

North Carolina Sheriffs' Association

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Weekly Legislative Report

May 14, 2021

During the final week of crossover, the House and Senate both held numerous committee meetings with full agendas. For almost every one of those meetings, the room was full of bill sponsors and interested parties making sure no last minute changes or controversies made their legislation less appetizing to the committee members who held the fate of the bill in their “aye” or “no.”

On Tuesday, the House convened at 10:00 AM, recessed, and reconvened later in the afternoon. The Speaker announced a break for dinner at around 6:30 PM. The House Rules Committee met during the dinner recess and poured through an agenda containing at least 68 bills. Those bills were added to the evening agenda for the House to consider after the dinner recess. The House came back into session at about 8:00 PM and wrapped up for the evening around 10:00 PM.

In a very peculiar end to crossover week, the House considered their last bill Wednesday evening, a full day before the crossover deadline of Thursday, May 13th. The Senate, presided over by Lieutenant Governor Mark Robinson, voted on approximately 9 bills on Thursday to end their crossover week.

Legislators are normally in Raleigh until late evening hours on the final night of crossover, sometimes until after midnight, but this session legislators were able to make it out of Raleigh while the sun was still shining. Make no mistake, wrapping up early does not mean legislators were not productive this year, instead they were efficient.

The House adjourned on Wednesday and the Senate on Thursday. Both will reconvene on Monday, May 17th.

BILLS OF INTEREST

[HOUSE BILL 846](#), 25-Year Retirement for First Responders, would allow all first responders, including law enforcement officers, firefighters, and emergency medical services personnel, who are members of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System, the option to retire with unreduced benefits upon reaching 25 years of credible service.

Currently, this 25-year retirement option is only available to law enforcement officers. The bill would allow law enforcement officers who exercise the 25-year retirement option to still receive the special separation allowance (SSA) that is currently available to those officers who retire after

30 or more years of creditable service.

It is important to note that the monthly retirement benefit for a first responder retiring with only 25 years of creditable service would be less than the monthly retirement benefit for a first responder retiring after 30 years of creditable service because the individual would be working fewer years, and therefore would receive less retirement money per month. **Introduced by Representatives Saine and Clampitt, and assigned to the House Committee on Pensions and Retirement.**

[HOUSE BILL 848](#), Study Duplicative/Obsolete Criminal Statutes, would create the Joint Legislative Criminal Laws Study Committee to review North Carolina's criminal laws to determine which laws are duplicative and therefore should be repealed, in addition to whether certain lower level offenses, such as traffic offenses and low-level controlled substance offenses, should be reclassified or decriminalized.

The Committee would consist of four members of the Senate appointed by the President Pro Tempore of the Senate (two from the majority party and two from the minority party) and four members of the House of Representatives appointed by the Speaker of the House of Representatives (two from the majority party and two from the minority party). **Introduced by Representatives John, Everitt, Brown and Martin, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 850](#), Economic Security for All, would prohibit a public employer, such as the State of North Carolina or any city or county agency, from asking about or considering an applicant's criminal history until after a conditional offer of employment has been made to the applicant. The prohibition would not be applicable to positions for which a hiring authority is otherwise required by law to consider criminal history, such as law enforcement positions. This provision is nearly identical to [Senate Bill 416](#), which is summarized in the April 2, 2021 Weekly Legislative Report.

The bill would also increase the State minimum wage to \$15 per hour in increments over the next four years. The bill would increase the State minimum wage as follows: (1) \$8 per hour effective September 6, 2021; (2) \$9.50 per hour effective September 5, 2022; (3) \$11 per hour effective September 4, 2023; (4) \$13 per hour effective September 2, 2024; and (5) \$15 per hour effective September 1, 2025. Currently, the State minimum wage is set by statute at \$6.15 per hour.

