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HOUSE BILL 731

Short Title: Police Reform for 2023. (Public)

Sponsors: Representatives Brockman and K. Brown (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED
AN ACT TO LIMIT NO-KNOCK WARRANTS, TO LIMIT THE USE OF CHOKEHOLDS
BY LAW ENFORCEMENT OFFICERS, AND TO STRENGTHEN THE TRAINING AND
EDUCATION OF LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS

SECTION 1.(a) Article 11 of Chapter 15A of the General Statutes reads as rewritten:

"Article 11.

"Search Warrants.

...

"§ 15A-242. Items subject to seizure under a search warrant.

An item is subject to seizure pursuant to a search warrant if there is probable cause to believe
~~that it is~~ any of the following:

- (1) ~~Is It is~~ stolen or ~~embezzled; or~~ embezzled.
- (2) ~~Is It is~~ contraband or otherwise unlawfully ~~possessed; or~~ possessed.
- (3) ~~Has It has~~ been used or is possessed for the purpose of being used to commit
or conceal the commission of a ~~crime; or~~ crime.
- (4) ~~Constitutes It constitutes~~ evidence of an offense or the identity of a person
participating in an offense.

...

"§ 15A-244. Contents of the application for a search warrant.

(a) Each application for a search warrant must be made in writing upon oath or
affirmation. All applications must contain:

- (1) The name and title of the ~~applicant; and~~ applicant.
- (2) A statement that there is probable cause to believe that items subject to seizure
under G.S. 15A-242 may be found in or upon a designated or described place,
vehicle, or ~~person; and~~ person.
- (3) Allegations of fact supporting the statement. The statements must be
supported by one or more affidavits particularly setting forth the facts and
circumstances establishing probable cause to believe that the items are in the
places or in the possession of the individuals to be ~~searched; and~~ searched.

...



(b) For an officer to be able to break and enter any premises or vehicle in the execution of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under subsection (a) of this section must also contain:

(1) A statement that there is probable cause to believe that the giving of notice of the execution of the search warrant would endanger the life or safety of any person.

(2) Allegations of fact particularly setting forth the facts and circumstances establishing probable cause to believe that the giving of notice of the execution of the search warrant would endanger the life or safety of any person.

"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.

(b) If the issuing official finds that the application meets the requirements of this Article and finds there is probable cause to believe that the search will discover items specified in the application which are subject to seizure under G.S. 15A-242, ~~he~~the official must issue a search warrant in accordance with the requirements of this Article. The issuing official must retain a copy of the warrant and warrant application and must promptly file them with the clerk. If ~~he~~the official does not so find, the official must deny the application.

"§ 15A-246. Form and content of the search warrant.

A search warrant must contain:

(1) The name and signature of the issuing official with the time and date of issuance above ~~his signature; and~~the issuing official's signature.

(2) The name of a specific officer or the classification of officers to whom the warrant is ~~addressed; and~~addressed.

(3) The names of the applicant and of all persons whose affidavits or testimony were given in support of the ~~application; and~~application.

(4) A designation sufficient to establish with reasonable certainty the premises, vehicles, or persons to be ~~searched; and~~searched.

"§ 15A-247. Who may execute a search warrant.

A search warrant may be executed by any law-enforcement officer acting within ~~his~~the law-enforcement officer's territorial jurisdiction, whose investigative authority encompasses the crime or crimes involved.

"§ 15A-249. Officer to give notice of identity and purpose.

The officer executing a search warrant must, before entering the premises, give appropriate notice of ~~his~~the officer's identity and purpose to the person to be searched, or the person in apparent control of the premises to be searched. If it is unclear whether anyone is present at the premises to be searched, ~~he~~the officer must give the notice in a manner likely to be heard by anyone who is present.

"§ 15A-251. Entry by force.

An officer may break and enter any premises or vehicle when necessary to the execution of the warrant ~~if~~under either of the following circumstances:

(1) The officer has previously announced ~~his~~the officer's identity and purpose as required by G.S. 15A-249 and reasonably believes either that admittance is being denied or unreasonably delayed or that the premises or vehicle is ~~unoccupied; or~~unoccupied.

(2) ~~The officer has probable cause to believe that the giving of notice would endanger the life or safety of any person.~~warrant includes the statement and allegations of fact required by G.S. 15A-244(b).

...

"§ 15A-253. Scope of the search; seizure of items not named in the warrant.

The scope of the search may be only such as is authorized by the warrant and is reasonably necessary to discover the items specified therein. Upon discovery of the items specified, the officer must take possession or custody of them. If in the course of the search the officer inadvertently discovers items not specified in the warrant which are subject to seizure under G.S. 15A-242, ~~he-the officer~~ may also take possession of the items so discovered.

