

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

April 9, 2021

With the House only holding nonvoting sessions this week and the Senate not holding any committee meetings, those individuals who are usually involved in the legislative process have been able to enjoy some welcomed downtime at home (or at least away from Raleigh) this week. However, that does not mean there is not still work being done in the legislative buildings.

Last week the Speaker of the House announced that Appropriations Committee chairs would be meeting this week to work on hammering out details related to the budget proposal to come from the House. The Senate too has continued to be diligent in their work. The Senate's bill filing deadline was Tuesday, April 6. On Monday, the Senate had filed a total of 501 bills. In the two days bills were filed by the Senate this week, the total bills filed in that chamber increased to 715, meaning a little over 25% of the bills filed by the Senate this session have been filed this week.

The House bill filing deadline is not until May 4, 2021. However, with crossover deadline looming for both the House and Senate on May 13, 2021, waiting until the last minute to file a bill in the House could put the bill at risk for not making crossover.

The House and Senate adjourned on Thursday and will reconvene Monday, April 12, 2021.

BILLS OF INTEREST

[HOUSE BILL 491](#), Virtual Training/Real World Law Enforcement, would appropriate to the North Carolina Justice Academy \$500,000 in nonrecurring funds for the 2021-2022 fiscal year to be used to purchase two virtual training simulators—one for the Salemburg Campus and one for the Edneyville Campus. These virtual training simulators would be available for basic and in-service training for North Carolina law enforcement officers to help them evaluate the appropriate use of lethal and nonlethal weapons and de-escalation techniques in confrontational or potentially confrontational encounters. The virtual training simulators would be capable of presenting training settings that allow for a variety of racial, cultural, and developmental differences in individuals with whom officers interact.

In addition, the bill would appropriate to the Community Colleges System Office \$2.5 million in nonrecurring funds for the 2021-2022 fiscal year for the purchase of 10 of the above-described virtual training simulators. The bill requires that these simulators be distributed evenly across the State for placement on community college campuses. **Introduced by Representative Greene, and assigned to the House Committee on Appropriations.**

[HOUSE BILL 492](#), WC/Psych. Trauma-Related Injuries, would allow first responders to receive workers' compensation benefits for posttraumatic stress disorder (PTSD) resulting from the first responder acting within the course of their employment, if diagnosed by a licensed psychiatrist or licensed psychologist. First responders would be entitled to these benefits regardless of whether any other injury existed. A first responder would mean a law enforcement officer, firefighter, 911 dispatcher, emergency medical technician or paramedic employed by State or local government, and a volunteer firefighter.

Currently, individuals seeking workers' compensation benefits for PTSD must prove that their condition qualifies as a work-related disease or disorder under three required elements. The bill would remove that requirement for first responders diagnosed with PTSD. The bill would also require the employing agencies of first responders to provide educational training related to mental health awareness, prevention, mitigation, and treatment. **Introduced by Representative White, and assigned to the House Committee on Health.**

[HOUSE BILL 523](#), Amend Street Racing Penalties, would increase the penalties for the offense of unlawful racing on streets and highways. The bill would make it a Class A1 misdemeanor for any person to operate a motor vehicle on a street or highway willfully in prearranged speed competition with another motor vehicle. Currently, this offense is a Class 1 misdemeanor.

It would also be a Class A1 misdemeanor for any person to operate a motor vehicle on a street or highway willfully in speed competition with another motor vehicle with no prearranged race. Currently, this offense is a Class 2 misdemeanor. Upon conviction of any of the above offenses involving a prearranged race, the North Carolina Division of Motor Vehicles (DMV) is currently required to revoke the offender's drivers license for up to 3 years, with the opportunity for the offender to apply for a new license after 18 months. The bill would not allow an offender to apply for a new license until 2 years from the date of revocation. Additionally, the bill would require (rather than allow) the DMV to suspend the drivers license of a person convicted of engaging in willful speed competition with no prearranged race for a period not to exceed one year.

Finally, the bill would make it a Class A1 misdemeanor for anyone to authorize or knowingly permit a motor vehicle they own or control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor vehicle, or to place or receive any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare. Currently, this offense is a Class 1 misdemeanor. **Introduced by Representative Willingham.**

[SENATE BILL 485](#), Fund Drug Treatment/Mental Health Courts, would appropriate to the North Carolina Administrative Office of the Courts (AOC) \$4.2 million in recurring funds for each year of the 2021-2023 fiscal biennium to support the work of the North Carolina Drug Treatment Court Program in creating and sustaining local drug treatment court programs.

The bill would also appropriate to the AOC \$4.2 million in recurring funds for each year of the 2021-2023 fiscal biennium for the creation and funding of new and existing mental health court programs serving those with a mental health diagnosis or treatment history who are defendants in

the criminal justice system.

The bill would require the mental health court programs funded by this appropriation to recommend mental health treatment plans to those served by the program and to monitor the progress of the individuals in the program. **Introduced by Senators Mohammed, Foushee and Robinson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 486, Reform Courts and Jails](#), would prohibit a judicial official from requiring a defendant to post a cash bond if the defendant's most severe charge is a Class 1, Class 2, or Class 3 misdemeanor unless the judicial official determines the defendant will pose a danger of injury to any person. If the judicial official does require a cash bond upon making such a determination, the bill would require the judicial official to make written findings supporting the imposition of the cash bond. Currently, a judicial official's order must contain a statement of the conditions imposed, the penalties for violating any conditions imposed and that the defendant will be arrested immediately for violating a condition of release, but the order does not have to contain a basis for the type of bond given.

The bill would require the North Carolina Division of Motor Vehicles (DMV) to automatically restore a drivers license 12 months after revocation for either failing to appear at trial or hearing or to pay court-ordered fines, penalties, or other court costs for motor vehicle offenses. This provision would not apply to revocations resulting from impaired driving charges. Currently, the law allows an individual to apply for a limited driving privilege 12 months after revocation for failing to pay court-ordered fines, penalties, or other court costs for motor vehicle offenses. There is currently no exception for revocations resulting from impaired driving charges.

Additionally, the bill would require any defendant charged with a misdemeanor under a magistrate's order or criminal process and held in custody on that charge to be brought before a district court judge for a first appearance within 48 hours of being taken into custody or at the first regular session of district court, whichever occurs first. The bill would also clarify that this first appearance is a critical stage of the proceedings, which means a judge could not conduct a first appearance without an attorney being present for the defendant. Currently, only those defendants who are charged with crimes under a magistrate's order or criminal process having original jurisdiction in superior court (i.e., those charged with felonies) are required to have a first appearance before a district court judge within 96 hours of being taken into custody or at the first regular session of district court, whichever occurs first.