Finally, the bill would repeal (eliminate) the prohibition on State and local government public employee collective bargaining. If enacted into law, the bill would allow public employees to form labor unions in North Carolina. **Introduced by Representatives Harrison, Fisher, Brown and A. Baker, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 851](#), Clarify Animal Welfare Statutes, would modify current law so that a dog that is owned for the primary purpose of dog fighting or that is trained for dog fighting would not automatically be classified as a dangerous dog and therefore automatically subject to muzzling and other safety restrictions. This bill would allow local animal control to make a case-by-case determination as to whether this type of dog should be classified as a dangerous dog. Currently, local animal control must classify the animal as a dangerous dog if the animal is owned for dog fighting or is trained for dog fighting. **Introduced by Representatives Harrison and McElraft,**

and assigned to the Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 858](#), Permit Cannabis Medical Research Studies, would legalize the possession and use of marijuana if the person obtains a certification from a licensed physician stating the person has a “medical condition” and that the potential health benefits of the medical use of marijuana would likely outweigh the health risks of using the drug. The bill does not place any limitations whatsoever on the types of medical conditions that would qualify for marijuana use. Currently, hemp extract can only be used to treat uncontrollable epilepsy. **Introduced by Representatives Martin, Faircloth and Belk, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 901](#), Modify NC Innocence Inquiry Provisions, would change current State law relating to the members of the North Carolina Innocence Inquiry Commission so that a former sheriff (such as a retired sheriff) could not serve on the Commission. Currently, among other members, the Commission is comprised of a “sheriff holding office at the time of his or her appointment,” which may include a retired sheriff who continues to serve on the Commission. The bill would now require that a current sheriff serve on the Commission. **Introduced by Representatives Richardson and Hardister, and assigned to the House Committee on Judiciary 2.**

[HOUSE BILL 902](#), Funds to Record & Store Highway Camera Video, would appropriate \$10 million in recurring funds to the North Carolina Department of Transportation (DOT) for the 2021-2022 fiscal year for recording and storing video from DOT highway cameras. The bill would define a highway camera as a video or digital camera belonging to DOT that is located on a highway right-of-way for the purpose of monitoring vehicle traffic.

The bill specifies that highway camera recordings would not be public record and therefore could only be released pursuant to a court order. However, under specific circumstances set out in detail within the bill, DOT would be authorized to disclose these recordings, for viewing only, to specific individuals such as the personal representative (e.g., a parent or a lawyer) of a person depicted in the recording.

Additionally, the bill would require DOT to disclose or release a recording to a district attorney for the following purposes: (1) for review of potential criminal charges; (2) to comply with discovery requirements in a criminal prosecution; (3) for use in criminal proceedings in district court; or (4) for any other law enforcement purpose, including releasing a recording for suspect identification or apprehension or to locate a missing or abducted person. It is unknown why the bill does not allow for disclosure or release of a recording to the district attorney for use in superior court criminal proceedings.

Finally, the bill specifically states that no elected officials may review these recordings, but that county sheriffs and district attorneys may review the recordings if they are within the scope of a criminal investigation. The bill does not state whether review would mean disclosing the recording for viewing only or releasing the recording. In addition, the bill does not clearly state whether or not other law enforcement agencies, such as a municipal police department, could receive disclosure or release of these recordings without obtaining a court order. **Introduced by**

Representatives Logan, Garrison and Roberson, and assigned to the House Committee on Transportation.

[HOUSE BILL 910](#), Law Enforcement Conduct Act, would make various changes to law impacting the criminal justice system, many of which are similar to provisions within bills that have been filed during the current session of the General Assembly. The provisions of interest to the criminal justice community include:

1. 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 of force or abuse in writing to the officer's supervisor, agency head, or other appropriate authority. The bill would also prohibit employer retaliation against an officer who, in good faith, intervenes in or submits a report regarding excessive use of force.
2. 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 mandatory entry-level and in-service training standards to cover the following topics: (1) de-escalation and other techniques that avoid use of force; (2) implicit bias and racial equity; and (3) the duty to intervene and to report when another officer is using excessive force.
3. The bill would appropriate \$663,000 in recurring funds for the 2021-2023 fiscal year to be allocated to the Criminal Justice Fellows Program to continue to recruit qualified in-State high school seniors and unemployed or underemployed graduates. 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.
4. The bill would require the North Carolina Department of Justice (DOJ), in consultation with the Commissions and the North Carolina Department of Public Safety, to develop model law enforcement agency protest response and engagement policies by March 1, 2022.
5. The bill would require the North Carolina State Bureau of Investigation (SBI) to conduct an investigation where any use of deadly force by a State or local law enforcement officer in the performance of their duties results in death or serious bodily injury of a person. Currently, judges, district attorneys, sheriffs and police may request that the SBI investigate an officer involved shooting or incident in a prison or jail that results in death or serious bodily injury. 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.