"§ 15A-254. List of items seized.

Upon seizing items pursuant to a search warrant, an officer must write and sign a receipt itemizing the items taken and containing the name of the court by which the warrant was issued. If the items were taken from a person, the receipt must be given to the person. If items are taken from a place or vehicle, the receipt must be given to the owner, or person in apparent control of the premises or vehicle if the person is present; ~~or-if he-the person is not, not present,~~ the officer must leave the receipt in the premises or vehicle from which the items were taken.

"§ 15A-255. Frisk of persons present in premises or vehicle to be searched.

An officer executing a warrant directing a search of premises or of a vehicle may, if the officer reasonably believes that ~~his-the officer's~~ safety or the safety of others then present so requires, search for any dangerous weapons by an external patting of the clothing of those present. If in the course of such a frisk ~~he-the officer~~ feels an object which ~~he-the officer~~ reasonably believes to be a dangerous weapon, ~~he-the officer~~ may take possession of the object.
...."

SECTION 1.(b) This section becomes effective October 1, 2023, and applies to search warrants issued on or after that date.

INCLUDE CHOKEHOLDS AND SIMILAR TACTICS IN THE DEFINITION OF DEADLY FORCE

SECTION 2.(a) G.S. 15A-401(d) reads as rewritten:

"(d) Use of Force in Arrest. –

...

(2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:

...

Strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck shall be considered the use of deadly force under this subdivision.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force."

SECTION 2.(b) This section is effective when it becomes law and applies to uses of force occurring on or after that date.

REQUIRE LAW ENFORCEMENT OFFICERS TO USE BODY-WORN CAMERAS

SECTION 3.(a) Article 4 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-196.6. Require use of body-worn cameras.

(a) State Troopers shall utilize body-worn cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

(1) Traffic stops.

- (2) Pursuits.
- (3) Arrests.
- (4) Searches.
- (5) Interrogations not covered under G.S. 15A-211.
- (6) Interviews with victims and witnesses.
- (7) Interactions with inmates of a State correctional facility or local confinement facility.

(b) The requirements of subsection (a) of this section shall not apply to State Troopers during undercover operations."

SECTION 3.(b) Chapter 74E of the General Statutes is amended by adding a new section to read:

"§ 74E-10.1. Require use of body-worn cameras.

(a) Company police officers shall utilize body-worn cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

- (1) Arrests.
- (2) Searches.
- (3) Interrogations not covered under G.S. 15A-211.
- (4) Interviews with victims and witnesses.

(b) The requirements of subsection (a) of this section shall not apply to company police officers during undercover operations."

SECTION 3.(c) Chapter 74G of the General Statutes is amended by adding a new section to read:

"§ 74G-10.1. Require use of body-worn cameras.

(a) Campus police officers shall utilize body-worn cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

- (1) Traffic stops.
- (2) Pursuits.
- (3) Arrests.
- (4) Searches.
- (5) Interrogations not covered under G.S. 15A-211.
- (6) Interviews with victims and witnesses.

(b) The requirements of subsection (a) of this section shall not apply to campus police officers during undercover operations."

SECTION 3.(d) Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-927.1. Require use of body-worn cameras.

(a) Law enforcement officers of the State Bureau of Investigation shall utilize body-worn cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

- (1) Traffic stops.
- (2) Pursuits.
- (3) Arrests.
- (4) Searches.
- (5) Interrogations not covered under G.S. 15A-211.
- (6) Interviews with victims and witnesses.
- (7) Interactions with inmates of a State correctional facility or local confinement facility.

(b) The requirements of subsection (a) of this section shall not apply to law enforcement officers of the State Bureau of Investigation during undercover operations."

SECTION 3.(e) Part 1 of Article 10 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-213. Require use of body-worn cameras.

(a) County law enforcement officers shall utilize body-worn cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

(1) Traffic stops.

(2) Pursuits.

(3) Arrests.

(4) Searches.

(5) Interrogations not covered under G.S. 15A-211.

(6) Interviews with victims and witnesses.

(7) Interactions with inmates of a State correctional facility or local confinement facility.

(b) The requirements of subsection (a) of this section shall not apply to county law enforcement officers during undercover operations."

SECTION 3.(f) Article 13 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-290. Require use of body-worn cameras.

(a) City law enforcement officers shall utilize body-worn cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the following:

(1) Traffic stops.

(2) Pursuits.

(3) Arrests.

(4) Searches.

(5) Interrogations not covered under G.S. 15A-211.

(6) Interviews with victims and witnesses.