In addition, where a defendant has failed to appear on one or more of the charges for which the defendant is being held and where there are no recommended conditions of pretrial release in the defendant's order for arrest, the bill would mandate that a judicial official require the execution of a secured appearance bond of at least \$1,000. Currently, the law mandates that judicial officials require the execution of a secured appearance bond in an amount that is at least double the previous secured or unsecured bond if a bond has been set, and if no bond has been set, a bond of at least \$1,000.

The bill would also create a preventative detention hearing process before a district court judge for defendants who remain in custody following an initial appearance due to the imposition of a

condition of pre-trial release requiring a cash bond or house arrest which requires the execution of a secured bond. The hearing would be required to occur within 5 days of the initial appearance, the defendant would be entitled to counsel, and would have the opportunity to present evidence and examine witnesses to determine if the current conditions of pre-trial release are necessary to ensure the safety of any person. If the judge found by clear and convincing evidence that the current conditions are not necessary to do so, the bill would allow the judge to impose new conditions.

The bill would require the North Carolina Administrative Office of the Courts (AOC) to automatically enroll all criminal defendants in its court date reminder system. AOC would be required to create a process whereby criminal defendants could opt-out of enrollment in the system. The bill would also allow anyone who fails to appear in court as required by a citation or any other criminal process to have 20 days from the date of the missed appearance to contact the clerk of superior court to request a new court date. If the person contacts the clerk of court as required, the failure to appear and any order for arrest or fines related to the failure to appear would be stricken by the clerk of court. The bill would only allow an individual to receive one new court date under this provision in a criminal case. Currently, only a judge may strike a failure to appear or order for arrest for failure to appear.

The bill would create new Article in Chapter 15A of the General Statutes governing the treatment of incarcerated women. The provisions of interest to the criminal justice community include:

1. The North Carolina Department of Public Safety (DPS) employees and employees of a correctional facility (including county jails) would be prohibited from applying any of the following restraints to an incarcerated woman in the second or third trimester of pregnancy or during the six-week postpartum recovery period: (1) leg restraints; (2) handcuffs or other wrist restraints; (3) restraints connected to other incarcerated persons; (4) waist shackles. Wrist restraints in the front of the body would be permitted during the postpartum recovery period if the correctional facility employee made the determination that an extraordinary circumstance existed and documented that in writing within 72 hours. The bill defines an extraordinary circumstance as an individualized determination that there are compelling grounds to believe that the incarcerated woman presents an immediate, serious threat of harming herself, the fetus, or any other person, or an immediate substantial flight risk that cannot be reasonably contained by other means, including the use of additional personnel.
2. A correctional facility employee, other than a certified healthcare professional, would be prohibited from conducting an invasive body search of an incarcerated woman who is pregnant or in postpartum recovery unless the employee has compelling grounds to believe the woman is concealing contraband that would present immediate harm to herself, the fetus, or another person. The bill would require an employee who conducted such a search to submit a written report within 72 hours justifying the search and stating the presence or absence of contraband.

3. The bill would prohibit the placement of an incarcerated woman who is pregnant or in postpartum recovery in restrictive housing absent extraordinary circumstances. The authorizing employee would be required to submit a report within 72 hours justifying the placement of the woman in restrictive housing.
4. The bill would require DPS and correctional facilities to do the following with respect to inmates who are pregnant or in postpartum recovery: (i) provide adequate daily food and dietary supplements to a pregnant inmate as ordered by a physician or correctional facility nutritionist; (ii) assign a pregnant inmate a bed that is no higher than 3 feet off the ground; (iii) allow a 72-hour minimum bonding period with the newborn (i.e. allow the newborn to remain with the incarcerated woman) for an inmate who has just given birth, unless a medical provider believes it poses a health or safety risk to the newborn; and (iv) provide postpartum nutrition and hygiene supplies to an incarcerated woman in postpartum recovery.
5. The bill would require, to the extent practicable, DPS to place inmates who are parents to minor children within 250 miles of the inmate's permanent address of record. It would also require DPS and correctional facility administrators to adopt more relaxed visitation rules for incarcerated parents (both mother and father) of minor children that have low or minimum-security classifications, including contact visits with minor children.
6. DPS and correctional facility administrators would be required to adopt rules that limit inspection by male correctional facility employees of female inmates who are in a state of undress, to the extent practicable and consistent with safety.
7. DPS and correctional facility administrators would be required to ensure incarcerated women at the facility have access to menstrual products at no cost.
8. DPS and correctional facility administrators would be required to develop, in consultation with the North Carolina Department of Health and Human Services, Divisions of Public Health and Mental Health, Developmental Disabilities, and Substance Abuse Services, training for correctional facility employees related to the physical and mental health of pregnant women and fetuses.
9. DPS and correctional facility administrators would be required to develop and provide educational programming to incarcerated pregnant women related to prenatal care, pregnancy-specific hygiene, parenting skills, the impact of drugs and alcohol to the fetus, and the general health of children.

Finally, this bill would apply to any State prison, local confinement facility (jail), juvenile detention facility, and other entity under the authority of any State or local law enforcement agency that has the power to detain or restrain a person under State law. **Introduced by Senators Mohammed, Fitch and Batch, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 498](#), Gaming Machine Enforcement Act, would create a new licensing scheme under the North Carolina Lottery Commission (Lottery Commission) for the lawful operation of a Video Gaming Terminal (VGT). A VGT would be defined as a device that is any electronic computerized video machine operated upon the insertion of cash, player's club card, or other form of promotional credit; is available to play; and which uses a video display and microprocessors in which the player may receive free plays or credits that can be redeemed for cash. Machines that are for amusement purposes only, such as Pacman or Centipede, would not be considered a VGT.

The Lottery Commission would be required to issue a permit for the operation of a VGT so long as the device has been approved as meeting the definition above by an independent testing laboratory that has been approved by the Lottery Commission. The bill would limit the placement of VGTs to no more than 12 VGTS within a 100-foot radius. Further, the Lottery Commission would be limited to issuing licenses for the operation of 34,000 VGTs throughout the State.

A VGT would include a terminal that enables a player to play video poker, video blackjack or a video game based on or involving the matching of different pictures, words, numbers, or symbols.

The bill would specifically exclude a VGT from our State gambling laws that prohibit video gambling machines (such as video poker) and video sweepstakes machines that are based on chance and that allow a person to win cash prizes.

