

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

5

SENATE BILL 384\*  
Health Care Committee Substitute Adopted 4/20/17  
Judiciary Committee Substitute Adopted 4/25/17  
House Committee Substitute Favorable 6/27/17  
Fifth Edition Engrossed 6/29/17

Short Title: Criminal Law Changes.

(Public)

Sponsors:

Referred to:

March 27, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING THE USE OF MOTIONS FOR  
3 APPROPRIATE RELIEF; TO CLARIFY THE DEFINITION OF "FELONY OFFENSE"  
4 FOR PURPOSES OF THE HABITUAL FELON LAW AND TO REMOVE THE  
5 SUNSET ON DRIVERS LICENSE ELIGIBILITY FOR PERSONS CONVICTED OF  
6 HABITUAL IMPAIRED DRIVING; TO INCLUDE BREAKING AND ENTERING  
7 WITH THE INTENT TO TERRORIZE AS A HABITUAL BREAKING AND  
8 ENTERING STATUS OFFENSE; TO CLARIFY THAT WHEN A PERSON IS  
9 CHARGED WITH AN OFFENSE WHICH REQUIRES MANDATORY  
10 FINGERPRINTING, FINGERPRINTING WILL BE ORDERED BY THE COURT IF  
11 THE OFFENDER WAS NOT ARRESTED AND FINGERPRINTED AT THE TIME OF  
12 THE OFFENSE; TO PROVIDE THAT A PRIVATE CITIZEN'S SHOWING OF  
13 PROBABLE CAUSE TO THE MAGISTRATE SHALL INCLUDE SUFFICIENT  
14 INFORMATION SUPPORTED BY OATH OR AFFIRMATION THAT A CRIME HAS  
15 OCCURRED AND SHALL ISSUE AS A SUMMONS UNLESS A SUBSTANTIAL  
16 LIKELIHOOD EXISTS THAT THE DEFENDANT WILL NOT RESPOND TO A  
17 SUMMONS; TO PROVIDE THAT AN ENHANCED PENALTY SHALL BE IMPOSED  
18 ON ANY PERSON CONVICTED OF A VIOLENT FELONY WHO INTENTIONALLY  
19 POSTS A CLIP DEPICTING THE COMMISSION OF THE FELONY ON THE  
20 INTERNET; AND TO AMEND THE SHERIFF'S SUPPLEMENTAL PENSION FUND.

21 The General Assembly of North Carolina enacts:

22  
23 **PART I. MOTIONS FOR APPROPRIATE RELIEF**

24 **SECTION 1.(a)** G.S. 15A-1413(d) reads as rewritten:

25 "(d) All motions for appropriate relief filed in superior court shall, when filed, be  
26 referred to the senior resident superior court judge, who shall assign the motion as provided by  
27 this section for review and administrative action, including, as may be appropriate, dismissal,  
28 calendaring for hearing, entry of a scheduling order for subsequent events in the case, including  
29 disclosure of expert witness information described in G.S. 15A-903(a)(2) and  
30 G.S. 15A-905(c)(2) for expert witnesses reasonably expected to be called at a hearing on the  
31 motion, or other appropriate actions.

32 All motions for appropriate relief filed in district court shall, when filed, be referred to the  
33 chief district court judge, who shall assign the motion as provided by this section for review



\* S 3 8 4 - V - 5 \*

1 and administrative action, including, as may be appropriate, dismissal, calendaring for hearing,  
2 entry of a scheduling order for subsequent events in the case, or other appropriate actions."

3 **SECTION 1.(b)** G.S. 15A-1420(b1) reads as rewritten:

4 **"§ 15A-1420. Motion for appropriate relief; procedure.**

5 ...

6 (b1) Filing Motion With Clerk. –

7 (1) The proceeding shall be commenced by filing with the clerk of superior  
8 court of the district wherein the defendant was indicted a motion, with  
9 service on the district attorney in noncapital cases, and service on both the  
10 district attorney and Attorney General in capital cases.

11 (2) The clerk, upon receipt of the motion, shall place the motion on the criminal  
12 docket. When a motion is placed on the criminal docket, the clerk shall  
13 promptly bring the motion, or a copy of the motion, to the attention of the  
14 senior resident superior court judge or chief district court judge, as  
15 appropriate, for assignment to the appropriate judge pursuant to  
16 G.S. 15A-1413.

