

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 616

Short Title: Study Metals & Pawn Statutes/Prevent Theft. (Public)

Sponsors: Senator Atwater.

Referred to: Commerce.

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE
3 MODERNIZATION AND CONSOLIDATION OF STATUTES RELATING TO
4 SCRAPYARDS, PRECIOUS METALS BUSINESSES, AND PAWNBROKERS.

5 Whereas, the current climate of economic distress has led to a rise in the number of
6 crimes involving the theft of personal property, including precious metals and other metals; and

7 Whereas, currently the statutes regulating scrapyards, precious metals businesses,
8 and pawnbrokers are located in different parts of the General Statutes; and

9 Whereas, the scattered nature of the statutes and their similar but separate provisions
10 can lead to unnecessary confusion; and

11 Whereas, effective, comprehensible, and easily locatable statutes are a vital tool for
12 law enforcement in its efforts to combat the increase in personal property theft and resale; Now,
13 therefore,

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.(a)** There is established the Joint Legislative Study Commission on
16 Modernizing the Regulation of Pawnbrokers, Precious Metals Businesses, and Scrapyards to
17 examine the statutes regulating those entities with the aim of (i) increasing the detection of the
18 sale of stolen property throughout the State; (ii) increasing the comprehensibility of the relevant
19 statutes; and (iii) centrally locating the relevant statutes in a single statutory chapter or article.

20 **SECTION 1.(b)** The Commission shall consist of 17 members appointed as
21 follows:

- 22 (1) Four members of the Senate appointed by the President Pro Tempore of the
23 Senate.
- 24 (2) Four members of the House of Representatives appointed by the Speaker of
25 the House of Representatives.
- 26 (3) Four members of local law enforcement agencies to be appointed as follows:
27 a. Two members of local law enforcement agencies appointed by the
28 Speaker of the House of Representatives, one from a rural county and
29 one from an urban county.
30 b. Two members of local law enforcement agencies appointed by the
31 President Pro Tempore of the Senate, one from a rural county and
32 one from an urban county.
- 33 (4) A scrapyard operator appointed by the President Pro Tempore of the Senate.
- 34 (5) A precious metals dealer appointed by the Speaker of the House of
35 Representatives.
- 36 (6) A precious metals dealer appointed by the President Pro Tempore of the
37 Senate.



1 (7) A pawnbroker appointed by the Speaker of the House of Representatives.

2 (8) The Attorney General, or the Attorney General's designee.

3 **SECTION 1.(c)** The Speaker of the House of Representatives shall designate one
4 representative as cochair, and the President Pro Tempore of the Senate shall designate one
5 senator as cochair. Vacancies on the Commission shall be filled by the same appointing
6 authority who made the initial appointment. The Commission shall expire upon delivering its
7 final report.

8 The Commission, while in the discharge of its official duties, may exercise all
9 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
10 Commission may meet at any time upon the joint call of the cochairs. The Commission may
11 meet in the Legislative Building or the Legislative Office Building. The Commission may
12 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

13 The Legislative Services Commission, through the Legislative Services Officer,
14 shall assign professional staff to assist the Commission in its work. The House of
15 Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the
16 Commission, and the expenses relating to the clerical employees shall be borne by the
17 Commission. Members of the Commission shall receive subsistence and travel expenses at the
18 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

19 **SECTION 2.** The Commission shall report its findings to the 2012 Regular Session
20 of the 2011 General Assembly upon convening.

21 **SECTION 3.** All State departments and agencies and local governments and their
22 subdivisions shall furnish the Commission with any information in their possession or available
23 to them.

24 **SECTION 4.** There is appropriated from the General Fund to the General
25 Assembly the sum of thirty thousand dollars (\$30,000) for the 2011-2012 fiscal year to carry
26 out the purposes of this act.

27 **SECTION 5.** This act becomes effective July 1, 2011.