If enacted into law, the bill would legalize chance-based video gambling machines and video sweepstakes machines that pay out cash prizes so long as the operator of the machine has obtained the license from the Lottery Commission showing that the VGT qualifies as “a device that is any electronic computerized video machine operated upon the insertion of cash, player's club card, or other form of promotional credit; is available to play; and which uses a video display and microprocessors in which the player may receive free plays or credits that can be redeemed for cash.” **Introduced by Senator Johnson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 510](#), Release Body-Worn/Dashboard Camera Video, would require a custodial law enforcement agency to release (provide a copy of) a body-worn camera recording or dashboard camera recording upon request, after 48 hours have passed from the time of the recording. The person making the request (such as a citizen or news reporter) must state the date and time of the activity captured in the recording, or otherwise identify the activity they seek a recording of.

The bill would require the custodial law enforcement agency to file an action in superior court to seek a court order preventing or limiting the release of the body-worn camera recording or dashboard camera recording. The bill would require the court to consider the same factors under current law governing the release of these recordings when deciding whether to release all or a portion of a body-worn camera recording or dashboard camera recording, such as whether it is in the public interest to release the recording or whether release would jeopardize a criminal investigation.

In the event the custodial law enforcement agency files an action in superior court to seek a court order preventing or limiting the release of the body-worn camera recording or dashboard camera

recording, the bill would require the following to be notified and given an opportunity to be heard at the hearing: (1) the head of the custodial law enforcement agency; (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency; and (3) the District Attorney.

Currently, a court order is required for the release of a body-worn camera recording or dashboard camera recording to the public. Current law requires either the person seeking the recording or the custodial law enforcement agency to obtain a court order for the release of the recording. These recordings may not currently be automatically released to the public following a 48-hour period. **Introduced by Senators Clark, deViere and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 525](#), [NC Stop Human Trafficking Funds](#), would appropriate to NC Stop Human Trafficking \$100,000 in funds for the 2021-2022 fiscal year to assist the organization in its efforts to abolish human trafficking. NC Stop Human Trafficking is a statewide nonprofit organization whose purpose is to eliminate human trafficking through the provision of education, advocacy, and victim services. **Introduced by Senator Davis, and assigned to the Senate Committee on Appropriations/Base Budget.**

[SENATE BILL 535](#), [Safe Surrender Infants](#), is substantially similar to [House Bill 473](#), which is summarized in the April 2, 2021 Weekly Legislative Report. **Introduced by Senators Burgin and Krawiec, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 557](#), [Up SHP Pay & Death Benefits/Death Penalty](#), would appropriate to the North Carolina Department of Public Safety \$8.3 million in funds for the 2021-2022 fiscal year and \$8.3 million in funds for the 2022-2023 fiscal year to increase the salaries of North Carolina State Troopers serving in the North Carolina State Highway Patrol.

The bill would also provide an additional death benefit in the amount of \$900,000 for a member of the North Carolina State Highway Patrol that is killed in the line of duty on and after July 1, 2021. This death benefit for certain qualified family members of the North Carolina State Highway Patrol member killed in the line of duty would be in addition to the \$100,000 death benefit that is currently available for certain qualified family members of law enforcement officers, firefighters, rescue squad workers, and civil air patrol members killed in the line of duty. This \$100,000 death benefit would also be in addition to the \$100,000 death benefit available when a law enforcement officer, firefighter, rescue squad worker, or civil air patrol member is murdered in the line of duty.

Finally, the bill would prohibit the State from agreeing to accept a sentence of life imprisonment where a criminal defendant has entered a guilty plea to first degree murder in a case that involves any of the following persons who were murdered by the defendant while engaged in the performance of their official duties or because of their official duties: (1) a law enforcement officer; (2) employee of the Division of Adult Correction and Juvenile Justice of the North Carolina Department of Public Safety; (3) a jailer; (4) firefighter; (5) judge, justice or former judge or justice; (6) prosecutor or former prosecutor; (7) juror or former juror; (8) or a witness or former witness against the defendant. Instead, the bill would require a jury to make a recommendation as to the sentence to be imposed for the first-degree murder and the court would be required conduct

a separate sentencing hearing to determine punishment. **Introduced by Senators Burgin and Davis, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 560](#), [Electric Vehicle Special Registration Plate](#), is identical to [House Bill 466](#), which is summarized in the April 2, 2021 Weekly Legislative Report. **Introduced by Senators Mayfield and Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 561](#), [Increase Funding for Rape Victim Assistance](#), would appropriate to the North Carolina Department of Public Safety \$1.1 million in recurring funds for the 2021-2022 fiscal year to help pay for the cost of Sexual Assault Evidence Collection Kits that are administered free of charge for rape victims through the Assistance Program for Victims of Rape and Sex Offenses. **Introduced by Senators Marcus, Murdock and Mayfield, and assigned to the Senate Committee on Appropriations/Base Budget.**

[SENATE BILL 565](#), [Supporting Law Enforcement](#), would make various changes to State law that would impact the criminal justice system as follows:

1. The bill would require the North Carolina Department of Justice (DOJ) to provide law enforcement agencies with assistance in seeking grant funding, such as by alerting law enforcement agencies to available grant funds and assisting law enforcement agencies with drafting and submitting grant proposals and grant applications.

The bill would appropriate to the DOJ \$200,000 in recurring funds for each year of the 2021-2023 fiscal biennium to hire two full-time grant writers to assist law enforcement with seeking grant funding.

2. The bill would appropriate to the DOJ \$250,000 in recurring funds for each year of the 2021-2023 fiscal biennium to award grants to law enforcement agencies for initiatives supporting community policing.
3. The bill would appropriate to the DOJ \$500,000 in recurring funds for the 2022-2023 fiscal year to award grants to law enforcement agencies to reward law enforcement officers for exemplary service, and to law enforcement agencies for meeting racial or gender diversity benchmarks, as established by the DOJ.
4. The bill would require the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (the Commissions), to develop and maintain a statewide database for law enforcement agencies to use to track all revocations and suspensions of law enforcement officer certifications in the State issued by the Commissions.

The bill would further require all North Carolina law enforcement agencies to provide the DOJ with information requested to maintain the database. Information provided to DOJ for the database that is confidential under State or federal law would remain confidential

and would not be subject to disclosure without a court order.

Finally, the bill would require all law enforcement agencies in the State to search the database prior to hiring an applicant to determine if the applicant has a revocation or suspension of certification.

5. The bill would include in the definition of use of deadly force strangleholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck.
6. The bill would require a law enforcement officer to intervene and to report any use of excessive force by another law enforcement officer that is not justified given the circumstances. In addition, a law enforcement officer would be required to use the minimum amount of force reasonably necessary to accomplish the law enforcement action at issue and would be required to attempt to use de-escalation tactics when possible.
7. The bill would require the DOJ, in consultation with the Commissions, to develop and maintain a statewide database for law enforcement agencies that tracks all critical incident data of law enforcement officers in the State. The bill would define "critical incident" as an incident involving any use of force by a law enforcement officer resulting in death or serious bodily injury to a person.