17 (3) The judge assigned to the motion shall conduct an initial review of the  
18 motion. If the judge determines that all of the claims alleged in the motion  
19 are frivolous, the judge shall deny the motion. If the motion presents  
20 sufficient information to warrant a hearing or the interests of justice so  
21 require, the judge shall appoint counsel for an indigent defendant who is not  
22 represented by counsel. Counsel so appointed shall review the motion filed  
23 by the petitioner and either adopt the motion or file an amended motion.  
24 After postconviction counsel files an initial or amended motion, or a  
25 determination is made that the petitioner is proceeding without counsel, the  
26 judge may direct the State to file an answer. Should the State contend that as  
27 a matter of law the defendant is not entitled to the relief sought, the State  
28 may request leave to file a limited answer so alleging."

29 **SECTION 1.(c)** G.S. 7A-451(a) reads as rewritten:

30 **"§ 7A-451. Scope of entitlement.**

31 (a) An indigent person is entitled to services of counsel in the following actions and  
32 proceedings:

33 (1) Any case in which imprisonment, or a fine of five hundred dollars (\$500.00),  
34 or more, is likely to be ~~adjudged;~~adjudged.

35 (2) A hearing on a petition for a writ of habeas corpus under Chapter 17 of the  
36 General ~~Statutes;~~Statutes.

37 (3) A motion for appropriate relief under Chapter 15A of the General Statutes if  
38 appointment of counsel is authorized by Chapter 15A of the General Statutes  
39 and the defendant has been convicted of a felony, has been fined five  
40 hundred dollars (\$500.00) or more, or has been sentenced to a term of  
41 imprisonment;imprisonment.

42 (4) A hearing for revocation of ~~probation;~~probation.

43 (5) A hearing in which extradition to another state is ~~sought;~~sought.

44 (6) A proceeding for an inpatient involuntary commitment to a facility under  
45 Part 7 of Article 5 of Chapter 122C of the General Statutes, or a proceeding  
46 for commitment under Part 8 of Article 5 of Chapter 122C of the General  
47 Statutes.

48 (7) In any case of execution against the person under Chapter 1, Article 28 of  
49 the General Statutes, and in any civil arrest and bail proceeding under  
50 Chapter 1, Article 34, of the General ~~Statutes;~~Statutes.

- 1 (8) In the case of a juvenile, a hearing as a result of which commitment to an  
 2 institution or transfer to the superior court for trial on a felony charge is  
 3 ~~possible;~~possible.  
 4 (9) A hearing for revocation of parole at which the right to counsel is provided  
 5 in accordance with the provisions of Chapter 148, Article 4, of the General  
 6 ~~Statutes;~~Statutes.  
 7 (10) Repealed by Session Laws 2003, c. 13, s. 2(a), effective April 17, 2003, and  
 8 applicable to all petitions for sterilization pending and orders authorizing  
 9 sterilization that have not been executed as of April 17, 2003.  
 10 (11) A proceeding for the provision of protective services according to Chapter  
 11 108A, Article 6 of the General ~~Statutes;~~Statutes.  
 12 (12) In the case of a juvenile alleged to be abused, neglected, or dependent under  
 13 Subchapter I of Chapter 7B of the General ~~Statutes;~~Statutes.  
 14 (13) A proceeding to find a person incompetent under Subchapter I of Chapter  
 15 35A, of the General ~~Statutes;~~Statutes.  
 16 (14) A proceeding to terminate parental rights where a guardian ad litem is  
 17 appointed pursuant to ~~G.S. 7B-1101;~~G.S. 7B-1101.  
 18 (15) An action brought pursuant to Article 11 of Chapter 7B of the General  
 19 Statutes to terminate an indigent person's parental rights.  
 20 (16) A proceeding involving consent for an abortion on an unemancipated minor  
 21 pursuant to Article 1A, Part 2 of Chapter 90 of the General Statutes.  
 22 G.S. 7A-450.1, 7A-450.2, and 7A-450.3 shall not apply to this proceeding.  
 23 (17) A proceeding involving limitation on freedom of movement or access  
 24 pursuant to G.S. 130A-475 or G.S. 130A-145.  
 25 (18) A proceeding involving placement into satellite monitoring under Part 5 of  
 26 Article 27A of Chapter 14 of the General Statutes."

