

LIBERTY WATCH



North Carolina Legislative Report Card 2015-2016



In its 2015–2016 legislative session, the North Carolina General Assembly considered or passed a wide range of bills

that diminish legal rights and protections for many who call North Carolina home, especially LGBTQ people, women, immigrants, victims of police abuse, and criminal defendants. Several of these measures were signed into law by Governor Pat McCrory, including laws that

- Remove legal protections for and encourage discrimination against LGBTQ people, particularly transgender men and women (HB2)
- Triple the mandatory waiting period for a woman who has decided to have an abortion to 72 hours, the longest waiting period in the country (HB465)
- Fuel anti-immigrant sentiments and make it harder for immigrants to identify themselves to government officials (HB318)
- Give law enforcement broad authority to keep body and dash camera footage from the public (HB972)
- Remove transparency and oversight from the administration of the death penalty in an effort to jump-start executions (HB774)

These laws and others represent unprecedented attacks on civil liberties that have collectively restricted personal freedom, bodily autonomy, and equality under the law for countless North Carolinians.



The American Civil Liberties Union of North Carolina and our partners worked to oppose many of these proposals, and we will continue to fight back on all fronts. The ACLU is already challenging one of these laws — the anti-LGBTQ HB2 — in federal court.

The report that follows is a summary of these legislative attacks on freedom and equality, and a report card showing how your representatives voted on each measure.

Note: Unless stated otherwise, only the final recorded vote on each bill is graded.

LGBTQ EQUALITY

House Bill 2: “Public Facilities Privacy and Security Act”

One of the nation’s most notorious and sweeping laws targeting lesbian, gay, bisexual, transgender, and queer (LGBTQ) people for discrimination was introduced, passed, and signed into law in just 12 hours in March 2016. Specifically, HB2

- **Targets transgender people for discrimination** by prohibiting transgender men and transgender women from using public facilities consistent with their gender identity.
- **Excludes LGBTQ people from statewide legal protections** in public accommodations, in effect encouraging businesses to discriminate against LGBTQ customers.
- **Prevents local governments from extending their own protections to LGBTQ people** by banning local policies that protect LGBTQ people in employment, public accommodations, and government contracts.

BILL BECAME LAW



The ACLU and Lambda Legal are currently challenging HB2 in federal court on behalf of six LGBTQ North Carolinians and members of the ACLU of North Carolina. To learn more about the case, visit www.aclu.org/cases/carcano-et-al-v-mccrory-et-al

Senate Bill 2: “Magistrates Recusal for Civil Ceremonies”

Allows all magistrates, as well as deputy and assistant registers of deeds, to refuse to perform all civil marriages if they cite a religious objection. This bill sets a dangerous precedent by allowing government officials to pick and choose which duties they will perform based on their personal beliefs. Indeed, SB2’s sponsors said the bill was a response to same-sex couples winning the freedom to marry in North Carolina in 2014. According to the Associated Press, at least 5 percent of the state’s magistrates have opted out of performing all marriages since the law took effect.

Governor McCrory vetoed the bill in May 2015, but the House and Senate voted to override the veto.

Note: There are two votes graded for this bill. The second is the vote to override Governor McCrory’s veto.

BILL BECAME LAW



This law is currently being challenged in federal court.

REPRODUCTIVE FREEDOM

House Bill 465: “Women and Children’s Protection Act”

Tripled the mandatory waiting period for a woman seeking an abortion from 24 to 72 hours, the longest waiting period in the country. For many women, the impact of this restriction could mean multiple, unnecessary trips to distant clinics. Medical groups such as the American Congress of Obstetricians and Gynecologists oppose these types of laws, which they say have no medical basis and instead force a woman to endure unnecessary and potentially harmful delays. The bill also requires doctors who provide abortions 16 weeks after conception to submit ultrasounds to state officials for review, an unprecedented requirement that raises extreme privacy concerns. Many have interpreted this provision as an attempt to intimidate women who have decided to have an abortion, as well as doctors who provide them.

HB465 was signed into law by Governor McCrory, who pledged during his 2012 campaign to sign no new restrictions on abortion.