6. The bill would require DOJ, in consultation with the Commissions, to develop and maintain a statewide database for law enforcement agencies to use to track all law enforcement officer separations from employment, whether voluntary or involuntary, related to the use of force by a law enforcement officer. The bill would further require all North Carolina law enforcement agencies, including the North Carolina State Highway Patrol, the SBI, company police agencies, campus police agencies, and all county and city law enforcement agencies, to provide DOJ with information requested to maintain the database on separations from employment related to use of force by a law enforcement officer. 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.

Introduced by Representatives Logan, Morey and K. Smith, and assigned to the House Committee on Appropriations.

[HOUSE BILL 912](#), Improve Capital Procedures for Certain Cases, would prohibit the imposition of a death sentence upon a defendant who had a severe mental disability at the time of commission of the offense. The bill would define severe mental disability as “any mental disability or defect that significantly impairs a person’s capacity to do any of the following: (1) appreciate the nature, consequences, or wrongfulness of the person’s conduct in the criminal offense; (2) exercise rational judgment in relation to the criminal offense; or (3) conform the person’s conduct to the requirements of the law in connection with the criminal offense.” However, the bill would expressly provide that a mental disability manifested primarily by repeated criminal conduct or attributable solely to the effects of alcohol or other drugs would not meet this definition.

Currently, a death sentence may not be imposed on a defendant with an intellectual disability, which is generally defined as a condition marked by a sub-average IQ and significant limitations in adaptive functioning that manifested before the defendant was 18 years of age.

In addition, the bill would eliminate the availability of the insanity defense when drug or alcohol use is the sole cause of the psychosis or when the defendant’s voluntary impairment by drugs and/or alcohol is the sole support for the defense. Currently, voluntary intoxication is a recognized defense to specific intent crimes, such as murder, regardless of whether it is the sole support for the defense. **Introduced by Representatives Hardister, Rogers, Moffitt and Harrison, and assigned to the House Committee on Judiciary 3.**

[HOUSE BILL 932](#), Body-Worn Camera Recordings, would require the use of body-worn cameras 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 in several specified circumstances, which include, but are not limited to interactions with undercover officers and informants, routine, non-law enforcement related activities, interactions with a victim or witness (unless consent was given), or during the

provision of training or a public presentation.

The bill would also require a custodial law enforcement agency to automatically release as a public record a body-worn camera recording or dashboard camera recording after 15 days have passed from the time of the recording unless a custodial law enforcement agency or person authorized to request disclosure of the recording files an action in superior court requesting an order that the recording not be released. The bill would authorize the court to order that the recording not be released as a public record for up to 30 days following the date of the recorded occurrence, at which point the recording would be automatically released.

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 after any particular period of time. **Introduced by Representatives Brockman, Hawkins, K. Smith and Hunter, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 937](#), [Automatic Police Body Cam Analysis](#), would require law enforcement body-worn camera recordings to be made searchable by artificial intelligence to allow automated reviews of recordings and body-worn camera analytics to be created. The bill would require each law enforcement agency in the State that uses body-worn cameras to implement an automated review protocol based on natural language processing technology that can identify “flags” within body-worn camera recordings. “Flags” would mean a complaint, firearm discharge, death, arrest, or an investigation of an officer that is captured within a body-worn camera recording.

The bill would require the review protocol to send automated alerts to custodial law enforcement agency management when respectfulness and de-escalation drops below a minimum threshold set by the North Carolina Criminal Justice Education and Training Standards Commission. Law enforcement agencies would be required to conduct quarterly training regarding incidents or behavior flagged in these recordings. Additionally, the bill would require recordings that are flagged during the automated review process to be retained by the custodial law enforcement agency for a minimum of 90 days.

Finally, the bill would appropriate \$3 million in nonrecurring funds for each year of the 2021-2023 fiscal biennium to provide grants to law enforcement agencies for the purpose of purchasing the above-described natural language processing technologies and developing their review protocols. **Introduced by Representative Alexander, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 962](#), [DOJ Budget Request & Criminal Justice Fellows](#), would make various appropriations to the North Carolina Department of Justice (DOJ) for the 2021-2022 fiscal year affecting the criminal justice system as follows:

1. The bill would appropriate to DOJ \$1 million to hire additional criminal appellate attorneys.

2. The bill would appropriate to DOJ \$663,000 for costs associated with the Criminal Justice Fellows Program. The bill would also remove the requirement that an applicant to the Criminal Justice Fellows Program reside in a county with a population less than 125,000 to be eligible. An otherwise eligible applicant from any county in the State would be able to apply.

The Criminal Justice 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.

