

NCACC 2015 Legislative Goals
Submitted by
Durham County
September 8, 2014

1. Goal Title: Increase the penalty for firearm related offenses.

Goal Description: Durham County, and statewide, breaking and entering offenses have increased, as have larcenies of firearms during these intrusions. In fact there have B&Es where the primary object of theft was firearms. These stolen firearms are redistributed through sales and exchanges with other criminals thereby increasing the risk of violence to citizens. A significant enhancement in the level of penalty applicable to these crimes will send a strong message about how seriously they are considered and hopefully improve the safety of our citizens. This may be accomplished through:

1. Amendment of G.S. 14-72, to increase the classification/penalty for larceny of a firearm from a Class H Felony to a Class E Felony.
2. Amendment of G.S. 14-72, to increase the classification/penalty for the sale or receipt of a stolen firearm from a Class 1 Misdemeanor to a Class E Felony.
3. Amendment of G.S. 15A-1340.16A, to increase the minimum term of imprisonment for any offense where the underlying felony was committed with a stolen firearm by 72 months.

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2. Goal Title: Shorten the hold time for selling unclaimed livestock

Goal Description: General Statute §68-20, the current statute regarding notice of impounded livestock with an unknown owner, requires that they be held for 30 days and then public notice posted for at least 20 days announcing intended sale. This requires animal control authorities to hold livestock found running loose for at least 50 days. Since few governmental authorities have facilities for such an impound, this means that significant bills can be incurred to arrange for appropriate facilities and care for the animals. Experience shows that with internet advertising and modern communications, most livestock having responsible owners who wish to locate their animals do so within five days. Input from veterinary professionals has also indicated that herd animals should be returned to a social environment as quickly as possible. To expedite this process, the statute should be amended to reduce the time for holding and advertising animals whose owner is unknown to be the same as that for those with a known owner, 3 days of initial hold, followed by 10 days of posted public notice of intended sale.

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- 3. Goal Title:** Require state Medicaid program to use federal rules for determination of medical necessity.

Goal Description The NC Medicaid Office currently utilizes an outdated, retrospective approach to determining medical necessity for ambulance transports - measuring medical necessity at the time the patient is transported (after local EMS crews are already committed to the transport). Federal rules measure medical necessity at the time of dispatch. A few years ago, a group of NC EMS providers and EMS billing experts worked with NC Medicaid to develop rules consistent with the federal practice. However, DHSS has never implemented those rules. This subjects NCs EMS emergency medical providers to inappropriate and unfair audit and recoupment procedures.

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- 4. Goal Title:** Restoration of Historic preservation rehabilitation tax credits

Goal Description: State historic preservation rehabilitation tax credits are scheduled to sunset or expire at the end of 2014. This sunset will affect all 3 of the state's historic rehabilitation tax credits:

1. Income-producing properties (primarily commercial structures which also include rental residential)
2. Non income-producing properties (primarily owner-occupied dwellings)
3. Specialized historic mill tax credits

This economic development tool has helped many communities revitalize key areas of their jurisdictions. Just in Durham County, we stand to lose \$1.2 million in tax credits for a \$21.1 million revitalization project (Whitted School) already underway. Familiar projects such as the now 10-year old American Tobacco (*\$200 million renovation*) project provided a complete turnaround of the city center, bringing jobs, housing, entertainment and businesses. A quick review of other states indicates that the majority (40) of them have, or are seeking legislation, to use similar tax credits for economic development. We suggest that the North Carolina Metropolitan Mayors Coalition and the NC League of Municipalities partner with NCACC as we seek to advance this effort.

Submitted by Durham County Commissioners
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5. Goal Title: Fully Fund the Justice Reinvestment Act

Goal Description: Seek increased funding for Justice Reinvestment Act Initiatives.

Lawmakers have failed to approve a budget that fully funds the initiatives of the Act since its enactment in 2011. Policies in the comprehensive criminal justice bill include new tools for probation officers to hold offenders accountable, longer sentences for individuals with repeat breaking and entering offenses, and increased funding for drug treatment programs in prison and in the community. These policies were projected to save the state up to an estimated \$293 million over six years in reduced spending and \$267 in averted costs. Without adequate funding, the programs will not achieve the desired goals. Durham County and its local Crime Cabinet recommends a strategy to provide cost effective services at a funding level that is fashioned after a strategy developed in the State of Texas. The plan in summary:

- A strategy for reducing recidivism (as well as revocations) by 20% by reinvesting in evidence-based community services including: employment, substance abuse and mental health services, housing, and Intensive Treatment Courts.
- A commitment for the state and local jurisdictions to work together to make sure referral systems quickly and effectively identify and refer justice-involved people into services.
- Funding and expansion of Re-entry Councils with representation from local government.

**Submitted by Durham County Commissioners
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