the statute does not apply to a person in a vehicle on a road not maintained by the school that crosses the educational property if the person has a weapon, including an open or concealed handgun, within the locked vehicle and the person stays in the vehicle while crossing the property and only unlocks the vehicle for the entrance or exit of someone else;
- specify that the statute does not apply to a person with a valid concealed handgun permit, or who is exempt from obtaining a permit if all of the following apply: (1) the person possesses and carries a handgun on educational property other than an institution of higher education or a nonpublic, post-secondary education institution; (2) the education property is the location of both a school and a building that is a place of religious worship; (3) the weapon is a handgun; and (4) the handgun is only possessed and carried on educational property outside of the school operating hours.

Introduced by Representatives Pittman, Potts and Kidwell and referred to the House Judiciary Committee, if favorable, Finance, if favorable, Rules.

HOUSE BILL 65, Marriage Amendment Reaffirmation Act, would:

- reaffirm the vote of the people of the State of North Carolina to amend the State’s Constitution by adding the provision known as the Marriage Amendment which only allowed marriage between a man and a woman;
- declare null and void for the State of North Carolina the US Supreme Court’s decision in *Obergefell v. Hodges* (where the Court ruled that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution);
- call on the United States Supreme Court to overturn the *Obergefell v. Hodges* decision; and
- provide that marriages, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina.

Introduced by Representatives Pittman, Brody, and Kidwell and referred to the House Rules Committee. As an aside, States are bound by the Constitutional decisions of the Supreme Court of the United States.

HOUSE BILL 67, Road Barrier Prohibition, would allow the Department of Transportation to prohibit traffic on transportation infrastructures it deems necessary to be excluded from public travel due to damage posing a danger to public safety (currently, authorized to close any transportation infrastructure under its jurisdiction to permit proper completion of construction work). The bill would make it a Class 1 misdemeanor for a person who willfully drives onto transportation infrastructure closed or who removes or destroys barriers or warning *signs*, lights or lanterns posted and placed pursuant to this provision. Law enforcement, first responders, emergency management, and DOT personnel acting in the course and scope of their official duties would be exempt from these provisions. **Introduced by Representatives McNeill, Shepard, Goodman, and R. Turner and referred to the House Transportation Committee.**

HOUSE BILL 69, Nonpartisan Redistricting Commission, would establish an 11-member Nonpartisan Redistricting Commission to:

- prepare proposed plans for revising the senate districts and representative districts and for election of members of the US House of Representatives, and submit its plans no later than April 1 of each year ending in one (basically after each census). Within three legislative days after the proposed plan is received, a member of the General Assembly will file a bill embodying the plan;
- prepare proposed plans in the event that a plan passed by the General Assembly is held invalid;
- maintain meeting notes, draft and proposed plans with corresponding maps, and any data used to develop the draft and proposed plans; and
- maintain a website to: (1) disseminate information about the Commission, including records of its meetings and hearings, proposed plans, and assessments and reports on plans; and (2) allow the public to view the Commission's meetings and hearings in both live and archived form, and submit plans and comments on plans to the Commission for consideration.

Introduced by Representatives Reives, McGrady, Hardister, and B. Turner and referred to the House Redistricting Committee.

HOUSE BILL 70, Delay NC Healthconnex for Certain Providers, would extend the deadline for participation in North Carolina's Health Information Exchange (HIE) Network for licensed psychiatrists, licensed psychologists and associates, licensed professional counselors, substance abuse professionals, licensed clinical social workers and associates, fee-based pastoral counselors, licensed marriage and family therapists, specified providers of services for individuals with intellectual or developmental disabilities, adult care homes, family care homes, home care agencies, and home health agencies. These 14 provider types would not be required to begin submitting appropriate encounter and claims data until June 1, 2021. **Introduced by Representatives Dobson, White, Murphy and Lambeth and referred to the House Health Committee.**

HOUSE BILL 75, School Mental Health Screening Study, would direct the Department of Health and Human Services and the Department of Public Instruction, in collaboration with the North Carolina Medical Board, the North Carolina Psychology Board, organizations concerned with school mental health, and any other stakeholders deemed appropriate, to study a mental health screening process to identify school children in North Carolina at risk of harming themselves or others. The study would examine all of the following:

- whether the State should require a mental health screen to identify school-aged children at risk of harming themselves or others;
- which mental health professionals should conduct any mental health screen of school-aged children in North Carolina, including whether specific training or experience in working with school-aged children who might be at risk of harming themselves or others should be required in addition to licensure as a health care or mental health provider;
- what behaviors or mental health diagnoses the screen should be targeted to identify;
- the format the screen is to take, including whether an independent mental health screen must be developed, or whether an existing product may be used;
- whether the screen must be uniform throughout the State or whether the Departments should create general guidelines to be followed by each local school administrative unit;
- creation of a policy to ensure that any children identified as being at risk of harming themselves or others receive the mental health services they need to ameliorate that risk,

including what type of mental health providers can provide follow up services, whether these services may be provided by mental health support staff employed by local school administrative units, and the feasibility of local school administrative units partnering with private organizations to provide these services;

