



Police Law Bulletin

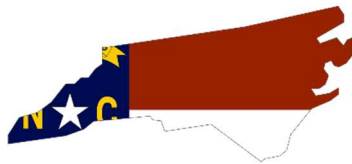


City Attorneys' Office

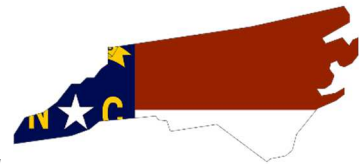
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LEGISLATIVE UPDATE



This Police Law Bulletin summarizes bills enacted into law this Session which may be of interest to municipal police officers. For specific details about the legislative bills summarized below, please review the actual legislation on the General Assembly's website: www.ncleg.net.

Session Law 2022-8 House Bill 315

Increased Punishment for Certain Arson Offenses

This bill amends G.S. 14-58 to increase the punishment for second degree arson from a Class G to a Class E felony. The bill creates new G.S. 14-59.1 to make it a Class D felony for a person to willfully set fire, burn, cause to be burned, aid, counsel or procure the burning of a penal institution or its contents. The bill also creates new G.S. 14-62.3 making it a Class D felony to willfully set fire, burn, cause to be burned, or aid, counsel or procure the burning of any occupied commercial structure, and a Class E felony if the commercial structure is unoccupied. The bill adds a new subsection (c) to G.S. 14-69.3 making it a Class F felony for a person to commit a felony under Article 15 of Chapter 14 of the General Statutes (various arson offenses) and a firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers serious injury while discharging or attempting to discharge their official duties. Currently, a person is guilty of a Class E felony if they commit a felony under Article 15 of Chapter 14 of the General Statutes and any of the aforementioned individuals suffer serious bodily injury while discharging or attempting to discharge their official duties.

Effective: December 1, 2022

Session Law 2022-49
House Bill 211

Clarification to Statutes Governing Common Area Entertainment Permits and Social Districts

This bill expands the category of multi-tenant establishments qualifying for a common area entertainment permit. A “multi-tenant establishment” is defined as a building or structure, or multiple buildings and structures on the same property, or within the same planned development project, that contain multiple businesses that sell food, goods, services, or a combination thereof and that include or are connected by common areas. Multi-tenant establishments include shopping malls that have more than 50% of their common areas enclosed or air-conditioned.

The bill allows the North Carolina Alcoholic Beverage Control Commission (ABC Commission) to issue a common area entertainment permit to the owner or property owner’s association of a “multi-tenant establishment” that has at least two tenants that have any of the following ABC permits: (1) an on-premises malt beverage permit; (2) an on-premises unfortified wine permit; (3) an on-premises fortified wine permit; (4) a mixed beverages permit; (5) a wine shop permit; or (6) a distillery permit. Currently, owners or property owners’ associations of multi-tenant establishments that only have tenants with either a wine-shop permit or distillery permit do not qualify for a common area entertainment permit.

The bill also expands those areas in which consumption and possession of alcoholic beverages in multi-tenant establishments is allowed. The bill allows any holder of a common area entertainment permit to designate, subject to approval by the ABC Commission, indoor or outdoor consumption areas on the premises of the multi-tenant establishment in which possession and consumption of alcoholic beverages is permitted. These “designated consumption areas” may include the premises of any business open to customers, regardless of whether or not the business is an ABC permittee, if the business chooses to allow outside alcoholic beverages on its premises. Currently, common area entertainment permit holders can only designate “common areas,” defined as “portions of a building or structure and outdoor areas that are used jointly by multiple business on a property or within a planned development project . . .” within which to allow possession and consumption of alcoholic beverages.

The bill requires “designated consumption areas” to be conspicuously marked and only allows, at a maximum, consumption during the hours in which an alcoholic beverage may be sold, with discretion allowed to the common area entertainment permit holder to further restrict the days and times in which an alcoholic beverage may be consumed.

The bill allows cities and counties to designate by ordinance more than one “social district.” A “social district” is defined as both indoor and outdoor areas in which a person may consume alcoholic beverages sold by the holders of any of the following ABC permits: (1) an on-premises malt beverages permit; (2) an on-premises unfortified wine permit; (3) an on-premises fortified wine permit; (4) a mixed beverages permit; (5) a wine shop permit; (6) or a distillery permit. Thus, a “social district” could include the indoor and outdoor areas of permitted and non-

permitted businesses and multi-tenant establishments within or bordering the social district, in addition to public streets, crosswalks and parking areas. Currently, a city or county is only authorized to designate one social district, and social districts do not include indoor areas.

Finally, the bill allows holders of common area entertainment permits to enter into agreements with local governments to allow open containers of alcohol within any designated consumption area to be possessed and consumed in any social district that directly borders the designated consumption area and vice versa, during days and hours when both the social district and designated consumption area are active.

Effective: July 7, 2022

Session Law 2022-48
House Bill 615

Jordan's Law

This bill amends G.S. 50B-3 to allow the court to temporarily renew a current domestic violence protective order (DVPO) if the hearing for the motion to renew the protective order is set on a date after which the current protective order will have expired. This ensures that there is not be a lapse in the legal protection provided by the order pending the renewal hearing. The court is only allowed to renew the current order until the date for the renewal hearing or 30 days from the date the current order is set to expire, whichever occurs first, unless both parties consent to a longer renewal.

