

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 735
Committee Substitute Favorable 4/28/15
Committee Substitute #2 Favorable 4/30/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H735-PCS10461-SA-97

Short Title: DPS Changes.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES RELATED TO THE DEPARTMENT OF
3 PUBLIC SAFETY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) S.L. 2015-241 is amended by adding a new section to read:

6 "**SAFIS FUNDS**

7 "**SECTION 16A.9.(a)** Notwithstanding any other provision of this act or of the Committee
8 Report described in Section 33.2 of this act, the sum of three hundred thirty-three thousand five
9 hundred fifty-seven dollars (\$333,557) shall not be transferred from Budget Code 23002 to the
10 State Bureau of Investigation to update the Statewide Automated Fingerprint Information
11 System (SAFIS).

12 "**SECTION 16A.9.(b)** Notwithstanding any other provision of this act or of the Committee
13 Report described in Section 33.2 of this act, the Department of Public Safety may use up to the
14 sum of three million dollars (\$3,000,000) in overrealized receipts during the 2015-2017 fiscal
15 biennium for replacement of the Statewide Automated Fingerprint Identification System
16 (SAFIS)."

17 SECTION 1.(b) G.S. 143B-930(a) reads as rewritten:

18 "(a) When the Department of Public Safety determines that any person is entitled by law
19 to receive information, including criminal records, from the State Bureau of Investigation, for
20 any purpose other than the administration of criminal justice, the State Bureau of Investigation
21 shall charge the recipient of such information a reasonable fee for retrieving such information.
22 The fee authorized by this section shall not exceed the actual cost of storing, maintaining,
23 locating, editing, researching and retrieving the information, and may be budgeted for the
24 support of the State Bureau of Investigation."

25 SECTION 2.(a) G.S. 15A-502(a2), as enacted by Section 11(h) of S.L. 2015-195,
26 reads as rewritten:

27 "(a2) It shall be the duty of the arresting law enforcement agency to cause a person
28 charged with the commission of any of the following misdemeanors to be fingerprinted, ~~for the~~
29 ~~purposes of reporting these offenses to the National Criminal Instant Background Check~~
30 ~~System (NICS), fingerprinted~~ and to forward those fingerprints to the State Bureau of
31 Investigation:

- 32 (1) G.S. 14-134.3 (Domestic criminal trespass), G.S. 15A-1382.1 (Offense that
33 involved domestic violence), or G.S. 50B 4.1 (Violation of a valid protective
34 order).



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1 (2) G.S. 20-138.1 (Impaired driving), G.S. 20-138.2 (Impaired driving in
2 commercial vehicle), G.S. 20-138.2A (Operating a commercial vehicle after
3 consuming alcohol), and G.S. 20-138.2B (Operating various school, child
4 care, EMS, firefighting, or law enforcement vehicles after consuming
5 alcohol).

6 (3) G.S. 90-95(a)(3) (Possession of a controlled substance)."

7 **SECTION 2.(b)** G.S. 15A-502(a4), as enacted by Section 11(h) of S.L. 2015-195,
8 reads as rewritten:

9 "(a4) It shall be the duty of the arresting law enforcement agency to cause a person who
10 has been charged with a misdemeanor offense of assault, stalking, or communicating a threat
11 and held under G.S. 15A 534.1 to be fingerprinted ~~for the purposes of reporting these offenses~~
12 ~~to the National Criminal Instant Background Check System (NICS)~~ and to forward those
13 fingerprints to the State Bureau of Investigation."

14 **SECTION 3.** G.S. 143B-911(a), as amended by Section 16A.7(f) of S.L. 2015-241,
15 reads as rewritten:

16 "(a) Section Established. – There is hereby established, within the State Highway Patrol
17 of the Department of Public Safety, the State Capitol Police Section, which shall be organized
18 and staffed in accordance with applicable laws and regulations and within the limits of
19 authorized appropriations. The Chief, special officers, and employees of the State Capitol
20 Police Section are not considered members of the State Highway Patrol."

21 **SECTION 4.** Section 2 of this act becomes effective October 1, 2015. The
22 remainder of this act becomes effective July 1, 2015.