

February 19, 2009

S 252. STRENGTHEN LOCAL EMERGENCY MANAGEMENT. Filed 2/19/09. *TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.*

Amends GS 166A-5(3) by requiring that the Division of Emergency Management review the standards and requirements for local plans and programs under the state emergency management program at least biannually and update plans as necessary. Makes a technical change. Amends GS 166A-7 to allow a county and one or more municipalities within the county, two or more counties, or two or more counties and one or more municipalities within the borders of those counties to form joint emergency management agencies. Specifies that the Division sets the policies and standards for emergency management plans and programs. Provides that each county that establishes an emergency management agency may be eligible for state and *federal* assistance, *including state and federal funding appropriated for emergency management planning and preparedness and for the maintenance and management of the county's program.* Requires that the Division annually determine allocations to counties, where the appropriation did not allocate funds between counties (was, determined annually by the state). Provides that the allocation be based on certain criteria. Deletes the \$1,000 per fiscal year limit on assistance. Effective October 1, 2009.

Intro. by Snow.

GS 166A

May 5, 2009

S 252. STRENGTHEN LOCAL EMERGENCY MANAGEMENT. Filed 2/19/09. Senate committee substitute makes the following changes to 1st edition. Clarifies in proposed amended GS 166A-7(e) that if an appropriation does not allocate funds among (was, between) counties, the amount allocated to each county must be determined annually by the Division of Emergency Management.

August 3, 2009

S 252. COMPLY WITH MELENDEZ-DIAZ DECISION (NEW). Filed 2/19/09. House committee substitute makes the following changes to 2nd edition. Deletes contents of the previous edition and replaces it with *AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS.*

Amends GS 8-58.20(d) (related to forensic analysis that is admissible as evidence) to require that the district attorney serve a copy of the laboratory report and affidavit *and indicate whether the report and affidavit will be offered as evidence at any proceeding against the defendant* on the defendant or the defendant's attorney, as applicable, in the specified amount of time. Enacts new GS 8-58.20(g) to set forth a procedure for establishing a chain of physical custody or control of evidence subject to forensic analysis without needing unnecessary witnesses to make personal appearances in court. Includes requiring a statement that (1) is signed by each successive person in the chain of custody and (2) contains specific information regarding the evidence. Specifies that the provisions of GS 8-58.20(g) may only be utilized by the State if (1) the State (a) notifies the defendant at least 15 business days before any proceeding at which the State intends to introduce that statement into evidence and (b) provides the defendant with a copy of the statement and (2) the defendant fails to file a written notification with the court, with a copy to the State, at least five days before the proceeding that the defendant objects to the introduction of the statement into evidence. Allows the State to include the statement with the laboratory report and affidavit as provided in subsection (d), in lieu of the notice required by (g)(3). Provides that, upon filing a timely objection, the admissibility of the statement must be determined and governed by the appropriate rules of evidence. Specifies that nothing in the subsection precludes the right of any party to call any witness or to introduce evidence supporting or contradicting the evidence contained in the statement.

Amends GS 20-139.1(c1) (admissibility of blood and urine test), GS 20-139.1(c3) (chain of custody procedure for blood and urine), and enacts new GS 20-139.1(e2) (related to the use of

chemical analyst's affidavit in district court for alcohol concentration or the presence or absence of an impairing substance) to insert identical provisions as those set forth in GS 8-58.20(g)(3), (5), and (6) and to clarify that the evidence may be used without the testimony of the analyst in certain proceedings under these conditions. Makes other conforming changes to these provisions, as well as to GS 20-139.1(e1) and GS 90-95(g) (concerning report of chemical analysis for possible controlled substances).

Effective for offenses committed on or after October 1, 2009. Specifies that nothing in the act is to be construed to abrogate any judicial or administrative rulings or decisions prior to the effective date of this act that (1) allowed or disallowed the introduction of evidence or (2) validated or invalidated procedures used for the introduction of evidence.

September 1, 2009

SL 2009-473 (S 252). COMPLY WITH MELENDEZ-DIAZ DECISION. AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS. Summarized in *Daily Bulletin* 8/3/09. Enacted August 26, 2009. Effective October 1, 2009.