27 **SECTION 1.(d)** This section becomes effective December 1, 2017, and applies to  
 28 motions for appropriate relief filed on or after that date.  
 29

## 30 **PART II. HABITUAL FELONS/CLARIFY PREVIOUS CONVICTIONS**

31 **SECTION 2.(a)** G.S. 14-7.1 reads as rewritten:

### 32 **"§ 14-7.1. Persons defined as habitual felons.**

33 (a) Any person who has been convicted of or pled guilty to three felony offenses in any  
 34 federal court or state court in the United States or combination thereof is declared to be an  
 35 habitual felon and may be charged as a status offender pursuant to this Article.

36 (b) For the purpose of this Article, a felony offense is defined ~~as an~~ to include all of the  
 37 following:

- 38 (1) An offense which—that is a felony under the laws of the State or other  
 39 sovereign wherein a this State.  
 40 (2) An offense that is a felony under the laws of another state or sovereign that  
 41 is substantially similar to an offense that is a felony in North Carolina, and to  
 42 which a plea of guilty was entered, or a conviction was returned regardless  
 43 of the sentence actually imposed.  
 44 (3) An offense that is a crime under the laws of another state or sovereign that  
 45 does not classify any crimes as felonies if all of the following apply:  
 46 a. The offense is substantially similar to an offense that is a felony in  
 47 North Carolina.  
 48 b. The offense may be punishable by imprisonment for more than a  
 49 year in state prison.  
 50 c. A plea of guilty was entered or a conviction was returned regardless  
 51 of the sentence actually imposed.

1           (4) An offense that is a felony under federal law. Provided, however, that  
2           federal offenses relating to the manufacture, possession, sale and kindred  
3           offenses involving intoxicating liquors shall not be considered felonies for  
4           the purposes of this Article.

5           (c) For the purposes of this Article, felonies committed before a person attains the age  
6           of 18 years shall not constitute more than one felony. The commission of a second felony shall  
7           not fall within the purview of this Article unless it is committed after the conviction of or plea  
8           of guilty to the first felony. The commission of a third felony shall not fall within the purview  
9           of this Article unless it is committed after the conviction of or plea of guilty to the second  
10          felony. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967, shall not be  
11          felony offenses within the meaning of this Article. Any felony offense to which a pardon has  
12          been extended shall not for the purpose of this Article constitute a felony. The burden of  
13          proving such pardon shall rest with the defendant and the State shall not be required to disprove  
14          a pardon."

15           **SECTION 2.(b)** Section 7 of S.L. 2009-369, as amended by Section 61.5 of S.L.  
16          2014-115, reads as rewritten:

17           **"SECTION 7.** This act becomes effective December 1, 2009, and applies to applications  
18          for reinstatement that occur on or after that date. ~~This act expires December 1, 2016."~~

19           **SECTION 2.(c)** Subsection (a) of this section becomes effective December 1,  
20          2017, and applies to any offense committed on or after that date and that is the principal felony  
21          offense for a charge of a status offense of habitual felon. Subsection (b) of this section is  
22          retroactively effective December 1, 2016. The remainder of this section is effective when it  
23          becomes law. Prosecutions for offenses committed before the effective date of this section are  
24          not abated or affected by this section, and the statutes that would be applicable but for this  
25          section remain applicable to those prosecutions.

### 26 27 **PART III. INCLUDE BREAKING AND ENTERING WITH INTENT TO TERRORIZE** 28 **IN HABITUAL BREAKING AND ENTERING**

29           **SECTION 3.(a)** G.S. 14-7.25 reads as rewritten:

#### 30 **"§ 14-7.25. Definitions.**

31           The following definitions apply in this Article:

- 32           (1) "Breaking and entering." – The term means any of the following felony  
33           offenses:  
34           a. First degree burglary (G.S. 14-51).  
35           b. Second degree burglary (G.S. 14-51).  
36           c. Breaking out of dwelling house burglary (G.S. 14-53).  
37           d. Breaking or entering buildings generally (G.S. 14-54(a)).  
38           d1. Breaking or entering with intent to terrorize or injure an occupant of  
39           the building (G.S. 14-54(a1)).  
40           e. Breaking or entering a building that is a place of religious worship  
41           (G.S. 14-54.1).  
42           f. Any repealed or superseded offense substantially equivalent to any of  
43           the offenses in sub-subdivision a., b., c., d., or e. of this subdivision.  
44           g. Any offense committed in another jurisdiction substantially similar to  
45           any of the offenses in sub-subdivision a., b., c., d., or e. of this  
46           subdivision.  
47           (2) "Convicted." – The person has been adjudged guilty of or has entered a plea  
48           of guilty or no contest to the offense of breaking and entering.  
49           (3) "Status offender." – A person who is a habitual breaking and entering status  
50           offender as described in G.S. 14-7.26."