The bill would further require all North Carolina law enforcement agencies to provide DOJ with information requested to maintain the database on critical incidents, including the North Carolina State Highway Patrol, North Carolina State Bureau of Investigation, company police agencies, campus police agencies, and all county and city law enforcement agencies. Information provided to DOJ for the database that is confidential under State or federal law would remain confidential and would not be subject to disclosure without a court order.

Finally, the bill would require the North Carolina Attorney General, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, to develop uniform use of force policies that may be adopted by all law enforcement agencies in the State. The bill would require these policies to be submitted to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2022. The bill would also require the policies to be distributed in digital format by the Attorney General to all law enforcement agencies in the State by December 1, 2022.

8. The bill would grant additional powers to the Commissions, including: (1) establishing minimum age requirements that must be met to qualify for entry level employment as an officer (whether probationary or a permanent position), which must be at least 21 years of age; (2) the establishment of minimum mental health screening protocols that must be met to qualify for employment and retention as a criminal justice officer, including a psychological screening within one year prior to certification; and (3) the establishment of

minimum annual mental health screening protocols for officers, including a psychological screening.

9. The bill would authorize the Commissions to obtain access to misdemeanor conviction records that have been expunged and that are maintained in confidential files with the North Carolina Administrative Office of the Courts (AOC). Currently, the Commissions may access felony conviction records maintained by AOC that have been expunged.
10. The bill would allow the Commissions to deny, suspend or revoke a person's certification if the person has had four or more misdemeanor convictions expunged. Currently, the Commissions may deny, suspend or revoke a person's certification if the person has had a felony conviction expunged.
11. Finally, the bill would appropriate to the DOJ \$1 million in recurring funds for each year of the 2021-2023 fiscal biennium to provide grants to law enforcement agencies to temporarily provide partial or total funding for detective or other investigative law enforcement positions in order to aid in the investigation of person crimes that would constitute a charge of a Class D felony or higher.

Introduced by Senators Batch, Crawford and Garrett, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 566, Investing in Law Enforcement](#), would make various changes to State law that would impact the criminal justice system as follows:

1. The bill would appropriate to the North Carolina Justice Academy \$250,000 in recurring funds each year of the 2021-2023 fiscal biennium to expand the ability of the Justice Academy to provide more opportunity for law enforcement to attend courses and training. The bill would also appropriate to the Justice Academy an additional \$250,000 in nonrecurring funds for each year of the 2021-2023 fiscal biennium to expand the Justice Academy's ability to offer online courses for law enforcement agencies.

Finally, the bill would appropriate to the North Carolina Justice Academy \$250,000 in recurring funds for each year of the 2021-2023 fiscal biennium to be used to further develop, maintain, and staff the North Carolina Law Enforcement Accreditation Program.

2. The bill would require the North Carolina Justice Academy and the North Carolina Community College System to develop a "memorandum of understanding" (an agreement that is not legally binding) to allow community colleges throughout the State to provide training and education to those individuals trained and educated by the North Carolina Justice Academy in order to lessen travel times and costs for law enforcement agencies attending training.

3. The bill would allow any county within the State to participate in the Criminal Justice Fellows Program (Fellows Program). The Fellows Program was created to increase the recruitment of criminal justice professionals by providing loan forgiveness to qualified individuals that earn an Applied Associate Degree in Criminal Justice. Currently, applicants must reside in a county with a population less than 125,000 to be eligible to participate in the Fellows Program.

The bill would also expand the types of study a person could apply for a Fellows Program grant to include studying to earn a Bachelor's Degree at a college or university or a certificate of completion for a North Carolina Basic Law Enforcement Training Program. Currently, loan forgiveness is only available for an Applied Associate Degree in Criminal Justice at a community college.

In addition, the bill would allow for up to four years of forgivable loans through the Fellows Program. Currently, only two years of loans are available to qualified applicants.

4. Finally, the bill would require all law enforcement agencies in the State to designate specially trained law enforcement officers to be a part of an agency "Crisis Intervention Team." The bill would require each Crisis Intervention Team member to be trained in how to determine whether a person is experiencing a mental or behavioral health crisis and what methods are available to de-escalate or otherwise safely engage in interactions with a person experiencing a mental or behavioral health crisis.

The purpose of the Crises Intervention Teams would be to assist in effecting an arrest involving a person experiencing a mental or behavioral health crisis. The bill does not define what would constitute a mental or behavioral health crisis and does not specify any training program in particular to qualify for placement on the Crises Intervention Team.

The bill would require all law enforcement agencies in the State to have established a Crisis Intervention Team no later than December 1, 2023 in order to remain eligible for Governor's Crime Commission grants.

Finally, the bill would appropriate to the North Carolina Department of Justice \$250,000 to provide grant funds to law enforcement agencies for Crisis Intervention Team training.

Introduced by Senators Batch, Garrett and deViere, and assigned to the Committee on Rules and Operations of the Senate.

SENATE BILL 598, Require 20-Minute Paid Work Breaks, would require all employers to provide each of their employees a paid break of at least 20 minutes' duration near the middle of the workday when the employee works six or more hours in the workday. This break could not be used to delay the beginning or shorten the duration of the work period without the approval of the employer. Currently, the North Carolina Wage and Hour Act does not require employers to provide mandatory rest breaks or meal breaks for employees 16 years of age and older.
Introduced by Senators Chaudhuri and Nickel, and assigned to the Committee on Rules and

Operations of the Senate.

[SENATE BILL 605](#), North Carolina Farm Act of 2021, would amend and retitle the criminal offense of cutting, injuring, or removing another's timber. A person would be guilty of the new offense of "Larceny of timber" if the person: (1) knowingly and willfully cuts down, injures, or removes any timber owned by another, without the land owner's or timber owner's consent, or without a lawful easement running with the land; or (2) buys timber directly from a timber owner but does not make payment in full by the date specified in the written sales agreement; or when there is no agreement, 60 days from the date the buyer removes the timber from the property. The bill would make this offense a Class G felony and would require an order of restitution.

The bill would provide several exceptions to this criminal offense, such as a good faith belief that the owner consented and a good faith belief that the timber was on a utility easement and the action taken was necessary to remove a tree hazard.

Currently, cutting, injuring, or removing another's timber is punishable as a Class H felony if the value of the timber exceeds \$1,000 and as a Class 1 misdemeanor if the value is less than \$1,000. **Introduced by Senators B. Jackson, Sanderson and Edwards, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 613](#), North Carolina Animal Abuse Registry ACT, would require the North Carolina Department of Public Safety (DPS) to establish and maintain a list on DPS's public website of persons convicted of an animal abuse offense involving a companion animal, such as a dog or cat. The bill would require DPS to list the person's full legal name, booking photograph and any other information the DPS determines necessary to identify the offender.

