

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 1146

Short Title: Community Safety Act. (Public)

Sponsors: Representatives Reives, Gailliard, Hurtado, and Lofton (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 31, 2022

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN POLICIES AND STANDARDS SURROUNDING LAW
ENFORCEMENT OFFICERS AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

**PART I. DIRECT THE DEPARTMENT OF JUSTICE TO ASSIST LAW
ENFORCEMENT AGENCIES IN APPLYING FOR GRANT FUNDS AND FUND
POSITIONS TO MEET THE REQUIREMENTS OF THIS PART**

SECTION 1.1. The Department of Justice shall provide assistance to law enforcement agencies seeking grant funds, including, but not limited to, the following:

- (1) Alerting law enforcement agencies to available grant funds.
- (2) Assisting law enforcement agencies with drafting and submitting grant proposals and applications.

SECTION 1.2. There is appropriated from the General Fund to the Department of Justice two hundred thousand dollars (\$200,000) in recurring funds for the 2022-2023 fiscal year to be used to hire two full-time grant writers to assist law enforcement agencies pursuant to the requirements of Section 1.1 of this Part.

SECTION 1.3. This Part becomes effective July 1, 2022.

PART II. SUPPORT COMMUNITY POLICING PROGRAMS

SECTION 2.1. There is appropriated from the General Fund to the Department of Justice the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for the 2022-2023 fiscal year to be used to award grants to law enforcement agencies for initiatives supporting community policing.

SECTION 2.2. This Part becomes effective July 1, 2022.

**PART III. CREATE INCENTIVES FOR LAW ENFORCEMENT OFFICERS AND
AGENCIES**

SECTION 3.1. There is appropriated from the General Fund to the Department of Justice the sum of five hundred thousand dollars (\$500,000) in recurring funds for the 2022-2023 fiscal year to be used to provide the following types of grants:

- (1) Grants provided to law enforcement agencies to be awarded to law enforcement officers exhibiting exemplary service, as established by the Department of Justice.



- (2) Grants awarded to law enforcement agencies for meeting racial or gender diversity benchmarks, as established by the Department of Justice.

SECTION 3.2. No grant awarded pursuant to this Part shall exceed ten thousand dollars (\$10,000).

SECTION 3.3. This Part becomes effective July 1, 2022.

PART IV. REVISE POLICE USE OF FORCE POLICIES

SECTION 4.1. 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, 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.

- (3) Under all circumstances in which a law-enforcement officer uses force of any kind, a law-enforcement officer shall use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and shall attempt to utilize de-escalation tactics when possible."

SECTION 4.2. The Attorney General, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, shall develop uniform use of force policies that may be adopted by all law enforcement agencies in the State. These policies shall be submitted to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2022, shall be published on the Department of Justice website, and shall be distributed in digital format by the Attorney General to all law enforcement agencies in the State.

SECTION 4.3. Section 4.1 of this Part becomes effective October 1, 2022, and applies to actions taken on or after that date. The remainder of this Part is effective when it becomes law.

PART V. ESTABLISH MINIMUM STANDARDS FOR THE HIRING AND TRAINING OF LAW ENFORCEMENT OFFICERS

SECTION 5.1. 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:

...

- (2a) Establish the minimum age requirement that shall be met in order to qualify for entry level employment as a criminal justice officer in temporary or probationary status or in a permanent position, which shall not be less than 21 years of age.

...."

SECTION 5.2. G.S. 17C-13(b) reads as rewritten:

"(b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain access to a person's misdemeanor and felony conviction records, including those maintained by

the Administrative Office of the Courts in its confidential files containing the names of persons granted expunctions. The Commission may deny, suspend, or revoke a person's certification based solely on that person's felony ~~conviction~~, conviction or the conviction of four or more misdemeanors, whether or not ~~that conviction was~~ the convictions were expunged."

SECTION 5.3. G.S. 17E-4(a) reads as rewritten:

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

...

(2a) Establish the minimum age requirement that shall be met in order to qualify for entry level employment as an officer in temporary or probationary status or in a permanent position, which shall not be less than 21 years of age.

...

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

SECTION 5.4. G.S. 17E-12(b) reads as rewritten:

"(b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain access to a person's misdemeanor and felony conviction records, including those maintained by the Administrative Office of the Courts in its confidential files containing the names of persons granted expunctions. The Commission may deny, suspend, or revoke a person's certification based solely on that person's felony ~~conviction~~, conviction or the conviction of four or more misdemeanors, whether or not ~~that conviction was~~ the convictions were expunged."

SECTION 5.5. Sections 5.1 and 5.3 of this Part become effective January 1, 2023, and apply to officers hired or employed on or after that date. Sections 5.2 and 5.4 of this Part become effective January 1, 2023, and apply to (i) officers hired on or after that date and (ii) officers employed on or after that date that are convicted of a felony or misdemeanor on or after that date. The remainder of this Part is effective when it becomes law.

PART VI. FUND ADDITIONAL DETECTIVES OR INVESTIGATIVE OFFICERS TO INVESTIGATE THE SEVERE CRIMES

SECTION 6.1. There is appropriated from the General Fund to the Department of Justice the sum of one million dollars (\$1,000,000) in recurring funds for the 2022-2023 fiscal year to be used 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.

SECTION 6.2. This Part becomes effective July 1, 2022.

PART VII. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 7.1. If any Part, section, or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any portion other than the portion declared to be unconstitutional or invalid.

SECTION 7.2. Except as otherwise provided, this act is effective when it becomes law.