- creation of a policy regulating the storage of, and access to, the confidential health information generated by a screen;
- the optimal age to initiate screening and whether screening should be repeated at different ages;
- whether parents will be permitted to opt out of the screen;
- whether individuals who perform mental health screening of school-aged children at risk of harming themselves or others should be immune from suit for their actions and omissions in performing those screens; and
- any other issues the Departments deem necessary.

The Departments would report their findings to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Education Oversight Committee no later than February 15, 2020. **Introduced by Representatives Torbett, Lewis, Dobson, and Bell and referred to the House Education K-12 Committee.**

HOUSE BILL 77, Electric Standup Scooters, would define an electric standup scooter as “a device with no more than three twelve-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour on a paved level surface.” An electric standup scooter would be:

- exempt from the requirement of registration and certificate of title;
- allowed to be operated on public highways with posted speeds of 35 miles per hour or less, sidewalks, and bicycle paths;
- required to yield the right-of-way to pedestrians and other human-powered devices when operated on a sidewalk or bicycle path;
- allowed to park on a sidewalk provided it does not impede normal and reasonable pedestrian traffic.

The bill would allow municipalities to make additional rules and regulations regarding electric standup scooters. **Introduced by Representatives Torbett, Presnell, Iler, and Shepard and referred to the House Transportation Committee.**

HOUSE BILL 81, Move Over Law/Increase Penalties, is identical to Senate Bill 29, summarized in the February 12, 2019, Legislative Report. **Introduced by Representative Jones and referred to the House Judiciary Subcommittee on Criminal Matters.**

HOUSE BILL 86, Gun Violence Prevention Act, would make a number of changes to the State’s gun laws, including to:

- require a permit, issued by a Sheriff, to purchase an “assault weapon” (as defined) or long gun;
- require a 72-hour waiting period before a purchased firearm can be delivered or otherwise possessed;
- prohibit anyone aged 18 or younger to possess or carry a handgun or long gun;
- prohibit anyone aged 21 or younger to possess or carry an “assault weapon”;
- prohibit the sale or possession of a bump stock or trigger crank;
- require the “safe storage” (as defined) of all firearms;
- require the reporting of lost or stolen firearms, as detailed;

- require anyone who owns a firearm to carry “firearm liability insurance”;
- amend the concealed handgun permit reciprocity law by directing the Department of Justice to identify and compile a list of the states that issue a concealed handgun permit that requires compliance with criteria that is at least as stringent as the criteria required for a concealed handgun in this State, and providing that a valid concealed handgun permit or license issued by any state on the list is valid in North Carolina;
- prohibit the sale or possession of “large capacity magazines”;
- repeal the preemption of local firearm regulations;
- allow for the destruction of seized firearms by law enforcement agencies; and
- require the State Department of Public Safety to develop a roster of handguns that meet detailed design and safety standards and prohibit the sale, transfer or possession of any handgun that is not included on the roster.

Introduced by Representatives Clark, Morey, Harrison, and Willingham referred to the House Judiciary Committee.

SENATE BILL 43, Establish Standards for Surgical Technology, is identical to House Bill 43, summarized in the February 12, 2019, Legislative Report. **Introduced by Senators Perry, D. Davis, and Krawiec and referred to the Senate Rules Committee.**

SENATE BILL 46, Standing Up for Rape Victims Act of 2019, would:

- detail notification and submission requirements for collecting agencies that collect sexual assault examination kits completed on or after July 1, 2019, requiring them to preserve the kit and notify the appropriate law enforcement agency;
- require the law enforcement agency notified to take custody of the kit within seven days of receiving notification, submit reported kits to the State Crime Laboratory or other approved lab within 45 days of taking custody, and submit unreported kits to the Department of Public Safety (DPS) within 45 days of taking custody;
- direct law enforcement agencies that possess kits completed on or before January 1, 2018, to establish a review team no later than three months after the act becomes law, to determine submission priority of those kits to the State Crime Laboratory, as detailed;
- prohibit three categories of untested kits from being submitted for testing, including: (1) unreported kits, which must be sent to DPS for storage; (2) kits confirmed unfounded by the law enforcement agency and the review team unless or until information or evidence creates investigative or evidentiary value for testing, in which case the kit must be sent to the State Crime Laboratory or another approved lab for testing after submitting a request; and (3) those which resulted in criminal conviction where the convicted person does not seek DNA testing and the convicted person's DNA profile is already in CODIS;
- require all other kits not subject to the above described requirements to be submitted to the State Crime Laboratory or another approved laboratory as soon as practicable. Sets forth parameters for the State Crime Laboratory or another approved laboratory's testing of kits completed on or before January 1, 2018, and the State CODIS Administrator's entering of eligible DNA profiles developed from those kits into the CODIS database;
- specify that lack of compliance with the statute does not: (1) constitute grounds upon which a person may challenge the validity of DNA evidence in any criminal or civil proceeding; (2) justify the exclusion of evidence generated from a sexual assault examination kit; or (3) provide a person who is accused or convicted of committing a crime against a victim a basis to request that the person's case be dismissed or conviction set aside, or providing a cause of action or civil claim;