The bill would also require the clerk of court to forward to the DPS a copy of the criminal judgment and date of birth of any person convicted of an animal abuse offense within 60 days of the judgment.

A person convicted of a first animal abuse offense would remain on the public list for two years. Any subsequent conviction for an animal abuse offense would result in the person remaining on the public list for a period of five years following the date of the most recent conviction. Finally, the DPS would be required to remove any person from the public list if that person has their criminal record expunged. **Introduced by Senators Marcus and Mayfield, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 616](#), Protect Law Enforcement Act, would create the new criminal offense of "Refusing to aid a law enforcement officer." The bill would make it a Class 1 misdemeanor for any person 18 years of age or older to unreasonably fail or refuse to aid a law enforcement officer requesting assistance in effecting an arrest of another person or preventing the commission by another person of a criminal offense. This would apply to any federal, State, county, or municipal law enforcement officer requesting assistance who is identifiable or identified to the person as being a law enforcement officer. Any person assisting the law enforcement officer would not be liable for any injury, death or damage to property that resulted from the person rendering assistance to the law enforcement officer. **Introduced by Senators McInnis and Britt, and assigned to the**

Committee on Rules and Operations of the Senate.

[SENATE BILL 630](#), Improve Boating Safety, would create a new criminal offense of “Operating a vessel, water skis, or personal watercraft by a person less than 21 years old after consuming alcohol or drugs.” The offense makes it unlawful for a person less than 21 years of age to operate a vessel, water skis, or personal watercraft while consuming alcohol or at any time while the person has remaining in their body any alcohol or controlled substance previously consumed. However, a person would not have violated this section if any controlled substance found in their body was lawfully obtained and taken in therapeutically appropriate amounts. This crime would be punishable as a Class 2 misdemeanor and is not a lesser included offense of impaired boating.

In addition, the bill would allow the result or results of an alcohol screening test administered by a device approved by the North Carolina Department of Health and Human Services, or refusal to take such a test, to be used by a law enforcement officer and would be admissible in court to determine whether probable cause exists to determine if the driver of a boat has: (1) consumed alcohol; or (2) committed an offense of operating a vessel or water skis while impaired or an offense of impaired operation of a boat involving death or serious injury or operating a vessel, water skis, or personal watercraft by a person under the age of 21 after consuming alcohol or drugs.

Finally, the bill would allow a low or negative result on the alcohol screening test to be used by a law enforcement officer, a court, or an administrative agency to determine whether a person’s impairment was caused by an impairing substance other than alcohol. Currently, use of an alcohol screening device in a similar manner is permitted for driving while impaired offenses, but not for the impaired operating offenses listed above. **Introduced by Senator Edwards, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 645](#), SBI Emergency Pen Register/Trap and Trace, is identical to [House Bill 148](#), which is summarized in the February 26, 2021 Weekly Legislative Report. **Introduced by Senators Britt, Daniel and Sanderson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 646](#), Marijuana Justice and Reinvestment Act, would legalize the use and sale of cannabis (marijuana) and cannabis accessories (such as water bongs and smoking pipes) in North Carolina, as set out in greater detail in the bill.

The bill would make it lawful for a person to possess, consume, ingest, smoke, use, grow, process, purchase, or transport an amount of cannabis that does not exceed the following: (1) two ounces of cannabis in a form other than concentrated cannabis or cannabis products; (2) fifteen grams of concentrated cannabis; (3) cannabis products containing no more than 2,000 milligrams of tetrahydrocannabinol; (4) six cannabis plants and any additional cannabis produced by the person's cannabis plants, provided that the possession of any amount of cannabis in excess of two ounces of cannabis, 15 grams of concentrated cannabis, and cannabis products containing no more than 2,000 milligrams of tetrahydrocannabinol must be limited to the same property where the plants were cultivated.

The bill would also authorize “cannabis establishments” and “cannabis product manufacturing facilities” in North Carolina, provided various application and licensing requirements are met, as explained in greater detail in the bill.

A “cannabis establishment” would be any cannabis cultivation facility, a cannabis delivery service, an on-site consumption establishment, a cannabis testing facility, a cannabis product manufacturing facility, a cannabis transporter, a retail cannabis store, or any other type of cannabis business authorized and registered by the North Carolina Department of Public Safety.

The bill would define a cannabis product manufacturing facility to be an entity registered to purchase cannabis, manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis establishments but not to consumers.

Finally, the bill would make it unlawful to smoke cannabis in public or to consume cannabis while operating or driving a motor vehicle, boat, vessel, aircraft, or other motorized device used for transportation. **Introduced by Senators Chaudhuri, Woodard and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 647, End Racial Profiling in Traffic Stops Act](#), would define racial profiling as “the detention, interdiction, or other disparate treatment of an individual on the basis, in whole or in part, of the perceived racial or ethnic status of the individual, except when that status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect.”

The bill would require all law enforcement agencies in the State to adopt a written policy that prohibits the stopping, detention, interdiction, or search of any person when the action is motivated, in whole or in part, by considerations of race, color, ethnicity, age, gender, or sexual orientation and not for another legitimate purpose, such as apprehending a suspect that meets a particular description.

The bill would also require the School of Government at The University of North Carolina at Chapel Hill (School of Government) to conduct an annual study of routine traffic stops made by the North Carolina State Highway Patrol, municipal police officers, and county sheriffs and sheriffs' deputies. The bill would require the study to include numerous data points listed in the bill associated with the stop, such as the race, ethnicity, gender, and approximate age of the driver stopped, the duration of the stop, whether a search was conducted and whether an arrest was made. All law enforcement agencies in the State would be required to promptly provide information to the School of Government following requests for information related to routine traffic stops.

The School of Government would be required to perform an in-depth analysis of data from at least eight municipal police departments per year, prioritizing the analysis of data from municipal police departments that have the highest racial disparity in traffic stops.

In addition, the bill would require the School of Government to develop and implement guidelines that may be used by all law enforcement agencies to avoid the use of racial profiling in stops and searches, which would be based on the data collection and analysis described above.

Finally, the bill would create the Traffic Stop Advisory Board (Board), which would be located within the Office of the North Carolina Attorney General. The Board would consist of the following members: (1) two members of the House of Representatives from different political parties appointed by the Speaker of the House of Representatives; (2) two members of the Senate from different political parties appointed by the President Pro Tempore of the Senate; (3) three members appointed by the Governor; (4) one member appointed by the Attorney General; (5) one community leader appointed by the Governor; (6) one professor from a university within The University of North Carolina System with a specialty in statistics appointed by the Governor; and (7) the President of the North Carolina Association of Chiefs of Police.

