

PARA SIGHT

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CVPA Lynn Price Memorial Scholarship at WPCC

To date, we have \$401.83 in the Lynn

Price Memorial Fund

Those wishing to make donations may do so by mailing checks or money orders designated for the R. Lynn Price Memorial Scholarship

To:

Attn: Atticus Simpson
Western Piedmont Foundation
1001 Burkemont Avenue
Morganton, NC 28655



Catawba Valley
Paralegal Association

Congratulations to

Cyndy Adams

2013 Women of Justice Winner

Post Office Box 3068
Hickory, North Carolina 28603

RECENT LAW UPDATES

Submitted by Phebe McClellan

Effective January 1, 2014 the yearly allowance allowed for a surviving spouse, whether intestate or testate, will increase from \$20,000.00 to \$30,000.00 as long as the surviving spouse has not forfeited their right by law.

Effective October 1, 2013 tow truck operators that tow a vehicle as provided by G.S. 20-219-10 must provide local law enforcement with a description of the vehicle, the place from where the vehicle was towed, the place where the vehicle will be stored and the contact information for the person from whom the vehicle owner may retrieve the vehicle prior to towing the vehicle. If the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare and towing must be done

immediately, then the tow company has 30 minutes to report the information to local law enforcement.

If a caller to local law enforcement can provide a description of the vehicle and where it was towed from, then the law enforcement can release to the caller where the vehicle is being stored and their contact information.

Effective December 1, 2013 for offenses committed after that date any person possessing a hypodermic needle or other sharp object who alerts the officer to the fact that they have a hypodermic needle or other sharp object on their person or in their vehicle will not be charged or prosecuted for possession of drug paraphernalia for the needle or sharp object. They must alert the officer to the fact that they have a hypodermic needle or sharp object that may cut or puncture them prior to the search. This exception does not apply to other drug paraphernalia that may be found present during the search of the person or the person's vehicle.

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Continued on Next Page

Submitted by Beverly Moore, NCCP

At the end of July 2013, Governor McCrory signed new firearm legislation for the State of North Carolina (Session Law 2013-369, House Bill 937). Below are a few of the highlights:

- i. G.S. 14-269(a2) – permits those who have a concealed-carry permit to store weapons in locked cars “in a parking area that is owned or leased by State government”. The weapon must be a handgun and must be in a “closed compartment or container within the person’s locked vehicle”.
- ii. G.S. 14-269.3(b)(5) – permits those who have a concealed –carry permit to take firearms into bars and restaurants and other such places where alcohol is served as long as the owner or controller of the premises has not posted a “conspicuous notice prohibiting the carrying of a concealed handgun”.
- iii. G.S. 14-316(a) –This part of the statute changed it from being unlawful for any “parent, guardian or person standing in loco parentis” to “It shall be unlawful for **any person** to knowingly permit a child under the age of 12 years **to have** access to, or possession, custody or use in any manner whatever, of any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded.”
- iv. G.S. 14-415.23(c) – For municipal and county purposes the definition of “recreational facilities” has been expanded to include the following and permit holders can carry firearms to:
 - a. Athletic field including any appurtenant facilities;
 - b. Swimming pools, including all appurtenant facilities;
 - c. Facilities used for athletic events, i.e. a gymnasium.

The term “recreational facilities” does not include:

- a. Greenways;
 - b. Designated biking and/or walking paths;
 - c. Undesignated biking and/or walking paths but such areas are customarily used as such; and
 - d. Open areas or fields where athletic events may occur.
- v. G.S. 14-415.17(c) - provides that permit holders information collected by the Sheriff for process of the application and a list of permit holders are “confidential and are not a public record under G.S. 132-1”. Sheriffs shall make such information available upon request to all State and local law enforcement. The SBI shall make such information available to law enforcement and clerks of court.
 - vi. G.S. 14-406. Records of a dealer are confidential; however, the dealer “shall make the records available upon request to all State and local law enforcement agencies”.
 - vii. G.S. 14-277.2 – amended to allow persons with concealed carry permits to carry a handgun at a parade or funeral unless there is a conspicuous notice prohibiting such.
 - viii. G.S. 14-415.27 – A District Attorney, assistant District Attorney, investigator employed by the office of the district attorney, NC district or superior court judge, magistrate, elected and serving clerk of court and elected and serving register of deeds who have a concealed handgun permit may carry their concealed handgun in areas listed in G.S. 14-415.11(c) unless federal law prohibits. Such places include but are not limited to: law enforcement or correctional facilities, State and federal office buildings, educational property, and courthouses.

