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House Bill 1307 / S.L. 2010-49

2009-2010 Session

No Felon as Sheriff.

Text	Fiscal Note
Filed [HTML]	-
Edition 1 [HTML]	-
Edition 2 [HTML]	-
Edition 3 [HTML]	-
Edition 4 [HTML]	-
Edition 5 [HTML]	-
Ratified [HTML]	-
SL2010-49 [HTML]	-

Status:	Ch. SL 2010-49 on 07/01/2010
Sponsors	
Primary:	Sutton;
Co:	N/A
Attributes:	Public; Text has changed;

Vote History

Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
05/13/2009 9:56PM	A1 Sutton/Second Reading	[H] - 482	114	0	3	3	0	114	PASSED
05/13/2009 9:57PM	Second Reading	[H] - 483	115	0	2	3	0	115	PASSED
06/23/2010 3:56PM	Second Reading	[S] - 1356	46	1	0	3	0	47	PASSED
06/23/2010 3:57PM	Third Reading	[S] - 1357	46	1	0	3	0	47	PASSED
06/30/2010 3:57PM	Second Reading/M11 Concur	[H] - 1598	112	0	6	2	0	112	PASSED
07/01/2010 1:33PM	Third Reading/M11 Concur	[H] - 1617	107	0	6	7	0	107	PASSED

[Viewing All Votes \(6\)](#) [View Last 2 Votes](#)

History RSS

Date	Chamber	Action
04/08/2009	House	Filed
04/09/2009	House	Passed 1st Reading
04/09/2009	House	Ref to the Com on Ways and Means/Broadband Connectivity, if favorable, Judiciary III
05/11/2009	House	Reptd Fav Com Substitute
05/11/2009	House	Re-ref Com On Judiciary III
05/12/2009	House	Reptd Fav Com Sub 2
05/12/2009	House	Cal Pursuant Rule 36(b)
05/12/2009	House	Placed On Cal For 5/13/2009
05/13/2009	House	Amend Adopted 1
05/13/2009	House	Passed 2nd & 3rd Reading
05/14/2009	Senate	Rec From House
05/20/2009	Senate	Ref To Com On Rules and Operations of the Senate
06/23/2010	Senate	Reptd Fav Com Substitute
06/23/2010	Senate	Com Substitute Adopted
06/23/2010	Senate	Placed On Cal For 6/23/2010
06/23/2010	Senate	Passed 2nd Reading
06/23/2010	Senate	Passed 3rd Reading
06/24/2010	House	Rec To Concur S Com Sub
06/24/2010	House	Com Sub Ruled Material
06/24/2010	House	Ref To Com On Judiciary III
06/29/2010	House	Reptd Fav To Concur
06/29/2010	House	Cal Pursuant Rule 36(b)
06/29/2010	House	Placed On Cal For 6/30/2010
06/30/2010	House	Concurred On 2nd Reading
07/01/2010	House	Concurred On 3rd Reading
07/01/2010		Ratified
07/01/2010		Ch. SL 2010-49

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2009-2010 Session

Bill Number:

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PRINTABLE VERSION

North Carolina Senate

Walter Dalton
Lieutenant Governor

Marc Basnight
President Pro Tem

Janet Pruitt, Senate Principal Clerk

ROLL CALL

Legislative Session Day 137 (06-23-2010)

1356 HB 1307 **NO FELON AS SHERIFF. 5th Edition** **Outcome: PASSED**
 Sponsor: SUTTON **Time: Jun 23 2010 3:56PM**
 Second Reading

Total Votes: 47 Ayes: 46 Noes: 1 Not: 0 Exc. Absent: 3 Exc. Vote: 0

Ayes: Senator(s): Albertson; Allran; Apodaca; Atwater; Basnight; Berger, D.; Berger, P.; Bingham; Blue; Boseman; Brock; Brown; Brunstetter; Clary; Clodfelter; Dannelly; Davis; Dickson; Dorsett; East; Foriest; Forrester; Garrou; Goss; Graham; Hartsell; Hoyle; Hunt; Jacumin; Jones; Kinnaird; McKissick; Nesbitt; Preston; Purcell; Queen; Rouzer; Rucho; Snow; Soles; Stein; Stevens; Swindell; Tillman; Vaughan; Walters