Effective: December 1, 2022

Session Law 2022-44
House Bill 768

ABC Omnibus

The bill makes various changes to the law affecting alcoholic beverages. The following are some that may be of particular interest.

The bill prohibits holders of unfortified winery permits which produce their wine principally from honey, grapes, or other fruit or grain grown in this State from giving visitors free tasting samples of wine. Currently, holders of limited winery permits may offer these free tasting samples.

The bill replaces purchase transportation permits with packaging and logistics permits issued by the North Carolina Alcoholic Beverage Control Commission (ABC Commission). The holder of a packaging and logistics permit may receive, package, repack, and label closed containers of malt beverages, unfortified wines, fortified wines, or spiritous liquors. The holder of a packaging and logistics permit is also allowed to: transport into or out of this State any of the aforementioned alcoholic beverages in closed containers in the maximum amount allowed under

federal law; and (2) sell, deliver, and ship those beverages in closed containers to local ABC boards and in-state suppliers, wholesalers, and exporters. The holder of a packaging and logistics permit is also allowed to deliver and ship any of the above listed alcoholic beverages to out-of-state suppliers, private and public agencies, and establishments if allowed by the law of the other jurisdiction. Currently, in order to transport more than 80 liters of malt beverages (other than in kegs), 50 liters of unfortified wine, or a total of eight liters of fortified wine or spiritous liquor, a person must obtain a purchase-transportation permit. This permit may currently be issued by the chairman, member or general manager or supervisor of the local ABC board, an authorized employee of an ABC store, or the owner or designated employee of a distillery if only the spiritous liquor sold by the distillery is being transported.

The bill abolishes the limits on the amount of alcoholic beverages that may be purchased by one person at one time, the amount of alcoholic beverages that may be transported under State law, and the amount of fortified wines or spiritous liquor that may be transported by each passenger of a for-hire passenger vehicle (i.e. taxi). Currently, a person without a purchase-transportation permit is limited to purchasing and transporting at one time 80 liters of malt beverages (unless it is draft malt beverage in a keg), 50 liters of unfortified wine, and a total of eight liters of fortified wine or spiritous liquor. A purchase-transportation permittee may transport at one time 100 liters of unfortified wine, a total of 40 liters of either fortified wine or spiritous liquor or a combination of the two, and the amount of fortified wine or spiritous liquor specified on the purchase transportation permit for transportation to a mixed beverage permittee by an independent contractor.

Effective: July 7, 2022

Session Law 2022-75
House Bill 911

Regulatory Reform Act of 2022

This bill amends to allow an applicant for a concealed carry permit to complete a firearms safety and training course certified or sponsored by the United States Concealed Carry Association (USCCA) or taught by instructors certified by the USCCA. Currently, a concealed carry applicant must complete a firearms safety and training course certified or sponsored by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the National Rifle Association (NRA), or a law enforcement agency, college, private or public institution or organization, or firearms training school with instruction by instructors certified by either the Commission or the NRA.

Effective: July 12, 2022

Session Law 2022-68
Senate Bill 201

Motor Vehicle Changes

This bill adds new G.S. 14-164.1 creating the criminal offense of possession of a catalytic converter removed from a motor vehicle. Unless another provision of law provides greater punishment, possession of a catalytic converter that has been removed from a motor vehicle is a Class I felony unless the person in possession: (1) is an employee or agent of a company, or an individual, acting in their official duties for a motor vehicle dealer, motor vehicle repair shop, secondary metals recycler, or salvage yard that is properly licensed, permitted, or registered under State law; (2) possesses documentation indicating that the catalytic converter in their possession is the result of a replacement of a catalytic converter on a vehicle registered to them. Previously, there was not a specific criminal offense for possessing an unlawfully obtained catalytic converter.

Effective: July 8, 2022

Session Law 2022-65
Senate Bill 339

Wildlife Resources Commission Amendments

This bill makes it a misdemeanor for any person to violate any emergency powers exercised or emergency rules enacted by the Executive Director of the North Carolina Wildlife Resources Commission when the Commission determines that such powers are necessary to respond to a wildlife disease that threatens irreparable injury to wildlife or the public. A first conviction is a Class 3 misdemeanor and a second or subsequent conviction within three years of a previous conviction is a Class 2 misdemeanor.

Effective: December 1, 2022

Session Law 2022-32
Senate Bill 455

Conform Hemp with Federal Law

This bill adds the terms “Hemp” and “Hemp products” to the definitions in G.S. 90-87. “Hemp” is defined as “the plant *Cannabis sativa* (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.” “Hemp products” means “all products made from hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and verified propagules for cultivation if the seeds originate from hemp varieties.” Previously, “Industrial hemp” and “hemp

products” were defined in our General Statutes under the North Carolina Industrial Hemp Pilot Program which has expired. In addition, the bill amends the definition of marijuana in the North Carolina Controlled Substances Act (G.S. 90-94) to exclude hemp and hemp products as defined above.

Effective: June 30, 2022