1           **SECTION 3.(b)** This section becomes effective December 1, 2017, and applies to  
2 offenses committed on or after that date.

3  
4 **PART IV. FINGERPRINTING UPON ARREST**

5           **SECTION 4.(a)** G.S. 15A-502 is amended by adding a new subsection to read:  
6 "**§ 15A-502. Photographs and fingerprints.**

7           ...  
8           (e) Fingerprints or photographs taken pursuant to subsection (a), (a1), or (a2) of this  
9 section may be forwarded to the State Bureau of Investigation, the Federal Bureau of  
10 Investigation, or other law-enforcement agencies.

11           (f) If a person is charged with an offense for which fingerprints are required pursuant to  
12 this section but the person is not arrested for that offense, the court before which the charge is  
13 pending shall order the defendant to submit to fingerprinting by the Sheriff or other appropriate  
14 law enforcement agency at the earliest practical opportunity. If the person fails to appear for  
15 fingerprinting as ordered by the court, the sheriff shall so inform the court, and the court may  
16 initiate proceedings for criminal contempt against the person pursuant to G.S. 5A-15, including  
17 issue of an order for arrest pursuant to G.S. 5A-16, if necessary. The defendant shall continue  
18 to be subject to the court's order to provide fingerprints until submitted."

19           **SECTION 4.(b)** This section becomes effective December 1, 2017.

20  
21 **PART V. CITIZEN'S WARRANTS**

22           **SECTION 5.(a)** G.S. 15A-304(b) reads as rewritten:

23           "(b) When Issued. – A warrant for arrest may be issued, instead of or subsequent to a  
24 criminal summons, when it appears to the judicial official that the person named should be  
25 taken into custody. ~~Circumstances to be considered in determining whether the person should~~  
26 ~~be taken into custody may include, but are not limited to, failure to appear when previously~~  
27 ~~summoned, facts making it apparent that a person summoned will fail to appear, danger that the~~  
28 ~~person accused will escape, danger that there may be injury to person or property, or the~~  
29 ~~seriousness of the offense.~~

30           (1) Upon a finding of probable cause pursuant to subsection (d) of this section,  
31 the issuing official shall issue a criminal summons instead of a warrant,  
32 unless the official finds that the accused should be taken into custody.  
33 Circumstances to be considered in determining whether the accused should  
34 be taken into custody may include, but are not limited to, any of the  
35 following:

- 36           a. The accused has a history of failure to appear before the court as  
37 required, or there is other evidence that the person is unlikely to  
38 appear in response to a summons for the current proceeding.  
39           b. There is evidence that the accused is likely to escape or otherwise  
40 flee the State in order to avoid prosecution for the offense alleged.  
41           c. There is evidence of imminent danger of harm to persons or property  
42 if the accused is not taken into custody.  
43           d. The location of the accused is not readily discoverable, such that a  
44 criminal summons would be unlikely to be served before any court  
45 date assigned at the time of issue.  
46           e. A relevant statute provides that arrest is mandatory for an offense  
47 charged.  
48           f. The seriousness of the offense. However, the fact that the offense  
49 charged is a felony shall not, by itself, constitute grounds for the  
50 issuance of a warrant.

1           (2) Notwithstanding subsection (d) of this section, an official shall only find  
2 probable cause based solely on information provided by a person who is not  
3 a sworn law enforcement officer if the information is provided by written  
4 affidavit. If the finding of probable cause pursuant to subsection (d) of this  
5 section is based solely upon the written affidavit of a person who is not a  
6 sworn law enforcement officer, the issuing official shall not issue a warrant  
7 for arrest and instead shall issue a criminal summons, unless one of the  
8 following circumstances exists:

9           a. There is corroborating testimony of the facts establishing probable  
10 cause from a sworn law enforcement officer or at least one  
11 disinterested witness.

12           b. The official finds that obtaining investigation of the alleged offense  
13 by a law enforcement agency would constitute a substantial burden  
14 for the complainant.

15           c. The official finds substantial evidence of one or more of the grounds  
16 listed in subdivision (1) of this subsection."

17           **SECTION 5.(b)** This section becomes effective December 1, 2017, and applies to  
18 warrants issued on or after that date.

