



# Police Law Bulletin

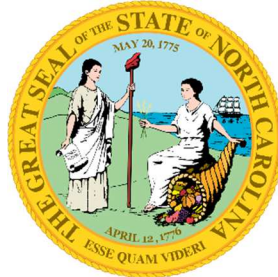


City Attorneys' Office

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## LEGISLATIVE SUMMARY

The following is a summary of bills of interest to law enforcement officers enacted into law this legislative Session. For specific details about the bills summarized below, please review the actual legislation. Legislation introduced or considered by this year's General Assembly is available on the General Assembly's website: [www.ncleg.net](http://www.ncleg.net).

### Senate Bills

**Session Law 2020-93****Senate Bill 232****Repeal Death Invest Conf/Masks/Health & Safety**

Amended G.S. 14-12.11 authorizes a person to wear a mask in public and on private premises (such as in a shopping mall) for the purpose of ensuring the physical health or safety of the wearer or others. The person wearing the mask must remove it upon the request of a law enforcement officer during a traffic stop (including at a checkpoint or roadblock) or criminal investigation.

This is the same provision that the legislature passed earlier in the year with an August 1, 2020 expiration date. The provision has now been incorporated into the statute permanently.

*Effective: July 10, 2020*

**Session Law 2020- 18**  
**Senate Bill 315**

**North Carolina Farm Act of 2019-20**

A new subsection (e1) has been added to G.S. 20-150 making it an infraction for the driver of a vehicle to overtake and pass, in the same direction of travel, self-propelled farm equipment (such as a tractor) when the farm equipment is making a left turn or is signaling that it intends to make a left turn.

*Effective: December 1, 2020*

**Session Law 2020-3**  
**Senate Bill 704**

**COVID-19 Recovery Act**

*First and Second Examinations for Involuntary Commitment May Temporarily Occur by Telehealth*

This bill temporarily modifies the State's involuntary commitment (IVC) laws related to the first and second examination of a respondent by a commitment examiner. The bill allows the first and second examination of a respondent to determine whether or not the respondent should be involuntarily committed due to mental illness or substance use disorder to occur via "telehealth" instead of an examination in the physical presence of the commitment examiner.

Telehealth is defined as the use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other. Therefore, telehealth may now be utilized even when the commitment examiner and respondent are located at the same facility or at different facilities.

These temporary provisions expire 30 days after Executive Order No. 116 is rescinded. Executive Order No. 116 is the Governor's Declaration of a State of Emergency.

*Temporary Extension of Certain DMV Credentials*

The bill requires the North Carolina Division of Motor Vehicles (DMV) to extend for a period of five months (from the date the credential is set to expire) the validity of various credentials issued by DMV that would expire on or after March 1, 2020 and before August 1, 2020. This includes but is not limited to a driver's license, commercial driver's license, learner's permit, identification card, vehicle registration and a handicapped placard.

*Release of Communicable Disease Information to Law Enforcement*

The bill modifies our public health law to allow the State Health Director or a local health director to release confidential personal health information related to a communicable disease, such as a person testing positive for COVID-19, to a law enforcement official for officer safety and the safety of the public.

Prior to this bill becoming law, the State Health Director or a local health director could release this information to a 911 call center, but release of this information by a health director to law enforcement was limited to circumstances related to enforcement of the public health laws (such

as assisting in enforcing a quarantine order) or where an officer was potentially exposed to a communicable disease.

*Effective: May 4, 2020*

**Session Law 2020-73  
Senate Bill 739**

**Personal Delivery Device/PDD/Delivery Robots**

Amends G.S. 20-4.01 to include the definition of “personal delivery device” (PDD) within our motor vehicle laws. A PDD, now defined in G.S. 20-4.01(28a), means an electronically powered device intended for transporting cargo that is equipped with automated driving technology that enables device operation with or without the remote support and supervision of a human, and that does not exceed a weight of 500 pounds, excluding cargo, a length of 40 inches (3.3 feet), and a width of 30 inches (2.5 feet).

The bill also enacts G.S. 20-175.7 and G.S. 20-175.8, which specify that only business entities (such as a corporation or limited liability company) may operate a PDD in a pedestrian area, such as a sidewalk, at 10 miles per hour or less, or on the shoulder of a highway at 20 miles per hour or less.