The purpose of the Board would be to advise the School of Government with respect to the annual reports and creation of standardized methods and guidelines for the establishment of written policies prohibiting racial profiling that would be required to be adopted by all law enforcement agencies in the State. **Introduced by Senators Chaudhuri, Mohammed and Murdock, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 656](#), Equity in Justice Act of 2021, would make a variety of changes to State law that would impact the criminal justice system, many of which are provisions contained within other bills currently before the General Assembly. The provisions of interest include:

1. The bill would: (1) allow any county within the State to participate in the Criminal Justice Fellows Program (Fellows Program); (2) appropriate funds for the 2021-2022 fiscal year to the North Carolina Criminal Justice Education and Training Standards Commission for the Fellows Program; and (3) streamline the process for developing in-service training for criminal justice officers through the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission (the Commissions). These provisions are identical to [Senate Bill 487](#), which is summarized in the April 2, 2021 Weekly Legislative Report.
2. The bill would classify strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck as use of deadly force by a law enforcement officer. This classification would mean that use of these tactics would only be considered reasonable if used: (1) for the officer's self-defense or defense of another from use of deadly force; (2) to effectuate an arrest or prevent the escape from custody of someone using a deadly weapon to escape or posing an imminent threat of serious harm to another unless immediately apprehended; or (3) preventing a convicted felon's escape from custody. In addition, the bill would provide that a law enforcement officer who witnesses another law enforcement officer use excessive force on or otherwise abusing a suspect or arrestee has a duty to intervene and report the excessive use or abuse in writing to the officer's supervisor, agency head, or other appropriate authority.
3. The bill would require the North Carolina State Bureau of Investigation (SBI) to investigate any of the following officer-involved use of force incidents with regard to the action of a

sworn State or local law enforcement officer: (1) an officer's discharge of the officer's firearm in the performance of the officer's duties; (2) an officer's use of force in the performance of the officer's duties that results in death of a person; (3) an officer is alleged to have sexually assaulted a person during the performance of the officer's duties; (4) an officer is alleged to have committed an act of domestic violence; (5) a person dies in the custody of an officer.

Currently, the SBI may provide investigative assistance to law enforcement agencies upon request and is authorized to investigate a number of crimes upon the request of the Governor or Attorney General. The bill would require law enforcement agencies to report any of the above officer-involved use of force incidents to the SBI within 24 hours. The bill would provide that a law enforcement agency that fails to make such a report would be ineligible to receive funds from the Governor's Crime Commission and the Governor's Highway Safety Program until the required report is delivered to the SBI. Repeated failures to report would result in ineligibility to receive these funds for a period of 2 years.

4. The bill would require the North Carolina Department of Justice (DOJ), in consultation with the Department of Public Safety (DPS), the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, to develop a uniform definition for what constitutes law enforcement officer use of force and determine a standard set of data regarding law enforcement officer use of force to be regularly reported to the North Carolina State Bureau of Investigation (SBI). The bill would further require all North Carolina law enforcement agencies, including the North Carolina State Highway Patrol, SBI, company police agencies, campus police agencies, and all county and city law enforcement agencies, to provide the SBI with information required by DOJ. The bill would require the SBI to make this use of force data publicly available.
5. The bill would require the SBI, in consultation with the Commissions, to participate in the FBI's Record of Arrest and Prosecution Background ("Rap Back") Service, and submit requested or necessary information regarding sworn law enforcement officers in the State. Rap Back compares those fingerprints with arrest records nationwide on a regular basis and reports back to the submitting agency on arrest records located for an individual.

The bill would further require the Commissions to develop a publicly accessible database of law enforcement officers with adverse actions requiring reporting to the Rap Back Service. The bill would further require all North Carolina law enforcement agencies to provide to the SBI all information requested to maintain the database, including the North Carolina State Highway Patrol, North Carolina State Bureau of Investigation, company police agencies, campus police agencies, and all county and city law enforcement agencies.

6. The bill would mandate the following for all North Carolina law enforcement agencies, including the North Carolina State Highway Patrol, North Carolina State Bureau of

Investigation (SBI), company police agencies, campus police agencies, and all county and city law enforcement agencies:

- a. That all law enforcement officers have a first-aid kit, render immediate medical assistance to individuals in the officer's custody when it is safe to do so, and contact emergency medical services when appropriate.
 - b. Development and implementation of an early intervention system to document and track law enforcement officer actions, behaviors, and citizen complaints so the relevant agency can intervene to correct the officer's performance. These provisions are identical to provisions within [Senate Bill 300](#), which is summarized in the March 19, 2021 Weekly Legislative Report.
 - c. Utilization of and submission to the National Incident-Based Reporting System of all available data.
 - d. Use of body-worn or dashboard cameras by law enforcement officers during all interactions with members the public, including traffic stops, pursuits, arrests, interrogations that are not already electronically recorded, interviews with victims and witnesses, and interactions with inmates. This requirement would not apply to law enforcement officers during undercover operations.
7. The bill would require a specific probable cause finding in a search warrant in order for a law enforcement officer to break and enter a premise or vehicle to execute a search warrant. This is commonly referred to as execution of a "no-knock" warrant. The application for the search warrant would have to contain a specific statement that there is probable cause to believe providing notice of the execution of the search warrant would endanger the life or safety of another person, or facts setting forth probable cause to believe the same.
8. The bill would require a custodial law enforcement agency to release a body-worn camera recording or dashboard camera recording of a critical incident, upon request, after 45 days have passed from the time of the recording unless a court finds that the release would compromise the integrity of a criminal investigation. A critical incident would be defined as incident involving either: (i) the discharge of a law enforcement officer's firearm in the performance of duty when interacting with the public; or (ii) the use of force by a law enforcement officer that results in death or serious bodily injury.

The remaining provisions in this section of the bill regarding actions to limit the release of a recording are substantially similar to those in [Senate Bill 510](#), which is summarized above in this Weekly Legislative Report. Further, the bill would require a custodial law enforcement agency to disclose a recording from a body-worn or dashboard camera to a citizens' review board in a closed session, upon request, so long as every member of the board signed a confidentiality agreement.

Violations of the confidentiality agreement would be Class 1 misdemeanor. Currently, a court order is required for the release of a body-worn camera recording or dashboard camera recording to the public. Current law requires either the person seeking the recording or the custodial law enforcement agency to obtain a court order for the release of the recording. These recordings may not currently be automatically released to the public following a 45-day period, regardless of what is captured in the recording.

9. The bill would appropriate to the North Carolina Sheriffs' Education and Training Standards Commission \$134,540 in recurring funds for each year of the 2021-2023 fiscal biennium to be used to hire one full-time program manager to continue the development and implementation of the North Carolina Law Enforcement Accreditation Program. The bill would appropriate an identical amount to the North Carolina Criminal Justice Education and Training Standards Commission to be used for the same purpose.