19           **SECTION 5.5.(a)** G.S. 14-54 reads as rewritten:

20 **"§ 14-54. Breaking or entering buildings generally.**

21           (a) Any person who breaks or enters any building with intent to commit any felony or  
22 larceny therein shall be punished as a Class ~~H~~felon; however, if any person is in actual  
23 occupation of any part of the building at the time of the commission of the crime, the person  
24 committing the crime shall be punished as a Class F felon.

25           (a1) Any person who breaks or enters any building with intent to terrorize or injure an  
26 occupant of the building is guilty of a ~~Class H~~Class F felony.

27           (b) Any person who wrongfully breaks or enters any building is guilty of a Class 1  
28 misdemeanor.

29           (c) As used in this section, "building" shall be construed to include any dwelling,  
30 dwelling house, uninhabited house, building under construction, building within the curtilage of  
31 a dwelling house, and any other structure designed to house or secure within it any activity or  
32 property."

33           **SECTION 5.5.(b)** This section becomes effective December 1, 2017, and applies  
34 to offenses committed on or after that date.

## 35 36 **PART VI. INTENTIONALLY POSTING CRIME ON INTERNET**

37           **SECTION 6.(a)** Article 81B of Chapter 15A of the General Statutes is amended by  
38 adding a new section to read:

39 **"§ 15A-1340.16E. Enhanced sentence if defendant is convicted of a violent felony and the**  
40 **defendant intentionally posts the crime on the Internet or other similar**  
41 **communications media.**

42           (a) The following definitions apply in this section:

43           (1) Internet. – The term includes social media and other similar applications or  
44 communications media.

45           (2) Violent felony. – A Class A, B1, B2, C, D, or E felony.

46           (b) If a person is convicted of a violent felony and it is found as provided in this section  
47 that the person intentionally posted a clip depicting the commission of the felony on the  
48 Internet, then the person shall have the minimum term of imprisonment to which the person is  
49 sentenced for that felony increased by 24 months. The maximum term of imprisonment shall be  
50 the maximum term that corresponds to the minimum term after it is increased by 24 months, as  
51 specified in G.S. 15A-1340.17(e) and (e1).

1       (c) An indictment or information for the felony shall allege in that indictment or  
2 information the facts set out in subsection (b) of this section. The pleading is sufficient if it  
3 alleges that the defendant intentionally posted a clip of the commission of the felony on the  
4 Internet. One pleading is sufficient for all felonies that are tried at a single trial.

5       (d) The State shall prove the issues set out in subsection (b) of this section beyond a  
6 reasonable doubt during the same trial in which the defendant is tried for the felony unless the  
7 defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest  
8 to the felony but pleads not guilty to the issues set out in subsection (b) of this section, then a  
9 jury shall be impaneled to determine the issues."

10       **SECTION 6.(b)** This section becomes effective December 1, 2017, and applies to  
11 offenses committed on or after that date.

## 12 **PART VII. SHERIFFS' SUPPLEMENTAL PENSION FUND CHANGES**

13       **SECTION 7.(a)** G.S. 143-166.82 reads as rewritten:

14       "**§ 143-166.82. Assets.**

15       (a) On and after July 1, 1985, each Clerk of Superior Court shall remit to the  
16 Department of Justice the monthly receipts collected pursuant to G.S. 7A-304 (a)(3a) to be  
17 deposited to the credit of the Sheriffs' Supplemental Pension Fund, hereinafter referred to as the  
18 Fund, to be used in making monthly pension payments to eligible retired sheriffs under the  
19 provisions of this Article and to pay the cost of administering the provisions of this Article.

20       (a1) The Department of Justice shall, at the beginning of each calendar year, calculate  
21 the amount of funds, in addition to those funds from subsection (a) of this section and from  
22 G.S. 143-166.83(f), needed for that year to pay the pension benefits under this Article and shall  
23 bill each county for that amount on a pro rata basis based on the most recent population  
24 estimates by the Office of State Budget and Management for each county. The amount so billed  
25 shall be paid by each county no later than March 1st of that year to the Department of Justice  
26 and shall be deposited into the Fund. For funding this contribution to the Fund, counties may  
27 use the portion of the civil process service fee per G.S. 7A-311(a)(1) that is not required by  
28 statute to be used to ensure the timely service of process within the county, may use other  
29 funds, or both.

30       (b) The State Treasurer shall be the custodian of the Sheriffs' Supplemental Pension  
31 Fund and shall invest its assets in accordance with the provisions of G.S. 147-69.2 and  
32 G.S. 147-69.3."