An operator of a PDD is defined as any person that is 16 years of age or older that is responsible for the monitoring and operation of the PDD, and is authorized by the business entity that owns the PDD to operate the device.

PDDs may not be operated on a highway with a speed limit greater than 35 miles per hour and may only be operated on a highway in order to cross a highway or to travel along a highway when there is no available or accessible sidewalk.

Newly enacted G.S. 20-175.8 also creates several other requirements for the operation of a PDD, including:

1. Requiring that the device must be monitored by an operator who is able to exercise remote control over the device.
2. Requiring that all traffic and pedestrian control devices and signs are obeyed.
3. Requiring the device to yield the right of way to all human pedestrians.
4. Requiring that the device not unreasonably interfere with any vehicle or pedestrian.
5. The device must not transport hazardous materials as defined under federal law.
6. The device must be equipped with a marker clearly stating the contact information of the owner.
7. The device must be equipped with a breaking system allowing the device to come to a controlled stop.
8. The device must be equipped with front and rear lights when operating at night that are visible from at least 500 feet on all sides of the device.

Newly enacted G.S. 20-175.8 makes it an infraction for the operator of a PDD to violate any of these provisions. The bill also enacts G.S. 20-175.9, which permits local governments to regulate the time and place of the operation of PDDs, and G.S. 20-175.10, which requires PDDs to be insured.

Finally, the bill amends G.S. 20-286(10) to specify that PDDs are not included in the term “motor vehicle” unless they exceed a weight of 750 pounds, excluding cargo, exceed a length of 40 inches (3.3 feet) when not linked with other devices, and exceed a width of 36 inches (3 feet).

Therefore, the motor vehicle laws, such as the requirement to have a driver’s license to operate the device, do not apply to PDDs that are within the specifications described above.

*Effective: July 1, 2020*

### **House Bills**

#### **Session law 2020-40**

#### **House Bill 307**

#### **Modified Utility Vehicle Classification**

This bill amends G.S. 20-4.01 to include the definition of “modified utility vehicle” within our motor vehicle laws.

A modified utility vehicle, now defined in G.S. 20-4.01(27), means a four-wheeled motor vehicle that is manufactured for off-road use with an engine displacement greater than 2,400 cubic centimeters, an overall length of 142 inches (11.8 feet) or greater, an overall width of 58 inches (4.8 feet) or greater, an overall height of 70 inches (5.8 feet) or greater, a maximum speed capability of 40 miles per hour or greater, and that does not require an operator or passenger to straddle a seat.

Modified utility vehicles are commonly used on farms to haul feed, hay, and supplies as well as at schools, where they are used to transport water jugs, sports equipment and occasionally, athletes. All-terrain vehicles and golf carts are not included in this definition.

The bill also amends G.S. 20-121.1 to allow the use of modified utility vehicles on streets and highways where the posted speed limit is 55 miles per hour or less.

Amended G.S. 20-121.1 requires modified utility vehicles to be insured and registered with the North Carolina Division of Motor Vehicles and they must be equipped with the common safety features associated with a motor vehicle, such as headlamps, stop lamps, turn signal lamps, tail lamps, windshield wipers, speedometer, and seat belts.

*Effective: October 1, 2020*

**Session Law 2020-74**  
**House Bill 308**

**Regulatory Reform Act of 2020**

The bill amends G.S. 116-40.5 to provide jurisdiction to campus law enforcement agencies that are part of a teaching hospital to enforce the criminal laws on the premises of any other facility owned or leased by the teaching hospital that is within the hospital's health network. The bill does not expand the jurisdiction of the campus law enforcement officers beyond the premises of the teaching hospital's remote facility, whether that facility is a hospital facility or a doctor's office. Therefore, the jurisdiction of campus police in this remote facility scenario does not include public roads or highways passing through the facility or to any property immediately adjoining the facility or doctor's office.