BILL BECAME LAW



IMMIGRANTS’ RIGHTS

House Bill 318: “Protect North Carolina Workers Act”

Prohibits local governments from adopting ordinances that enhance public safety by directing local law enforcement not to conduct irrelevant interrogations about the immigration status of individuals, especially crime victims and witnesses. Also prohibits North Carolina officials—with the exception of law enforcement officers in some cases—from accepting a range of ID cards, including those issued by nonprofit

organizations, municipalities, and other governments. HB318 makes it harder for officials to determine a person's identity or residency, deters undocumented people from reporting crime, and encourages discrimination against immigrants. It also expands employers' use of E-verify, an intrusive "prove yourself to work" system of government oversight that is prone to errors and carries privacy and security risks.

BILL BECAME LAW



House Bill 100: "Local Government Immigration Compliance"

Would have doubled down on the anti-immigrant law, HB318, described previously. HB100 proposed an anonymous complaint process and draconian penalties, including taking away funding for school construction and roads, for municipalities and law enforcement agencies that did not comply with the provisions of HB318. *Note: The House passed an unrelated version of this bill, but only the Senate voted on the anti-immigrant provisions.*

BILL DID NOT BECOME LAW



LAW ENFORCEMENT & CRIMINAL JUSTICE

House Bill 972: "Law Enforcement Recordings/ No Public Record"

Gives law enforcement agencies complete discretion to show—or not show—body and dash camera footage to the people who are recorded by the cameras. If a law enforcement agency wants to release the footage to the public, or if a member of the public wants to obtain a copy of the recording, a court order is required. This bill undermines the very purpose of these cameras—to build community trust and accountability through transparency—by not guaranteeing even a minimum amount of access to recordings for anyone other than law enforcement. People who are filmed by police body cameras should not have to spend time and money to go to court in order to obtain access to that footage.

BILL BECAME LAW



After HB972 was voted out of the House, the Senate added a provision establishing a pilot needle exchange program to the bill. The ACLU supports needle exchange programs that promote public health and safety. It was especially disappointing to see this positive policy change added to such a problematic and damaging bill. The report card grades representatives' votes on the third reading of HB972 in the NC House, not the final vote to agree on changes the NC Senate made to HB972 (including the introduction of the pilot needle exchange program).

House Bill 774: "Restoring Proper Justice Act"

Allows the state to hide the source of drugs used in executions, decreasing transparency and government accountability. It also removes the requirement that a doctor be present at all executions, which could mean that a qualified medical doctor will not be present if problems arise during an execution. Sponsors said the purpose of the bill was to jump-start executions, which have been on hold since North Carolina adopted new protocols for lethal injections. North Carolina has not executed an inmate since 2006.

BILL BECAME LAW



Senate Bill 343: "Student Assault on Teacher/ Felony Offense"

Would have created a new felony penalty for students aged 16 and older who are found guilty of assaulting school personnel. Assault on school personnel is already a criminal offense, and this bill would have only exacerbated North Carolina's current school-to-prison pipeline. The bill would also disproportionately harm students of color and those with disabilities. Furthermore, because North Carolina is one of only two states that treats all 16-and 17-year-olds as adults in the criminal justice system, these youthful indiscretions would be part of the child's permanent record, hindering future opportunities in a number of areas including furthering their education. *Note: The Senate approved this bill, but the House did not vote on it.*

BILL DID NOT BECOME LAW



KEY Supported the ACLU-NC's position Opposed the ACLU-NC's position **Ab** Absent **NV** No Vote **N/A** Not Applicable

North Carolina House Representative	Party	District	HB 2 LGBTQ EQUALITY	SB 2 LGBTQ EQUALITY	HB 465 REPRO- DUCTIVE FREEDOM	HB 318 IMMIGRANTS' RIGHTS	HB 972 POLICE VIDEO ACCESS	HB 774 CAPITAL PUNISHMENT
Adams, Jay	R	96						
Adcock, Gale	D	41	Ab					
Ager, John	D	115						
Alexander, Kelly M. Jr.	D	107						
Arp, Dean	R	69						
Avila, Marilyn	R	40						
Baskerville, Nathan	D	32						
Bell, John R. IV	R	10						
Bell, Larry M.	D	21						
Bishop, Dan	R	104						
Blackwell, Hugh	R	86						Ab
Blust, John M.	R	62						
Boles, James L. Jr.	R	52						
Bradford, John R. III	R	98		Ab				Ab
Brawley, William	R	103						
Brisson, William D.	D	22		Ab				
Brockman, Cecil	D	60						
Brody, Mark	R	55						
Brown, Brian <small>(resigned 10/06/15)</small>	R	9	N/A	Ab	Ab		N/A	
Brown, Rayne	R	81						
Bryan, Rob	R	88			Ab			
Bumgardner, Dana	R	109						
Burr, Justin P.	R	67						
Carney, Becky	D	102	Ab			Ab		Ab
Catlin, Rick	R	20			Ab	Ab	Ab	
Cleveland, George R.	R	14						
Collins, Jeff	R	25						
Conrad, Debra	R	74						
Cotham, Tricia Ann	D	100						
Cunningham, Carla D.	D	106		Ab				
Daughtry, N. Leo	R	26						
Davis, Ted Jr.	R	19						
Dixon, Jimmy	R	4						
Dobson, Josh	R	85						
Dollar, Nelson	R	36						
Earle, Beverly M.	D	101	Ab					
Elmore, Jeffrey	R	94						
Faircloth, John	R	61						
Farmer-Butterfield, Jean	D	24					Ab	
Fisher, Susan C.	D	114	Ab	Ab		Ab		Ab
Floyd, Elmer	D	43						