Submitted by Cyndy Adams, NCCP

Here are some new laws which are in effect, or about to be.

S.L. 2013-377 (S 626): Authority to enter motor vehicle to save animal. This act amends several provisions concerning animal shelters. Effective July 29, 2013, new G.S. 14-363.3 provides that an animal control officer, animal cruelty investigator, law enforcement officer, firefighter, or rescue squad worker who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to endangering conditions such as heat, cold, etc., may enter the motor vehicle by any reasonable means after making a reasonable effort to locate the owner or other person responsible for the animal. This statute does not apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.

S.L. 2013-379 (H 675): Maximum time period to dispense Schedule II controlled substance with written prescription. This act amends G.S. 90-106(d), effective for acts occurring on or after October 1, 2013, to provide that a Schedule II controlled substance may not be dispensed pursuant to a written prescription more than six months after the date it was prescribed.

S.L. 2013-370 (S 18): Locksmith license offense. This act amends several provisions involving the licensing of locksmiths. Effective for offenses committed on or after December 1, 2013, amended G.S. 74F-3 (prohibiting performance of locksmith services without a license) to increase the punishment for a violation from a Class 3 to a Class 1 misdemeanor, and to provide that a second or subsequent offense is a Class I felony.

BLAIR CODY ANSWERS THE HICKORY DAILY RECORD ON THE CONSTITUTION AND THE BILL OF RIGHTS

What would I change about the Constitution?

I can honestly say nothing that I can think of. While our nation has taken time to realize obvious answers, such as allowing women and minorities to vote, we have eventually arrived at the appropriate result. I have no complaints with the way in which our Constitution was written, our framers brilliance in its drafting wasn't recognized until centuries after its inception. It is and always has been a living and breathing document. The broadness with which it speaks allows for interpretation and it has indeed been interpreted in various ways over the last 200 plus years. So I can't think of anything I would change. There is one area, if I had to pick only one, that comes to mind with which I have the most disappointment. That area involves the interpretation of the rights to privacy; ie: search and seizure, as it relates to the 4th Amendment of the Constitution. Principally because of our drug laws and the way in which the Government has chosen to attack and confront our citizens who are believed to have violated the laws related to drugs has proven to erode our protections and privacy as citizens. The rulings by lower courts that have justified and found a way to allow various seizures of citizens and searches of their persons, cars and effects has laid the ground work for future decisions such as digital face recognition, monitoring and government (and private) collection of data related to our person. It may seem a little "futuristic" but the day has come when our highest Courts will begin to decide if the government can track our movements with face recognition software from cameras placed at intersections, street corners, buildings, etc.

What amendment would you add to the Constitution/Bill of Rights?

After giving this at least 30 minutes of thought, I can't think of what amendment I would add. However, I can think of a comment I can make on amendments in general. First, let me say that the United States is NOT a democracy, I know that may come as a shock to some, but it is true. The US is a Republic, just say the pledge of allegiance to yourself and you will realize this is the case. What is the difference? Well in essence it is the Constitution. A true democracy would be "mob" rule. If 51% of the population wanted something then it would be law. The Constitution, affords everyone, but most importantly those who may find themselves not aligned with the "majority" on a particular issue the protections provided by that grand document. This is what its drafters had intended. We all have and should have certain protections, rights if you will, against others and even our government itself. I personally feel that amendments which restrict rights are the most harmful. Our Constitution wasn't intended to restrict and be uncompromising, it was intended to be interpreted and broad. Therefore, when you have proposals such as the one championed by former President Bush to "ban" homosexual marriage and define marriage as between one man and one woman, those types of restrictive measures as opposed to ones which protect rights, are the most damaging.





TREASURER'S REPORT

August 2013

Beginning Balance: 8/1/2013	\$ 959.66
Deposits:	150.00
Expenditures:	150.00
Ending Balance: 5/31/2013	\$ 959.66

Submitted by : Leah Poovey, NCCP