*Effective: July 1, 2020*

**Session Law 2020-86**  
**House Bill 425**

**Implement Conner's Law**

Conner's Law provides an extra \$100,000 death benefit for the spouse, dependents, or dependent parents of a first responder that is murdered in the line of duty and the bill appropriates funding for the payment of such benefits. In addition, Conner's Law increases the punishment for anyone convicted of assault with a firearm on a law enforcement officer, probation officer or parole officer, or for an assault with a deadly weapon against other emergency responders.

*Effective: July 1, 2020*

**Session Law 2020-47**  
**House Bill 511**

**North Carolina First Step Act**

This bill amends G.S. 90-95(h) to allow a judge in a drug trafficking case to reduce fines and impose a sentence lower than the applicable mandatory minimum prison term if ALL of the following findings of fact are made by the court:

1. That imposition of the mandatory minimum prison term would result in substantial injustice.
2. That the defendant accepted responsibility for the criminal conduct.
3. That the defendant has agreed to participate in drug treatment.
4. That the defendant has not been convicted of a prior felony drug conviction and did not use violence or a firearm or other deadly weapon in the commission of the drug trafficking offense.
5. That the defendant is being sentenced solely for trafficking or conspiracy to commit trafficking as a result of possession of a controlled substance.
6. That there is not substantial evidence that the defendant has ever engaged in the sale, manufacture, delivery, or transport for the purpose of sale of a controlled substance or that the defendant has ever had the intent to sell, manufacture, deliver, or transport for the purpose of sale a controlled substance.

7. That the defendant has provided reasonable assistance in the identification, arrest, or conviction of any accomplices, accessories, or co-conspirators.
8. That the defendant is being sentenced for trafficking or conspiracy to commit trafficking for possession of an amount of a controlled substance that is not of a quantity greater than the lowest category for which a defendant may be convicted for trafficking of that controlled substance.

Amended G.S. 90-95(h) requires the court to conduct a hearing prior to imposing a sentence lower than the applicable mandatory minimum prison term and the district attorney must be allowed to present evidence at this hearing, including evidence from the investigating law enforcement officer, other law enforcement officers or from witnesses with knowledge of the defendant's conduct.

*Effective: December 1, 2020*

**Session Law 2020-83  
House Bill 593**

**JCPC/Detention/CAA and Other Fees**

This bill makes various changes to our General Statutes related to: (1) the confinement of juveniles; (2) "safekeepers" under the Statewide Misdemeanant Confinement Program; and (3) to funding the North Carolina Criminal Justice Education and Training Standards Commission. In addition, the bill addresses an issue created by the federal court case of *Grabarczyk v. Stein, et al.* No. 5:19-CV-48-BO, which without legislative action, would have removed many sex offenders from the North Carolina Sex Offender Registry (SOR) who were placed on the SOR due to an out-of-state conviction or a federal conviction that is "substantially similar" to a North Carolina crime that would require registration on the SOR.

The bill amends Chapter 14 to ensure the following sex offenders are required to register in North Carolina if their out-of-state or federal crime is substantially similar to a North Carolina crime requiring registration:

1. Those sex offenders who are members of the class identified in *Grabarczyk v. Stein*;
2. Those sex offenders who are not party to *Grabarczyk v. Stein* but are on the SOR as of August 1, 2020 because they have a substantially similar out-of-state conviction or federal conviction requiring registration;
3. Those sex offenders who will come on the SOR after August 1, 2020 because they have a substantially similar out-of-state conviction or federal conviction requiring registration.

The bill then establishes a series of review and notice requirements for these sex offenders to afford them an opportunity for judicial review of the registration.

*Effective: SOR Provisions August 1, 2020*

**Session Law 2020-97  
House Bill 1105**

**Coronavirus Relief Act 3.0**

Senate Bill 704 (summarized above) provided a 5-month extension to 27 DMV credentials if the credential was set to expire between March 1- August 1, 2020. This bill extends the period in which 5 of the original 27 credentials would qualify for the 5-month extension. DMV will extend for a period of 5 months the validity of any of the following credentials if they expire on or after March 1, 2020, and before the date 30 days after the date the Governor lifts his State of Emergency: commercial driver license; commercial driver license permits; disability placards State IDs; and inspection mechanic licenses.

**The above summaries were excerpted from the Legislative Reports and Final Legislative Report produced by the North Carolina Sheriff's Association, Inc.**