Additionally, the bill would mandate that all enforcement agencies in the State that fail to become accredited by the North Carolina Law Enforcement Accreditation Program would be ineligible for grants from the Governor's Crime Commission or the Governor's Highway Safety Program. The bill would also require agencies accredited by the program to have written policies regarding: (1) use of force; (2) chokeholds; (3) the duty to intervene and report; (4) vehicle pursuits; (5) early warning systems; (6) field training programs; and (7) professional standards and conduct.

10. The bill would appropriate to DOJ \$500,000 in recurring funds for each year of the 2021-2023 fiscal biennium to be used to provide grants to organizations that provide and promote violence prevention strategies, programs, and services.
11. The bill would make the misdemeanor possession of marijuana and the misdemeanor possession of hashish an infraction. Currently, it is a Class 3 misdemeanor to possess 1.5 ounces of marijuana or less, or three-twentieths of an ounce of hashish or less and is currently a Class I felony to possess greater than 1.5 ounces of marijuana or more than three-twentieths of an ounce of hashish.

The bill would also require the automatic expungement of convictions for misdemeanor possession of marijuana or hashish no later than December 1, 2023. Courts would be required to order these convictions expunged from the records of the court and to direct all law enforcement agencies to expunge their records of the convictions. Similarly, courts would be required to order all State and local agencies to expunge from their records any entries made as a result of these convictions. These agencies would also be required to reverse any administrative actions taken against a person as a result of these convictions. The bill specifically provides that these requirements are not applicable to DOJ's DNA records and samples stored in the State's DNA Database and Databank.

12. The bill would require The University of North Carolina at Chapel Hill School of Government, in consultation with the North Carolina Sentencing and Policy Advisory Commission, to conduct a study on whether certain Class 3 misdemeanors should be reclassified as infractions and whether certain low-level traffic offenses should be transferred to the Administrative Code and enforced as civil violations by the North Carolina Division of Motor Vehicles (DMV) or DPS.
13. The bill would appropriate to AOC a total of \$8.4 million in recurring funds for each year of the 2021-2023 fiscal biennium to support the North Carolina Drug Treatment Court Program and mental health court programs. This provision is identical to [Senate Bill 485](#), which is summarized above in this Weekly Legislative Report.
14. The bill would raise the minimum age to 12 years old in order to be considered a delinquent juvenile or undisciplined juvenile. Currently, the minimum age is 6 years old. The bill would also require all juveniles to be fingerprinted and photographed by law enforcement officer when a petition has been prepared for filing, alleging the juvenile's commission of a nondivertible offense and the juvenile is in the physical custody of law enforcement or the Division of Social Services. Currently, this is only a requirement when the juvenile is 10 years of age or older. The bill would also raise from 11 years old to 12 years old the age that a juvenile may be ordered to register as a sex offender for committing specified rape and sex offenses if a judge finds that the juvenile is a danger to the community.
15. The bill would require the Commissions, in collaboration with the Center for Safer Schools of the North Carolina Department of Public Instruction, to establish initial and continuing training requirements for school resource officers (SROs), and would establish a "school-based complaints" process. The provisions pertaining to SROs in this bill are identical to [Senate Bill 484](#), which is summarized in the April 2, 2021 Weekly Legislative Report.
16. The bill would allow a prosecutor to decline to prosecute a juvenile matter in superior court that would otherwise be subject to mandatory transfer to superior court under current law. This provision is identical to [House Bill 225](#), which is summarized in the March 5, 2021 Weekly Legislative Report.
17. The bill would abolish life without parole for juveniles and would establish new sentencing and parole eligibility requirements for offenses committed when a juvenile was under 18 years of age. These provisions are identical to [House Bill 424](#), which is summarized in the April 2, 2021 Weekly Legislative Report.

The remaining provisions of the bill would make a range of changes pertaining to courts, criminal process, and incarcerated pregnant women. All of these provisions are identical to [Senate Bill 486](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Mohammed, Chaudhuri and Murdock, and referred to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 660, Regulate Dissemination of Booking Photograph](#), would prohibit a law

enforcement agency from providing a copy of a booking photograph in any format to a person requesting it to place it in a publish-for-pay publication or posted to a publish-for-pay website or if the booking photograph is prohibited from disclosure as a part of a law enforcement agency recording.

A booking photograph would be defined as a photo or image of an individual that is generated for: (1) identification purposes; and (2) when the individual is booked into a detention facility. Currently, there is no prohibition on release of booking photographs by law enforcement agencies.

The bill would also provide a mechanism for a person's booking photograph to be removed from either a publish-for-pay publication or website if certain conditions are met and makes it a crime for those publications or websites to charge a fee for the removal of the booking photograph.

Finally, the bill would include booking photographs in a list of items not considered to be public record and would only allow them to be public record under limited circumstances. **Introduced by Senators Lazzara, Britt and Nickel, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 669](#), [Enact Medical Cannabis Act](#), would allow a "qualified patient" to lawfully possess or use cannabis (marijuana). The bill would define a qualified patient as a person who has been diagnosed by a physician as having a "medical condition." The bill would authorize a licensed medical doctor to provide the qualified patient with a written certification that they suffer from a medical condition and that, in the physician's opinion, the benefits of marijuana use would outweigh the health risks associated with using the drug.

The bill would authorize a qualified patient to lawfully purchase, possess and use marijuana so long as they possess the physician's written certification. The bill does not place a limit on the amount of marijuana that could be purchased by the qualified patient. This amount would be determined by the physician and would be based upon the marijuana supply necessary to continue to alleviate the medical condition.

The bill does not list what medical conditions would justify the use of marijuana, such as cancer, glaucoma and rheumatoid arthritis. Therefore, any medical condition would qualify so long as the physician determined the benefits of marijuana use outweigh its harmful effects.

The bill would also allow individuals to apply for a license to become a medical cannabis center or medical cannabis producer, which would be issued by the North Carolina Department of Agriculture and Consumer Services and would allow for the sale of marijuana to qualified patients and designated caregivers. These licenses to produce and sell marijuana would have to be renewed annually and could not be issued to individuals who have been convicted of certain felony offenses.

A medical cannabis center or medical cannabis producer would be required to provide information about themselves and the person(s) to whom the center or producer distributes the marijuana on a quarterly basis and would also be required to submit monthly 10% of their gross revenue to the North Carolina Department of Agriculture and Consumer Services. **Introduced by Senators**

Nickel, Murdock and Marcus, and assigned to the Committee on Rules and Operations of the Senate.