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Ford, Carl	R	76						
Fraleigh, John A.	R	95						Ab
Gill, Rosa U.	D	33						
Glazier, Rick (resigned 08/28/15)	D	44	N/A			N/A	N/A	
Goodman, Ken	D	66					Ab	
Graham, Charles	D	47						
Graham, George	D	12						
Hager, Mike	R	112						
Hall, Duane	D	11						
Hall, Kyle (appointed 11/23/15)	R	91		N/A N/A	N/A	N/A		N/A
Hall, Larry	D	29						
Hamilton, Susi H.	D	18		Ab				
Hanes, Edward Jr.	D	72						
Hardister, Jon	R	59						
Harrison, Pricey	D	57						
Hastings, Kelly E.	R	110						Ab
Holley, Yvonne Lewis	D	38						
Holloway, Bryan R (resigned 10/06/15)	R	91	N/A				N/A	
Horn, Craig D.	R	68		Ab				
Howard, Julia C.	R	79						
Hunter, Howard J. III	D	5						
Hurley, Pat B.	R	70						
Iler, Frank	R	17						
Insko, Verla	D	56						
Jackson, Darren G.	D	39						
Jeter, Charles	R	92	Ab			NV		
Johnson, Linda P.	R	83		Ab				
Johnson, Ralph (passed away 03/15/2016)	D	58	N/A				N/A	
Jones, Bert	R	65						Ab
Jordan, Jonathan C.	R	93						
Lambeth, Donny	R	75		Ab		Ab		
Langdon, James H. Jr.	R	28						
Lewis, David R.	R	53						
Lucas, Marvin W.	D	42						
Luebke, Paul	D	30	Ab					
Malone, Chris	R	35		Ab				
Martin, Grier	D	34						Ab
Martin, Susan	R	8						
McElraft, Pat	R	13						
McGrady, Chuck	R	117	Ab					
McNeill, Allen	R	78						
Meyer, Graig R.	D	50						

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Michaux, Henry M. Jr.	D	31						
Millis, Chris	R	16						
Moore, Rodney W.	D	99						
Moore, Tim	R	111			NV			
Murphy, Gregory F. (appointed 10/19/15)	R	9		N/A N/A	N/A	N/A		N/A
Pendleton, Gary	R	49	Ab					
Pierce, Garland E.	D	48		Ab				
Pittman, Larry G.	R	82						
Presnell, Michele D.	R	118						
Queen, Joe Sam	D	119	Ab		NV			
Reives, Robert T.	D	54						
Richardson, Bobbie	D	7						
Richardson, William O. (appointed 09/01/15)	D	44		N/A N/A	N/A			N/A
Riddell, Dennis	R	64						
Robinson, George S. (appointed 02/02/15)	R	87						
Ross, Stephen M.	R	63					Ab	
Saine, Jason	R	97						
Salmon, Brad	D	51						
Schaffer, Jacqueline M. (resigned 04/22/16)	R	105				Ab	N/A	
Setzer, Mitchell S.	R	89						
Sgro, Chris (appointed 04/13/16)	D	58	N/A	N/A N/A	N/A	N/A		N/A
Shepard, Phil	R	15						
Speciale, Michael	R	3						
Stam, Paul	R	37						
Steinburg, Bob	R	1						Ab
Stevens, Sarah	R	90						
Stone, Scott (appointed 05/12/16)	R	105	N/A	N/A N/A	N/A	N/A		N/A
Szoka, John	R	45						Ab
Terry, Evelyn	D	71	Ab	Ab			Ab	
Tine, Paul	Unaffiliated	6		Ab		NV		
Torbett, John A.	R	108						
Turner, Brian	D	116						
Turner, Rena W.	R	84						
Waddell, Ken	D	46	Ab					
Warren, Harry	R	77						Ab
Watford, Sam	R	80						
West, Roger	R	120		Ab				
Whitmire, Chris	R	113						Ab
Willingham, Shelly	D	23					Ab	
Wray, Michael H.	D	27		Ab				
Yarborough, Larry	R	2						
Zachary, Lee	R	73		Ab	Ab			

