

# Out Of Order



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 392

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

H392-ALB-36 [v.4]

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Comm. Sub. [YES]  
Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2013

Representative Luebke

1 Moves to amend Amendment #1 on page 1, lines 6 – 10, by rewriting the lines to read:

2 "VIOLATOR, TO REQUIRE THE DEPARTMENT OF COMMERCE TO VERIFY  
3 WHETHER THE CHIEF EXECUTIVE OFFICER OR CHIEF FINANCIAL OFFICER OF  
4 AN APPLICANT FOR OR RECIPIENT OF A JOB DEVELOPMENT INVESTMENT  
5 GRANT (JDIG), TO DIRECT INTERAGENCY COOPERATION AND INFORMATION  
6 SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT  
7 OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR  
8 RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE  
9 VIOLATOR AND TO DENY JDIG GRANTS TO AN APPLICANT EITHER OF  
10 WHOSE CHIEF EXECUTIVE OFFICER OR CHIEF FINANCIAL OFFICER IS A  
11 FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR.";

12  
13 Further moves to amend the bill on page 3, line 29, by adding the following between lines 29  
14 and 30:

15 **SECTION 3.1.** Part 2G of Article 10 of Chapter 143B of the General Statutes is  
16 amended by adding a new section to read:

17 **"§ 143B-437.52A. Information sharing of outstanding arrest warrant of Chief Executive**  
18 **Officer or Chief Financial Officer applicant for or recipient of JDIG grant.**

19 (a) The Department of Commerce shall notify an applicant for a Job Development  
20 Investment Grant (JDIG) under this Part that release of confidential information from the  
21 applicant's records may not be protected if a warrant for arrest is issued against the Chief  
22 Executive Officer or Chief Financial Officer of the applicant. The Department of Commerce  
23 shall notify all recipients of a Job Development Investment Grant under this Part at the time of  
24 renewal of the recipient's Job Development Investment Grant that release of confidential  
25 information from the recipient's records may not be protected if a felony or misdemeanor arrest  
26 warrant is issued against the Chief Executive Officer or Chief Financial Officer of the recipient.

27 (b) The Department of Commerce shall verify whether against the Chief Executive  
28 Officer or Chief Financial Officer of an applicant for or recipient of a Job Development  
29 Investment Grant is (i) fleeing to avoid prosecution, custody, or confinement after conviction,  
30 under the laws of the place from which the individual flees, for a crime, or an attempt to  
31 commit a crime, which is a felony under the laws of the place from which the individual flees  
32 or (ii) violating a condition of probation or parole imposed under federal or State law, by



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1 ensuring that the criminal history of the Chief Executive Officer or Chief Financial Officer of  
2 an applicant, or of a recipient at the time of grant renewal, is checked. The Department of  
3 Commerce shall conduct the criminal history check necessary to verify whether the Chief  
4 Executive Officer or Chief Financial Officer of an applicant is a fleeing felon or a probation or  
5 parole violator utilizing all currently accessible databases to the extent permitted by allocated  
6 state resources.

7 (c) Nothing in this section shall be construed to authorize the disclosure of any  
8 information otherwise protected by State or federal law or regulation.

9 (d) The Secretary of Commerce shall adopt rules regarding (i) the sharing of  
10 information between the Department and local law enforcement agencies, (ii) the accuracy of  
11 information shared pursuant to this section, and (iii) any other rules the Secretary deems  
12 necessary to implement this section.

13 (f) The Department of Commerce shall cooperate and collaborate with the Office of the  
14 State Controller, the Administrative Office of the Courts, and the Department of Public Safety  
15 to develop protocols to implement this section.

16 (g) Annually, on April 1, the Department of Commerce shall report to the General  
17 Assembly on the number of individuals who are denied benefits under this section during the  
18 preceding calendar year."

19 **SECTION 3.2.** Part 1 of Article 2 of Chapter 108A of the General Statutes is  
20 amended by adding the following new section to read:

21 **"§ 143B-437.52B Fleeing felon, or parole or probation violator; eligibility for JDIG grant.**

22 The Secretary of Commerce shall not approve a Job Development Investment Grant (JDIG)  
23 under this Part if the department receives information described in G.S. 143B-437.52A that the  
24 Chief Executive Officer or Chief Financial Officer of an applicant for or recipient of program  
25 assistance is subject to arrest under an outstanding warrant arising from a charge of violating  
26 conditions of parole or probation or from a felony charge against the Chief Executive Officer or  
27 Chief Financial Officer of the applicant or recipient in any jurisdiction. An applicant or  
28 recipient described in this section is eligible for a grant, if all other eligibility criteria of the law  
29 are met, when the Chief Executive Officer or Chief Financial Officer of the applicant or  
30 recipient is no longer subject to arrest under an outstanding warrant as described in this  
31 section."

32 **SECTION 3.3** Part 2 of Article 4 of Chapter 114 of the General Statutes is  
33 amended by adding the following new section to read:

34 **"§ 114-19.34. Criminal record checks of applicants for or recipients of program**  
35 **assistance.**

36 The Department of Justice may provide to the Department of Commerce from the State and  
37 National Repositories of Criminal Histories the criminal history of the Chief Executive Officer  
38 or Chief Financial Officer person who applies for a Job Development Investment Grant under,  
39 Part 2G of Article 10 of Chapter 143B. The Department of Commerce shall provide to the  
40 Department of Justice, along with the request, a form signed by the Chief Executive Officer or  
41 Chief Financial Officer of the applicant or recipient acknowledging receipt of the notification  
42 required by G.S. 143B-427.52A and any identifying information required by the State and  
43 National Repositories and any additional information required by the Department of Justice.

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- 1 Except as provided under G.S. 143B-427.52A, the Department of Commerce shall keep all
- 2 information obtained pursuant to this section confidential."
- 3
- 4
- 5
- 6

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_