



## **Representative McLawhorn's News from Raleigh**

**December 18, 2007**

Other state lawmakers and I continue our work to create and refine laws to benefit all North Carolinians. Several of those new laws went into effect at the beginning of this month. This week, I want to tell you about some laws that will improve our justice system, protect children and victims of crime, and tighten ethical standards in government.

### **Ethics**

- Legislators passed a bill (HB 1111) that allows the Legislative Ethics Committee to prepare advisory memos for legislators and legislative employees on ethical issues. It also makes ethics committee and State Ethics Commission meetings open to the public except for those involving minors, personnel records or other clearly private matters.

### **Elections**

- This session the General Assembly made a few changes to the state's election laws. We ratified a bill that makes it a felony to instruct or coerce non-citizens to vote. The bill (HB 1743) also establishes misdemeanor penalties for breaching ballot secrecy or trying to convince a person to select a party affiliation. The bill also allows combined ballots and provides civil penalties for officials who are late reporting campaign contributions and expenditures. Penalties can be as high as three times the amount of funds concealed if the State Board of Elections finds that the officials deliberately concealed contributions or expenditures.

### **Justice System**

- A new law passed a law (HB 1479) allows a judge to place a juvenile in contempt if that juvenile tries to disrupt court proceedings, refuses to follow instructions at court or is disrespectful of the court's authority.

- Another bill (HB 786) requires law enforcement agencies' complete files, including files from any public or private group that obtains information connected to the investigation, to be sent to the state and district attorneys. The law is expected to streamline the investigation process.

### **Domestic Violence**

- We tightened up domestic violence laws by ratifying a bill (HB 42) that adds stalking to the list of reasons a magistrate can hold a suspected abuser in jail. Another bill (HB 47) makes it a felony to violate a protective order related to a domestic violence case while in possession of a deadly weapon.

### **Schools**

- HB 1347 makes it a felony to make a false report of mass school violence. The court may order a person convicted of this crime to pay the costs of any damages incurred from the disruption of normal activity at the school or school event.

- Lawmakers passed a bill (SB 8) that increases safe zones around school grounds, child care centers, and all public parks from 300 feet to 1,000 feet. This law is intended to protect children from drug dealers who target children to buy or sell drugs. Drug dealers who buy or sell drugs within a safe zone are automatically charged with a felony.

### **Sex Offenders**

- The General Assembly ratified and Gov. Easley signed a law that will provide better monitoring of violent sex offenders. The bill (HB 29) requires recidivist and violent sex offenders to enroll in a GPS monitoring system for life. If a sex offender does not fall into one of these categories, the Department of Correction will conduct a risk assessment to determine if he or she should enroll in the monitoring program.

- According to a new law (HB 118), a person charged with a sex offense who is ordered to be tested for sexually transmitted infections and diseases must be tested within 48 hours of the court order.

### **Theft**

- It is now a felony to intentionally pull down wires, phone, telegraph and electrical fixtures with the intention of stealing and selling to secondary metal recyclers. The new law (HB 367) also provides for the forfeiture of vehicles used to steal metals and requires secondary metal recyclers to keep more detailed records about where they buy their materials.

- Legislators passed a law that creates new felonies for shoplifters. The law (SB 1270) makes it a felony to commit larceny or organized retail theft. The law will prevent the resale of valuable black-market items such as baby food and razor blades. Offenders will be charged with a felony if the crime is premeditated or if the value of the retail property exceeds \$1,500.

### **Animal Protection**

- Legislators passed a bill (SB 34) that makes it a felony to kill a police or seeing-eye dog. The law also makes killing or seriously harming such animals an aggravating circumstance for other criminal offenses if the animal was engaged in official duties. Another bill (HB 995) increases the penalty for maliciously killing or starving animals.

### **Mortgage Fraud**

- This session we ratified a bill that defines and punishes residential mortgage fraud in North Carolina. The bill (HB 817) makes it a felony to knowingly misrepresent or exclude information in the mortgage lending process even if the victim is not harmed financially. Offenders can be sentenced to up to 16 months if they have no prior record and up to 31 months if they are linked to at least five cases of fraud with no prior record. Mortgage fraud was illegal under previous laws, but it was covered by general fraud law. That law required stolen property to be valued at a minimum of \$100,000 before the offender would face substantial punishment. The changes make it easier to protect people who were cheated out of lesser amounts.

### **Health Care**

- It is now a felony to assault a disabled person living in a health or residential care facility. Legislators passed a bill (HB 554) that makes it a felony to assault a disabled person when the conduct suggests a pattern of behavior that is negligent or willful and causes bodily harm to the resident.