North Carolina State Senator	Party	District	HB 2 LGBTQ EQUALITY	SB 2 LGBTQ EQUALITY	HB 465 REPRO- DUCTIVE FREEDOM	HB 318 IMMI- GRANTS' RIGHTS	HB 100 IMMI- GRANTS' RIGHTS	HB 972 POLICE VIDEO ACCESS	HB 774 CAPITAL PUNISH- MENT	SB 343 JUVENILE JUSTICE
Alexander, John M. Jr.	R	15								
Apodaca, Tom	R	48								
Ballard, Deanna (appointed 04/26/16)	R	45	N/A	N/A N/A	N/A	N/A			N/A	N/A
Barefoot, Chad	R	18								
Barringer, Tamara	R	17				Ab				
Berger, Phil	R	26								
Bingham, Stan	R	6								
Blue, Dan	D	14	NV	Ab	Ab					
Brock, Andrew C.	R	34								
Brown, Harry	R	6							Ab	
Bryant, Angela R.	D	4	Ab							
Chaudhuri, Jay J. (appointed 04/19/2016)	D	16	N/A	N/A N/A	N/A	N/A			N/A	N/A
Clark, Ben	D	21	NV							
Cook, Bill	R	1				Ab				
Curtis, David L.	R	44								
Daniel, Warren	R	46								
Davis, Don	D	5	NV							
Davis, Jim	R	50								
Ford, Joel D.	D	38	Ab							
Foushee, Valerie P.	D	23	NV							
Gunn, Rick	R	24								
Harrington, Kathy	R	43								
Hartsell, Fletcher L. Jr.	R	36		Ab						
Hise, Ralph	R	47								
Jackson, Brent	R	10								
Jackson, Jeff	D	37	NV							
Krawiec, Joyce	R	31								
Lee, Michael V.	R	9								
Lowe, Paul A. Jr. (appointed 01/30/15)	D	32	NV							
McInnis, Tom	R	25								
McKissick, Floyd B. Jr.	D	20	NV							
Meredith, Wesley	R	19								
Newton, E.S. (Buck)	R	11				Ab	Ab			
Parmon, Earline W. (resigned 01/28/15)	D	20	N/A	N/A N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pate, Louis	R	7								
Rabin, Ronald J.	R	12								
Rabon, Bill	R	8								
Randleman, Shirley B.	R	30								
Robinson, Gladys A.	D	28	NV							
Rucho, Bob	R	39	Ab			Ab				
Sanderson, Norman W.	R	2								
Smith, Jane W.	D	13	Ab							



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Smith-Ingram, Erica	D	3	NV							
Soucek, Dan (resigned 04/08/16)	R	45	Ab	Ab			N/A	N/A		
Stein, Josh (resigned 03/21/16)	D	16	N/A	Ab	Ab		N/A	N/A		
Tarte, Jeff	R	41								
Tillman, Jerry W.	R	29								
Tucker, Tommy	R	35								
Van Duyn, Terry	D	49	NV							
Waddell, Joyce	D	40	Ab							
Wade, Trudy	R	27								
Wells, Andy	R	42								
Woodard, Mike	D	22	NV				Ab			

Founded in 1965, the **American Civil Liberties Union of North Carolina** is a nonprofit, nonpartisan organization dedicated to defending and expanding the individual rights and freedoms found in the U.S. and North Carolina Constitutions and related federal and state civil rights laws. With more than 10,000 members and supporters throughout the state and an office located in Raleigh, the organization achieves its mission through advocacy, public education, community outreach, and when necessary, litigation. [Visit **acluofnc.org/2016ReportCard** to learn more.](https://acluofnc.org/2016ReportCard)