(7) Interactions with inmates of a State correctional facility or local confinement facility.

(b) The requirements of subsection (a) of this section shall not apply to city law enforcement officers during undercover operations."

SECTION 3.(g) This section becomes effective October 1, 2023, and applies to interactions occurring on or after that date.

REQUIRE ADDITIONAL LAW ENFORCEMENT TRAINING RELATED TO THE USE OF FORCE, THE USE OF DEADLY FORCE, AND EXCESSIVE FORCE

SECTION 4.(a) G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Article, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

...

(2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position. The standards for entry level employment shall include all of the following:

...

d. Education and training on the use of force, the use of deadly force, excessive force, methods for intervening when witnessing excessive force, de-escalation tactics, and methods of warning individuals prior to discharging a firearm.

1 ...

- 2 (14) Establish minimum standards for in-service training for criminal justice
3 officers. In-service training standards for sworn law enforcement officers shall
4 include all of the following training topics:

5 ...

6 h. Use of force, use of deadly force, de-escalation tactics, and
7 methods of warning individuals prior to discharging a firearm.

8 i. The Excessive force, methods for intervening when witnessing
9 excessive force, and the duty to intervene and report.

10"

11 **SECTION 4.(b)** G.S. 17E-4(a) reads as rewritten:

12 "(a) The Commission shall have the following powers, duties, and responsibilities, which
13 are enforceable through its rules and regulations, certification procedures, or the provisions of
14 G.S. 17E-8 and G.S. 17E-9:

- 15 (1) Promulgate rules and regulations for the administration of this Chapter, which
16 rules may require (i) the submission by any agency of information with respect
17 to the employment, education, and training of its justice officers, and (ii) the
18 submission by any training school of information with respect to its programs
19 that are required by this ~~Chapter~~;Chapter.

- 20 (2) Establish minimum educational and training standards that may be met in
21 order to qualify for entry level employment as an officer in temporary or
22 probationary status or in a permanent position. The standards for entry level
23 employment of officers shall include all of the following:

24 ...

25 d. Education and training on the use of force, the use of deadly force,
26 excessive force, methods for intervening when witnessing excessive
27 force, de-escalation tactics, and methods of warning individuals prior
28 to discharging a firearm.

- 29 (3) Certify, pursuant to the standards that it may establish for the purpose, persons
30 as qualified under the provisions of this Chapter who may be employed at
31 entry level as ~~officers~~;officers.

- 32 (4) Establish minimum standards for the certification of training schools and
33 programs or courses of instruction that are required by this ~~Chapter~~;Chapter.

- 34 (5) Certify, pursuant to the standards that it has established for the purpose,
35 training schools and programs or courses of instruction that are required by
36 this ~~Chapter~~;Chapter.

- 37 (6) Establish standards and levels of education or equivalent experience for
38 teachers who participate in programs or courses of instruction that are required
39 by this ~~Chapter~~;Chapter.

- 40 (7) Certify, pursuant to the standards that it has established for the purpose,
41 teachers who participate in programs or courses of instruction that are required
42 by this ~~Chapter~~;Chapter.

- 43 (8) Investigate and make such evaluations as may be necessary to determine if
44 agencies are complying with the provision[s] of this ~~Chapter~~;Chapter.

- 45 (9) Adopt and amend bylaws, consistent with law, for its internal management
46 and ~~control~~;control.

- 47 (10) Enter into contracts incident to the administration of its authority pursuant to
48 this ~~Chapter~~;Chapter.

- 49 (11) Establish minimum standards for in-service training for justice officers.
50 In-service training standards for sworn law enforcement officers shall include
51 all of the following training topics:

1 ...

2 h. Use of ~~force~~ force, use of deadly force, de-escalation tactics, and
3 methods of warning individuals prior to discharging a firearm.

4 i. The ~~Excessive~~ force, methods for intervening when witnessing
5 excessive force, and the duty to intervene and report.

6 ...

7 The Commission may certify, and no additional certification shall be required from it, programs,
8 courses and teachers certified by the North Carolina Criminal Justice Education and Training
9 Standards Commission. Where the Commission determines that a program, course, instructor or
10 teacher is required for an area which is unique to the office of sheriff, the Commission may certify
11 such program, course, instructor, or teacher under such standards and procedures as it may
12 establish."

13 **SECTION 4.(c)** The North Carolina Criminal Justice Education and Training
14 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
15 Commission shall issue temporary rules to implement the requirements of this section.

16 **SECTION 4.(d)** This section becomes effective October 1, 2023, and applies to
17 entry-level education and training and in-service training required on or after that date.

18
19 **EFFECTIVE DATE**

20 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
21 law.