Noes: Senator(s): Goodall

Exc. Absence: Senator(s): Blake; Jenkins; Shaw

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PRINTABLE VERSION

North Carolina Senate

Walter Dalton
Lieutenant Governor

Marc Basnight
President Pro Tem

Janet Pruitt, Senate Principal Clerk

ROLL CALL

Legislative Session Day 137 (06-23-2010)

1357 HB 1307 **NO FELON AS SHERIFF. 5th Edition** Outcome: PASSED
 Sponsor: SUTTON Time: Jun 23 2010 3:57PM
 Third Reading

Total Votes: 47 Ayes: 46 Noes: 1 Not: 0 Exc. Absent: 3 Exc. Vote: 0

Ayes: Senator(s): Albertson; Allran; Apodaca; Atwater; Basnight; Berger, D.; Berger, P.; Bingham; Blue; Boseman; Brock; Brown; Brunstetter; Clary; Clodfelter; Dannelly; Davis; Dickson; Dorsett; East; Foriest; Forrester; Garrou; Goss; Graham; Hartsell; Hoyle; Hunt; Jacumin; Jones; Kinnaird; McKissick; Nesbitt; Preston; Purcell; Queen; Rouzer; Rucho; Snow; Soles; Stein; Stevens; Swindell; Tillman; Vaughan; Walters

Noes: Senator(s): Goodall

Exc. Absence: Senator(s): Blake; Jenkins; Shaw

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PRINTABLE VERSION

North Carolina House of Representatives

Joe Hackney
Speaker

William L. Wainwright
Speaker Pro Tem

Denise Weeks, House Principal Clerk

ROLL CALL

Legislative Session Day 145 (07-01-2010)

1617 HB 1307 **NO FELON AS SHERIFF.** Outcome: PASSED
Sponsor: SUTTON Time: Jul 1 2010 1:33PM
Third Reading\M11 Concur

Total Votes: 107 Ayes: 107 Noes: 0 Not: 6 Exc. Absent: 7 Exc. Vote: 0

Democrat

Ayes:

Representative(s): Adams; Alexander, K.; Alexander, M.; Bell; Bordson; Braxton; Brisson; Carney; Coates; Cotham; Crawford; Earle; England; Faison; Farmer-Butterfield; Fisher; Floyd, E.; Gibson; Gill; Glazier; Goforth; Goodwin; Haire; Hall; Harrison; Heagarty; Hill; Holliman; Hughes; Insko; Jackson; Jeffus; Jones; Love; Lucas; Luebke; Martin; May; McLawhorn; Mobley; Owens; Parfitt; Parmon; Pierce; Rapp; Ross; Spear; Stewart; Tarleton; Tolson; Tucker; Underhill; Wainwright; Warren, E.; Weiss; Whilden; Wilkins; Williams; Womble

Not Voting:

Representative(s): Bryant; Hackney (SPEAKER); Mackey; Michaux; Sutton; Warren, R.

Exc. Absence:

Representative(s): Cole; Wray; Yongue

Republican

Representative(s): Avila; Barnhart; Blackwell; Blackwood; Blust; Boles; Brown; Burr; Burris-Floyd; Cleveland; Current; Daughtry; Dockham; Dollar; Folwell; Frye; Gillespie; Grady; Guice; Gulley; Hilton; Holloway; Howard; Hurley; Iler; Ingle; Johnson; Justice; Justus; Langdon; Lewis; McComas; McCormick; McElraft; Moore; Neumann; Randleman; Rhyne; Sager; Samuelson; Setzer; Stam; Starnes; Steen; Stevens; Tillis; West; Wiley

