

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: March 1, 2021

SUBJECT: Request HCSO to access criminal record history for ABC applications

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Proposed Ordinance

SUMMARY OF REQUEST:

The North Carolina State Bureau of Investigation has begun to require an Ordinance to allow law enforcement access to its criminal records databases (and those of the Federal Bureau). Information regarding criminal records has in the past been shared with members of the Board when the Alcoholic Beverage Control Board requests statutory comment on ABC applications. This proposed ordinance is to meet that requirement.

BOARD ACTION REQUESTED:

Adoption of the ordinance.

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the proposed Ordinance.

Henderson County
North Carolina

Before the Board of Commissioners

**An Ordinance Amending Board Resolution Regarding A Designated
Local Official Designation Pertaining to Sheriff's Office Seeking State
Access to SBI/DCI Criminal History Record Information**

BOARD OF COMMISSIONERS ENACTMENT 2021-_____

WHEREAS, North Carolina General Statute § 18B-904(f) provides that a county Board of Commissioners may designate an official by name or position to make recommendations to North Carolina Alcoholic Beverage Control Commission on behalf of the municipality concerning the suitability of a person or location for an ABC permit when the proposed location is within those portions of Henderson County not within the City of Hendersonville and the Town of Fletcher (the "subject area"); and

WHEREAS, this Board has on 20 June 2012 designated the county attorney as the official authorized to make recommendations on behalf of the Board of Commissioners concerning the suitability of a person or location for an ABC permit within the subject area, after first seeking input from each Commissioner and from the Sheriff of Henderson County; and

WHEREAS, this Board has determined that the Henderson County Sheriff's Office desires access to the North Carolina SBI/DCI criminal history record information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the subject area; and

WHEREAS, the Henderson County Sheriff's Office will obtain this criminal history information on each applicant based on identification information regarding the applicant contained in the notice of permit application received from the State ABC Commission; and

WHEREAS, if this criminal history information reveals that an applicant has been convicted of any felony, a misdemeanor involving drugs or alcohol, or any offense in violation of Article 26 of Chapter 14 of the North Carolina General Statutes, the Henderson County Sheriff's Office will provide notice of the same to this Board and the county attorney;

WHEREAS, the State ABC Commission is the government agency responsible for the issuance of all ABC permits,

NOW, THEREFORE, be it ordained by the Board of Commissioners of Henderson County that this Board's Resolution of 20 June 2012 regarding the designation of an official to make recommendations to the North Carolina Alcoholic Beverage Control Commission is hereby amended, as adding a new paragraph:

BE IT FURTHER RESOLVED that the Henderson County Sheriff's Office is requested to seek state access to SBI/DCI criminal history record information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the subject area, and provide such information to the Board of Commissioners and the county attorney.

This ordinance shall be in full force and effect from and after the date of its adoption.

Unanimously adopted this the 1st day of March, 2021.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: _____
WILLIAM LAPSLEY
Chairman of the Board of Commissioners

Attest:

TERESA WILSON
Clerk to the Board of Commissioners