

March 26, 2009

H 859. AMEND CONDITIONS OF PROBATION. Filed 3/26/09. *TO AMEND THE LAWS GOVERNING THE CONDITIONS OF PROBATION.*

Amends the regular and special conditions for probation in GS 15A-1343(b) and (b1). Eliminates the regular condition requiring a probationer visit a prison. Changes from special conditions to regular conditions the requirements that the probationer (1) submit to warrantless searches by a probation officer and (2) not use, possess, or control any illegal drug or controlled substance (unless prescribed by a physician). Adds new regular condition requiring the probationer to supply a breath, urine, and/or blood specimen for analysis when instructed by probation officer. Effective December 1, 2009, and applies to persons sentenced to probation on or after that date.

Intro. by Guice.

GS 15A

May 7, 2009

H 859. AMEND CONDITIONS OF PROBATION. Filed 3/26/09. House committee substitute makes the following changes to 1st edition. Amends GS 15A-1343(b)(13) to clarify that a defendant on probation must only submit to warrantless searches by a probation officer of his or her person or his or her vehicle and premises for purposes specified by the court and reasonably related to his or her probation supervision, but that the probationer may not be required to submit to any other search that would also be unlawful. Further amends GS 15A-1343(b)(13) to provide that the probationer may be required to reimburse the Department of Correction for the actual cost of drug screening and drug testing of the probationer if the results are positive. Deletes GS 15A-1343(b)(15), which required the probationer to supply a breath, urine, and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the probationer's probation officer.

July 1, 2010

H 859. AMEND CONCEALED WEAPON & HANDGUN PERMIT LAWS (NEW). Filed 3/26/09. Senate committee substitute deletes all provisions of the 2nd edition and replaces with *AN ACT TO EXEMPT CERTAIN RETIRED PROBATION AND PAROLE CERTIFIED OFFICERS FROM THE FIREARM SAFETY AND TRAINING COURSE REQUIREMENT FOR PURPOSES OF THE CONCEALED HANDGUN PERMIT AND TO PROVIDE THAT THE PROHIBITION AGAINST CARRYING A CONCEALED WEAPON DOES NOT APPLY TO STATE PROBATION AND PAROLE CERTIFIED OFFICERS WHEN THEY ARE OFF-DUTY.*

Amends GS 14-415.10 (definitions applicable to a concealed handgun permit) to provide the definition for *qualified retired probation or parole certified officer* as an individual who retired from service as a state probation or parole certified officer, other than for reasons of mental disability, who has been retired two years or less from the date of permit application and who also meets the listed criteria including that immediately before retirement the individual met firearms training standards and was authorized by the Department of Correction to carry a handgun. Amends GS 14-415.12A(a) to add qualified retired probation or parole certified officers to the list of those deemed to have successfully completed a firearms safety and training course for the purpose of obtaining a concealed handgun permit. Amends GS 14-269(b) to allow off-duty state probation or parole certified officers to carry a concealed weapon, provided the person is not consuming alcohol or an unlawful controlled substance and is not under the influence thereof. Effective December 1, 2010, and applies to probation and parole officers who retired before, on, or after December 1, 2010.

July 9, 2010

H 859. AMEND CONCEALED HANDGUN PERMIT LAWS (NEW). Filed 3/26/09. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy.

Deletes section amending GS 14-269(b), which allowed off-duty state probation or parole certified officers to carry a concealed weapon, provided that the person is not consuming alcohol

or an unlawful controlled substance and is not under the influence thereof. Makes a conforming change to the title.

July 28, 2010

SL 2010-104 (H 859). AMEND CONCEALED WEAPON AND HANDGUN PERMIT LAWS.
AN ACT TO EXEMPT CERTAIN RETIRED PROBATION AND PAROLE CERTIFIED OFFICERS FROM THE FIREARM SAFETY AND TRAINING COURSE REQUIREMENT FOR PURPOSES OF THE CONCEALED HANDGUN PERMIT. Summarized in *Daily Bulletin* 7/1/10 and 7/9/10.
Enacted July 20, 2010. Effective December 1, 2010.