- require the Department of Justice and other named entities to work together to develop and provide response and training programs to law enforcement and their sexual assault examination kit review teams on sexual assault investigations, including specified issues related to victim interactions and the handling of kits;
- require a law enforcement agency that receives an actionable CODIS hit on a submitted DNA sample to provide electronic notice of the specified arrest or conviction information to the State Crime Laboratory within 15 days of the triggering event;
- appropriate \$3 million in nonrecurring funds from the General Fund to the Department of Justice for each fiscal year of the 2019-21 fiscal biennium for testing of untested sexual assault examination kits in accordance with the provisions of the bill;
- appropriate \$800,000 in recurring funds for 2019-20 from the General Fund to the Department of Justice for the creation of six full-time equivalent forensic scientist positions; and
- exempt the bill from the current law that requires each house first pass its version of the Current Operations Appropriations Act on third reading and order it sent to the other chamber before placing any other appropriations bill on the calendar for second reading.

Introduced by Senators Daniel, Britt and McKissick and referred to the Senate Rules Committee.

SENATE BILL 50, Reinstatement of Earned Income Tax Credit, would reenact the earned income tax credit and set the earned income tax credit at 5% (previously, 4.5% for taxable year 2013 and 5% for all other taxable years). The bill would repeal the reenacted statute effective for taxable years beginning on or after January 1, 2023. **Introduced by Senators Foushee and Mohammed and referred to the Senate Rules Committee.**

SENATE BILL 51, Unborn Child Protection From Dismemberment, is identical to House Bill 54, summarized above in this Legislative Report. **Introduced by Senators Krawiec, Ballard, and Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 52, A Second Chance For LIFE, is identical to House Bill 53, summarized above in this Legislative Report. **Introduced by Senators Krawiec, Ballard, and Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 58, Revise Marijuana Laws, would increase the amount of marijuana that may be legally possessed for personal use to quantities of four ounces or less, and adjust the penalties for possession of marijuana as follows: a Class 1 misdemeanor for possession of over four ounces (previously one half of an ounce; and a Class I felony for possession of over 16 ounces (previously one and one half ounces). The bill also would include provisions to allow for the expunction of criminal records for violations for possession of less than three ounces of marijuana. **Introduced by Senators Lowe, Foushee, and Fitch and referred to the Senate Rules Committee.**

SENATE BILL 60, Restore Educational Sales Tax Holiday, would reenact the sales and use tax holiday for school supplies. **Introduced by Senators Mohammed, Foushee, and Lowe and referred to the Senate Rules Committee.**

SENATE BILL 66, Allow Game Nights, would authorize nonprofit organizations to operate "game nights" and allow the consumption of alcoholic beverages at game nights after applying for and receiving a permit. A game night would be "a specific event at which games of chance are played and prizes are awarded by raffle and that is sponsored by or on behalf of an exempt organization

for the primary purpose of raising funds for the exempt organization or is sponsored by an employer or trade association.” The bill would also direct the Department of Public Safety to report to the General Assembly detailing the administration of game night event permits, including the total number of applications received by permittee type, the total number of permits issued, the number of ABC violations reported at establishments that hosted game night events, and any other information deemed appropriate, and provide a recommendation as to whether the General Assembly should modify this act. **Introduced by Senators Gunn, McInnis, and J. Alexander and has not yet been assigned to a Senate committee.**

- Colleen Kochanek
NCCEP Legislative Counsel
Kochanek Law Group
919.747.9988
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

Ashley Matlock Perkinson
Perkinson Law Firm
919.210.8209
ashley@perkinsonlawfirm.com

Rachel E. Beaulieu
Rachel E. Beaulieu Law Office, PLLC
919.896.6296
Rachel@BeaulieuEdLaw.com

ⁱ THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCCEP. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCCEP AND ITS MEMBERS.