Representative(s): None

Representative(s): Brubaker; Killian; McGee; Mills

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PRINTABLE VERSION

North Carolina House of Representatives

Joe Hackney
Speaker

William L. Wainwright
Speaker Pro Tem

Denise Weeks, House Principal Clerk

ROLL CALL

Legislative Session Day 144 (06-30-2010)

1598 HB 1307 **NO FELON AS SHERIFF.** Outcome: PASSED
 Sponsor: SUTTON Time: Jun 30 2010 3:57PM
 Second Reading\M11 Concur

Total Votes: 112 Ayes: 112 Noes: 0 Not: 6 Exc. Absent: 2 Exc. Vote: 0

Ayes:

Democrat

Representative(s): Adams; Alexander, K.; Alexander, M.; Bell; Bordson; Braxton; Brisson; Bryant; Carney; Coates; Cole; Cotham; Crawford; Earle; England; Faison; Farmer-Butterfield; Fisher; Floyd, E.; Gibson; Gill; Glazier; Goforth; Goodwin; Haire; Hall; Harrison; Heagarty; Hill; Holliman; Hughes; Insko; Jackson; Jeffus; Love; Lucas; Luebke; Martin; May; McLawhorn; Mobley; Owens; Parfitt; Parmon; Pierce; Rapp; Ross; Spear; Stewart; Sutton; Tarleton; Tolson; Underhill; Wainwright; Warren, E.; Warren, R.; Weiss; Whilden; Wilkins; Williams; Womble; Wray

Not Voting: Representative(s): Hackney (SPEAKER); Jones; Mackey; Michaux; Tucker

Exc. Absence: Representative(s): Yongue

Republican

Representative(s): Avila; Barnhart; Blackwell; Blackwood; Blust; Boles; Brown; Brubaker; Burr; Burris-Floyd; Cleveland; Current; Daughtry; Dockham; Dollar; Folwell; Frye; Gillespie; Grady; Guice; Gulley; Hilton; Holloway; Howard; Hurley; Iler; Ingle; Johnson; Justice; Justus; Langdon; Lewis; McComas; McCormick; McElraft; McGee; Mills; Moore; Neumann; Randleman; Rhyne; Sager; Setzer; Stam; Starnes; Steen; Stevens; Tillis; West; Wiley

Representative(s): Samuelson

Representative(s): Killian

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HOUSE BILL 1307: No Felon as Sheriff

2009-2010 General Assembly

Committee: House Judiciary III
Introduced by: Rep. Sutton
Analysis of: Fifth Edition

Date: June 29, 2010
Prepared by: Tim Dodge
Committee Counsel

SUMMARY: *House Bill 1307 would amend the Constitution of North Carolina to provide that no person convicted of a felony is eligible to be elected Sheriff in the State, subject to approval by the voters at the next statewide general election.*

CURRENT LAW: The Sheriff is a constitutional officer established in Article VII, Section 2 of the Constitution of North Carolina. The powers and duties of Sheriff include, among others, serving as the chief law enforcement officer of the county, operating the jail, transporting prisoners, maintaining security in the courtroom, acting as the bailiff in court, and serving civil process.¹

BILL ANALYSIS: House Bill 1307 proposes to amend Section 2 of Article VII of the North Carolina Constitution, subject to approval by the voters at the next statewide general election on November 2, 2010, to provide that no person convicted of a felony against this State, the United States, or another state is eligible to serve as Sheriff, whether or not that person has had his or her citizenship rights restored under the law.

The bill provides that "convicted of a felony" includes the entry of a guilty plea; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent.

If a majority of the voters favor the amendment, the State Board of Elections would certify the amendment to the Secretary of State, who would then enroll the amendment. The amendment would become effective upon certification.

H1307-SMSY-30(e5) v3

¹ From "Law Enforcement," *County and Municipal Government in North Carolina*, edited by David Lawrence. UNC-Chapel Hill School of Government. 2007. Online at: <http://www.sog.unc.edu/pubs/cm/cmg29.pdf>.