

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-267
HOUSE BILL 735**

AN ACT TO MAKE VARIOUS CHANGES RELATED TO THE DEPARTMENT OF
PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

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

"SAFIS FUNDS

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

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

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

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

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

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

- (1) G.S. 14-134.3 (Domestic criminal trespass), G.S. 15A-1382.1 (Offense that involved domestic violence), or G.S. 50B 4.1 (Violation of a valid protective order).
- (2) G.S. 20-138.1 (Impaired driving), G.S. 20-138.2 (Impaired driving in commercial vehicle), G.S. 20-138.2A (Operating a commercial vehicle after consuming alcohol), and G.S. 20-138.2B (Operating various school, child care, EMS, firefighting, or law enforcement vehicles after consuming alcohol).
- (3) G.S. 90-95(a)(3) (Possession of a controlled substance)."

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

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



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

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

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

In the General Assembly read three times and ratified this the 29th day of September, 2015.

s/ Philip E. Berger
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:05 a.m. this 1st day of October, 2015