[SENATE BILL 673](#), Up Minimum Wages/No Subminimum or Exemptions, would increase the State minimum wage to \$15 per hour by the year 2023 as follows: (1) \$10.35 per hour effective January 1, 2022; and (2) \$15.00 per hour effective January 1, 2023. Beginning on September 30, 2023, and each September 30 after, the State minimum wage would be adjusted by the North Carolina Commissioner of Labor using the Consumer Price Index. This adjusted minimum wage would be published September 30 of each year and would take effect the following January 1. **Introduced by Senators Nickel, Murdock and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 679](#), Let Retired Municipal LEOs Work for Sheriffs, would allow a retired municipal law enforcement officer to continue receiving retirement benefits while working for a sheriff in the county at any time after retirement, in any capacity, and without any compensation limit.

Currently, the law requires a one-month break in service after retirement before returning to work for an employer participating in the Local Governmental Employees' Retirement System (LGERS). If the retired employee returns to work in a full-time position requiring at least 1,000 hours of work per calendar year, the retired employee's retirement benefit must be suspended during that time. If, after the one-month break in service, the retired employee returns to work in a position that does not require membership in LGERS (such as a part-time position), the employee is subject to annual earnings restrictions. **Introduced by Senator Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE 682](#), Citizens Review Board, would authorize a city to establish by ordinance a Citizens Review Board (Board) to make findings and recommendations on disciplinary action of a law enforcement officer employed by that city who is alleged to have committed misconduct. The ordinance must require the head of the law enforcement agency employing the law enforcement officer alleged to have committed misconduct to make available to the Board: (1) the personnel file of that law enforcement officer; and (2) any other material deemed necessary for the citizens review board to complete its investigation or review.

The ordinance must also require members of the Board to sign a confidentiality agreement prior to appointment, and any breach of the confidentiality agreement would be punishable as a Class 1 misdemeanor with up to a \$1,000 fine.

Currently, only a limited amount of information from an employee's personnel file is public record, such as the name, age, current position, current salary, and the date and type of each promotion, demotion, transfer, suspension, or separation of the employee. Therefore, any information from an employee's personnel file aside from what is public record could only be disclosed to a citizens' review board or any other person pursuant to a court order.

The bill would also allow the Board to subpoena witnesses and compel the production of evidence on behalf of a law enforcement officer who is the subject of proceedings before the Board. In

addition, if any person fails to obey a subpoena issued by the Board, the bill would allow the Board to apply for an order from the Superior Court requiring the subpoena to be obeyed.

Currently, a citizens review board does not have the statutory authority to issue subpoenas and a superior court judge does not have jurisdiction to order the production of a witness to testify or to produce evidence at a hearing conducted by a citizens review board.

A law enforcement officer that is the subject of a hearing or proceeding before the Board would be entitled to an attorney and: (1) notice of the hearing or proceeding 15 days in advance; (2) to be heard in order to contest the allegations; and (3) complete discovery of all evidence in possession of the city that established the Board at least 10 days in advance; (4) receipt of all documents, communication, and evidence provided to the Board related to the proceeding; (5) object to, confront and cross examine witnesses and documents; (6) offer evidence; and (7) assert all civil, constitutional, administrative, and common law rights.

Finally, the bill specifically provides that a citizens review board established by a city would have no authority to investigate or review allegations of misconduct by law enforcement officers employed by a county police department or sheriff's office within the county, company police agencies, campus police agencies, or special police agencies. **Introduced by Senators deViere, Chaudhuri and Foushee, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 687](#), Second Amendment Freedoms, would allow a person to petition for restoration of firearms rights no earlier than 10 years after conviction of a nonviolent felony or a pardon in North Carolina. In addition, the bill would allow a person convicted of a nonviolent felony in another jurisdiction to submit the same petition after 10 years or when the person became eligible under North Carolina law to have their civil rights automatically restored. Currently, the period of time a person must wait to petition for both in state and out of state convictions is at least 20 years.

The bill would also remove misdemeanor assaults, including simple assault, assault on a female, and assault on a child under 12, among others, from the list of offenses requiring denial of a petition for restoration of firearms rights. In addition, the bill would remove from the list of offenses requiring denial of a petition for restoration of firearms rights offenses such as communicating threats, certain types of disorderly conduct, and violations of emergency prohibitions and restrictions, such as violating a governor's executive orders.

Finally, the bill repeals the requirement of obtaining a pistol purchase permit to sell, give away, transfer, purchase, or receive a pistol in this State. Currently, a pistol purchase permit issued by the sheriff is required to sell, give away, transfer, purchase, or receive a pistol in North Carolina. **Introduced by Senators Britt, Perry and Johnson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 697](#), Law Enforcement Officer Fairness Act, would prohibit a municipal law enforcement agency, including a unified city-county police agency, from terminating the employment of a career local law enforcement officer without just cause.

A career local law enforcement officer would be one that is in a permanent appointed position with a municipal law enforcement agency or a unified city-county police agency and has been continuously employed by the employing agency for the immediate 12 preceding months. Just cause is not defined in the bill but would be defined by rules adopted by the employing agency and approved by the municipality's governing authority, such as a city council.

The bill would also require municipalities that have a municipal law enforcement agency or unified city-county police agency to create a Review Board or have a hearing officer designated to hear any appeal by a career local law enforcement officer challenging dismissal for just cause. The bill would establish various criteria for this review process, as described in detail within the bill.

Currently, any law enforcement officer may be terminated "at-will" by their employer, unless the employment agreement between the employer and employee provides a different arrangement.

Finally, this bill would not apply to any law enforcement officer employed by a county (such as a sheriff's office), the State of North Carolina, a local ABC board, a school board, a county police department, a company police agency, a campus police agency, or any other law enforcement agency created by the State as a special police agency. **Introduced by Senators Alexander and Steinburg, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 709, Allow Clerks to Dismiss Certain IVC Cases](#), would authorize clerks of court to dismiss involuntary commitment proceedings at any time, pending a district court hearing, upon a determination by the attending physician that the respondent no longer meets the criteria for involuntary commitment. Currently, clerks of court may dismiss proceedings involving outpatient commitment and commitment to substance abuse facilities, but only a district court judge may dismiss involuntary commitment proceedings. **Introduced by Senator Garrett, and assigned to the Committee on Rules and Operations of the Senate.**

BILL STATUS

[HOUSE BILL 11, Regulate Alcohol Consumables](#), which is summarized in the January 29, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 312, Qualifications for Sheriff/Expunction](#), which is summarized in the March 19, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 321, Amend NC Controlled Substances Act](#), which is summarized in the March 19, 2021 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

North Carolina Sheriffs' Association, Inc.

Proudly Serving the Sheriffs and Citizens of North Carolina Since 1922

www.ncsheriffs.org