33       **SECTION 7.(b)** G.S. 143-166.83 reads as rewritten:

34       "**§ 143-166.83. Disbursements.**

35       (a) Repealed by Session Laws 1991 (Reg. Sess., 1992), c. 900, s. 54, effective January  
36 1, 1993.

37       (b) Immediately following January 1, 1993, and the first of January of each succeeding  
38 calendar year thereafter, the Department of Justice shall divide an amount equal to ninety  
39 percent (90%) of the assets of the Fund at the end of the preceding calendar year and shall add  
40 to that amount any assets remaining pursuant to subsection (f) of this section and the amounts  
41 pursuant to G.S. 143-166.82(a1) and disburse the same as monthly payments in accordance  
42 with the provisions of this Article.

43       (c) Ten percent (10%) of the Fund's assets as of January 1, 1993, and at the beginning  
44 of each calendar year thereafter, may be used by the Department of Justice in administering the  
45 provisions of this Article. This ten percent (10%) is to be derived from the Fund's assets prior to  
46 the addition of assets remaining pursuant to subsection (f) of this section.

47       (d) All the Fund's disbursements shall be conducted in the same manner as  
48 disbursements are conducted for other special funds of the State.

49       (e) If, for any reason, the Fund shall be insufficient to pay ~~any~~ pension benefits owed  
50 under this Article or other charges, then all benefits or payments shall be reduced pro rata for as  
51

1 long as the deficiency in amount exists. No claim shall accrue with respect to any amount by  
2 which a pension payment shall have been reduced.

3 (f) Any assets remaining after reserving an amount equal to the disbursements required  
4 under subsections (b) and (c) of this section shall be accrued and included in disbursements for  
5 pensioners in succeeding years."

6 **SECTION 7.(c)** G.S. 143-166.85 reads as rewritten:

7 "**§ 143-166.85. Benefits.**

8 (a) An eligible retired sheriff shall be entitled to and receive an annual pension benefit,  
9 payable in equal monthly installments, equal to ~~one share for each full year of eligible service~~  
10 ~~as sheriff multiplied by his total number of years of eligible service. The amount of each share~~  
11 ~~shall be determined by dividing the total number of years of eligible service for all eligible~~  
12 ~~retired sheriffs on December 31 of each calendar year into the amount to be disbursed as~~  
13 ~~monthly pension payments in accordance with the provisions of G.S. 143-166.83(b). In no~~  
14 ~~event however shall a monthly pension under this Article exceed an amount, which an amount~~  
15 that, when added to a retired allowance at retirement from the Local Governmental Employees'  
16 Retirement System or to the amount he would have been eligible to receive if service had not  
17 been forfeited by the withdrawal of accumulated contributions, is greater than equal to  
18 seventy-five percent (75%) of a sheriff's equivalent annual salary immediately preceding  
19 retirement computed on the latest monthly base rate, to a maximum amount that does not  
20 exceed (i) of one thousand five hundred dollars (\$1,500).(\$1,500) or (ii) the sheriff's equivalent  
21 annual salary immediately preceding retirement computed on the latest monthly base rate when  
22 the benefit described in this subsection is added to the amount of the benefit the sheriff receives  
23 under G.S. 143-166.42 and the amount of the sheriff's retired allowance at retirement from the  
24 Local Governmental Employees' Retirement System or the amount the sheriff would have been  
25 eligible to receive if service had not been forfeited by the withdrawal of accumulated  
26 contributions.

27 (b) All monthly pensions payable under this Article shall be paid on the last business  
28 day of each month.

29 (c) At the death of the pensioner, benefits for the current calendar year will continue  
30 and be paid in monthly installments to the decedent's spouse or estate, in accordance with the  
31 provisions of Chapter 28A of the General Statutes. Benefits will cease upon the last payment  
32 being made in December of the current year.

33 (d) Monthly pensions payable under this Article will cease upon the full-time  
34 reemployment of a pensioner with an employer participating in the Local Governmental  
35 Employees' Retirement System for as long as the pensioner is so reemployed.

36 (e) Repealed by Session Laws 1989, c. 792, s. 2.9.

37 (f) Nothing contained in this Article shall preclude or in any way affect the benefits that  
38 a pensioner may be entitled to from any state, federal or private pension, retirement or other  
39 deferred compensation plan."

40 **SECTION 7.(d)** This section becomes effective January 1, 2018.

#### 41 **PART VIII. EFFECTIVE DATE**

42 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes  
43 law.  
44