3. The bill would appropriate to DOJ \$3.1 million to cover a recurring shortfall in DOJ's budget.
4. The bill would appropriate to DOJ \$1.4 million to hire 10 additional attorneys to assist with the civil case load at DOJ.
5. The bill would appropriate to DOJ \$158,000 to hire one additional Certification Specialist/Investigator for the North Carolina Sheriffs' Standards Division.
6. The bill would appropriate to DOJ \$156,000 to hire one Networking Security Officer to assist with protecting critical data obtained from State agencies and the general public.
7. Finally, the bill would appropriate to DOJ \$2.2 million to cover a recurring shortfall in the budget of the North Carolina Criminal Justice Education and Training Standards Commission resulting from the COVID-19 pandemic.

Introduced by Representatives Faircloth and Boles, and assigned to the Committee on Rules, Calendar, and Operations of the House.

[HOUSE BILL 963](#), [DOJ Budget Request & SAECKs](#), would appropriate \$9 million in nonrecurring funds to the North Carolina Department of Justice (DOJ) for the 2021-2022 fiscal year for costs associated with the testing of sexual assault evidence collections kits.

The bill would also appropriate \$1.2 million in recurring funds to DOJ for the 2021-2022 fiscal year for costs associated with the increased number of testing of sexual assault evidence collections kits submitted to the North Carolina State Crime Laboratory. **Introduced by Representatives Faircloth and Boles, and assigned to the House Committee on Appropriations.**

BILL STATUS

[HOUSE BILL 7](#), [Protect City Employees from Retaliation](#), which is summarized in the January 29, 2021 Weekly Legislative Report, has been amended in the House to require city councils that do not already have a binding personnel policy, code of conduct, or other procedure protecting

employees from retaliation, to adopt rules, regulations, or ordinances that would encourage employees to report: (1) violations of State or federal law, rule, or regulation, or city ordinance; (2) fraud; (3) misappropriation of State or city government resources; (4) any activity that poses a substantial or specific danger to public health and safety; or (5) gross mismanagement, including the gross waste of public monies or the gross abuse of authority. The bill, as amended, would make the filing of a false report by a municipal employee a Class 2 misdemeanor.

[HOUSE BILL 47](#), Concealed Carry in the General Assembly, which is summarized in the February 5, 2021 Weekly Legislative Report, has been amended in the House to authorize all elected officials (including those appointed to an elective office) with concealed handgun permits to carry a concealed handgun while performing their official duties in areas where these individuals are currently prohibited by statute from doing so (such as State buildings and local confinement facilities). If enacted into law, a county manager could, for example, lawfully carry a concealed handgun into a courthouse or courtroom to inspect the county building while it is in operation, or to do anything else that could be characterized as falling within the county manager's official duties.

[HOUSE BILL 109](#), Create Pretrial Release Study Committee, which is summarized in the February 19, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 123](#), Misdemeanors/Mandate First Appearance, which is summarized in the February 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 195](#), Criminal Falsification of Medical Records, which is summarized in the March 5, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 200](#), Lifetime Concealed Handgun Permit, which is summarized in the March 5, 2021 Weekly Legislative Report, has been amended in the House to provide for two types of concealed handgun permits: (1) a fixed duration permit, valid for five years from the date of issuance, which is subject to the same requirements under current permitting laws; and (2) a lifetime permit, which would be valid until revoked or surrendered.

A lifetime permit would be required to bear a clear indication of its lifetime status on the face of the permit. Additionally, sheriffs would be required to maintain a list of permit holders that includes identifying information that indicates whether the permit is a fixed duration or lifetime permit. Sheriffs would be required to make this list available upon request to all State and local law enforcement agencies.

[HOUSE BILL 213](#), Kelsey Smith Act, which is summarized in the March 5, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to require law enforcement agencies to apply for a court order approving the release of call location data due to an emergency circumstance within 72 hours of the request to a wireless service provider. The bill, as amended, would also require, rather than

authorize, wireless service providers to establish procedures for voluntary disclosure of call location data to law enforcement.

[HOUSE BILL 304](#), Protect Personal Info/LEOS, Judges, DAs, which is summarized in the March 19, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 378](#), Durham/Reduce Speed Limits, which is summarized in the March 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 392](#), Ret. Svc. Purchase/Omitted Membership Service, which is summarized in the March 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 402](#), Begin Modernizing Ignition Interlock Laws, which is summarized in the March 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 417](#), The Sergeant Mickey Hutchens Act, which is summarized in the March 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 418](#), Threaten LEO or Correctional Officer, which is summarized in the March 26, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 435](#), Special Registration Plates, which is summarized in the April 2, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 448](#), Auth. Use of Blue Lights on Fire Apparatus, which is summarized in the April 2, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 492](#), WC/Psych. Trauma-Related Injuries, which is summarized in the April 9, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 607](#), LEO Background Checks/FBI Rap Back Services, which is summarized in the April 23, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 626](#), Forensic Medical Examination Costs/Revisions, which is summarized in the April 23, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 647](#), Enhanced In-Service Retirement for LEOs, which is summarized in the April 23, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for

consideration.

[HOUSE BILL 672](#), [Modify DNA Evidence Provisions](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to require the Joint Legislative Oversight Committee on Justice and Public Safety to study the preservation of biological evidence in this State, to include an analysis of how each county in the State collects, preserves, and destroys biological evidence.

The bill, as amended, would require the Joint Legislative Oversight Committee on Justice and Public Safety to report its findings, together with any proposed legislation, to the 2022 Regular Session of the 2021 General Assembly.

[HOUSE BILL 673](#), [Expand Traffic Stop Data Reporting](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to require the Joint Legislative Oversight Committee on Justice and Public Safety to study the reporting and collection of traffic stop data by law enforcement officers, to include an analysis of how the North Carolina Department of Public Safety collects, correlates, and maintains information regarding traffic law enforcement by law enforcement officers in this State.

The bill, as amended, would require the Joint Legislative Oversight Committee on Justice and Public Safety to report its findings, together with any proposed legislation, to the 2022 Regular Session of the 2021 General Assembly.

[HOUSE BILL 674](#), [Require DNA for Various Charges/DNA Kit Funds](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 694](#), [First Responders/Medical POAs Required](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 717](#), [Abolish Office of County Coroner](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 738](#), [Recodification of Criminal Laws](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 741](#), [Line of Duty Death Benefits for 911 Operators](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 743](#), [Remove ID Mark/Increase Punishment](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 776](#), Remote Online Notarization Act, which is summarized in the May 7, 2021 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 890](#), ABC Omnibus Legislation, has passed the House and has been sent to the Senate for consideration. The bill has been amended in the House to authorize ABC stores to accept online orders and payments for alcoholic beverages sold in the store as long as the person picking up the alcohol order is at least 21 years of age.

The bill, as amended, would also direct the North Carolina Alcoholic Beverage Control Commission to adopt rules to determine how long an ABC store may set aside the order for pickup before the items in the order must be returned to inventory.

[SENATE BILL 300](#), Criminal Justice Reform, 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 bill has been amended in the Senate to:

1. The bill would create two new felony level offenses of “Resisting officers,” in cases where an officer receives an injury due to the resistance of the suspect. It would be a Class I felony to cause serious injury to a law enforcement officer by willfully and unlawfully resisting, delaying or obstructing a public officer in discharging or attempting to discharge an official duty. The bill would make it a Class F felony if the resistance, delay, or obstruction causes the officer serious bodily injury.
2. The bill would require the North Carolina Department of Public Safety (DPS) to create a targeted social media campaign to address the concerns of not resisting arrest and raising public awareness about resisting, delaying or obstructing law enforcement officers. DPS would also be required to post a public service announcement on its website containing legally accurate information regarding the public’s responsibilities during traffic stops and other interactions with law enforcement. The Division of Motor Vehicles would also be required to post the public service announcement and to play it on its monitors at drivers license offices across the state.
3. The bill would add a provision to the statute governing law enforcement agency recordings that would require any portion of a recording in the custody of a law enforcement agency that depicts a death or serious bodily injury to be disclosed, upon request, and in unredacted and unedited form, to the injured individual or a personal representative of the deceased or injured individual. Disclosure to the requestor would be required within 5 business days unless the law enforcement agency petitioned the court to redact any portion of the recording. The bill specifies that upon a law enforcement agency’s motion for permission to redact the recording, the court must consider a number of factors in determining whether the recording can be redacted, including whether disclosure would jeopardize an ongoing investigation or a person’s safety or reputation.

[SENATE BILL 408](#), Stop Addiction Fraud Ethics Act of 2021, which is summarized in the April 2, 2021 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 605](#), North Carolina Farm Act of 2021, which is summarized in the April 9, 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.

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