

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 171
Judiciary Committee Substitute Adopted 4/19/23

Short Title: Department of Public Safety Agency Bill.-AB

(Public)

Sponsors:

Referred to:

March 1, 2023

A BILL TO BE ENTITLED
AN ACT TO MODIFY LAWS RELATED TO PUBLIC SAFETY, AS RECOMMENDED BY
THE DEPARTMENT OF PUBLIC SAFETY.
The General Assembly of North Carolina enacts:

EXPANDED JURISDICTION OF STATE CAPITOL POLICE

SECTION 1.(a) G.S. 143B-911 reads as rewritten:

"Subpart B. State Capitol Police Division.

"§ 143B-911. Creation of State Capitol Police Division; powers and duties.

(a) Division Established. – There is created the State Capitol Police Division of the Department of Public Safety with the organization, powers, and duties defined in Article 1 of this Chapter, except as modified in this Part.

(b) Purpose. – The State Capitol Police Division shall serve as a ~~special~~ police agency of the Department of Public Safety. The Chief of the State Capitol Police, appointed by the Secretary pursuant to G.S. 143B-602, with the approval of the Governor, may appoint as ~~special~~ police officers such reliable persons as the Chief may deem necessary.

(c) Appointment of Officers. – ~~Special police~~ Police officers appointed pursuant to this section may not exercise the power of arrest until they shall take an oath, to be administered by any person authorized to administer oaths, as required by law.

(d) Jurisdiction of Officers. – Each ~~special police officer of the State Capitol Police officer~~ shall have the ~~same power of arrest as the police officers of the City of Raleigh. Such authority may be exercised within the same territorial jurisdiction as exercised by the police officers of the City of Raleigh, and in addition thereto the authority of a deputy sheriff may be exercised on property owned, leased, or maintained by the State located in the County of Wake.~~ following authority:

(1) The same power of arrest as the police officers of the City of Raleigh. Such authority may be exercised within the same territorial jurisdiction as exercised by the police officers of the City of Raleigh.

(2) The same authority as a deputy sheriff in buildings and on the grounds of property owned, leased, or maintained by the State located in Wake County.

(3) The same authority as a deputy sheriff in a building or a portion of a building, or on the grounds thereof, when owned or leased by the State, located anywhere in the State, when the State agency responsible for that building or any portion thereof executes a written agreement for service with the State Capitol Police related to that specific building or portion thereof.



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(e) Public Safety. – The Chief of the State Capitol Police, or the Chief's designee, shall exercise at all times those means that, in the opinion of the Chief or the designee, may be effective in protecting all State buildings and grounds, except for the State legislative buildings and grounds as defined in G.S. 120-32.1(d), and the persons within those buildings and grounds from fire, bombs, bomb threats, or any other emergency or potentially hazardous conditions, including both the ordering and control of the evacuation of those buildings and grounds. The Chief, or the Chief's designee, may employ the assistance of other available law enforcement agencies and emergency agencies to aid and assist in evacuations of those buildings and grounds."

SECTION 1.(b) This section is effective when it becomes law.

ADD DEFINITION OF WOOD RESIDUAL

SECTION 2.(a) G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...

(49a) Wood Residual. – In reference to logging, manufacturing, or milling processes, woody waste that is generated by the cutting, chipping, grinding, shaping, or smoothing of wood or wood products. Wood residual includes bark, chips, edging, sawdust, shavings, leaves, wood chips, or wood pellets manufactured primarily from wood and may include small amounts of glue, binder, or resin from wood products. Wood residual does not include woody waste mixed with soil or other non-wood materials like plastic, metal, cement, or mineral fibers, and it must be transported in bulk form.

...."

SECTION 2.(b) This section is effective when it becomes law and applies to wood residual (i) transported, (ii) stored, or (iii) otherwise interacted with on or after that date.

UPDATE STATUTE REGARDING MISSING PERSONS

SECTION 3.(a) G.S. 143B-1015(c) reads as rewritten:

"(c) A law-enforcement agency shall enter information from a missing person report or about an unidentified person into NamUs in any of the following circumstances:

(1) A missing person has been missing for more than ~~30~~90 days.

(2) An unidentified person has not been identified for more than ~~30~~90 days following the person's death.

(3) A missing child has been missing for more than ~~30~~90 days."

SECTION 3.(b) This section is effective when it becomes law.

UPDATE SILVER ALERT NOTIFICATION

SECTION 4.(a) G.S. 143B-1022 reads as rewritten:

"§ 143B-1022. North Carolina ~~Silver Alert~~ Missing Endangered System established.

(a) There is established within the North Carolina Center for Missing Persons the ~~Silver Alert~~ Missing Endangered System. The purpose of the ~~Silver Alert~~ Missing Endangered System is to provide a statewide system for the rapid dissemination of information regarding a missing person or missing child who is believed to be suffering from dementia, Alzheimer's disease, or a ~~disability that cognitive impairment that, in light of the person's or child's missing status, requires them the person or child~~ to be protected from potential abuse or other physical harm, neglect, or exploitation.

(b) If the Center or a law enforcement agency receives a request that involves a missing person or missing child as described in subsection (a) of this section, and at the time of receipt no more than 72 hours have passed since the person or child went missing, the Center or law

1 enforcement agency shall issue an alert providing for rapid dissemination of information
2 statewide regarding the missing person or missing child. The Center or law enforcement agency
3 shall make every effort to disseminate the information as quickly as possible when the person's
4 or child's status as missing has been reported to a law enforcement agency.

5 (c) The Center and all law enforcement agencies shall adopt guidelines and develop
6 procedures for issuing an alert for missing persons and missing children as described in
7 subsection (a) of this section and shall provide education and training to encourage radio and
8 television broadcasters to participate in the alert. The guidelines and procedures shall ensure that
9 specific health information about the missing person or missing child is not made public through
10 the alert or otherwise.

11 (d) The Center and all law enforcement agencies shall consult with the Department of
12 Transportation and develop a procedure for the use of overhead permanent changeable message
13 signs to provide information on the missing person or missing child meeting the criteria of this
14 section when information is available that would enable motorists to assist in the recovery of the
15 missing person or missing child. The Center and the Department of Transportation shall develop
16 guidelines for the content, length, and frequency of any message to be placed on an overhead
17 permanent changeable message sign."

18 **SECTION 4.(b)** This section becomes effective October 1, 2023, and applies to
19 persons or children reported missing on or after that date.

20 21 **CHANGE NC PUBLIC RECORDS LAWS RELATED TO MILITARY** 22 **INVESTIGATIONS**

23 **SECTION 5.(a)** Article 3 of Chapter 127A of the General Statutes is amended by
24 adding a new section to read:

25 **"§ 127A-63. Adjutant General and National Guard Staff Judge Advocate access to law**
26 **enforcement and medical examiner records.**

27 (a) The Adjutant General or the National Guard Staff Judge Advocate may request
28 records of criminal investigations from a law enforcement agency or medical examiner. Unless
29 release is prohibited by court order, the investigating law enforcement agency or medical
30 examiner shall disseminate the requested records or information to the Adjutant General or the
31 National Guard Staff Judge Advocate. Such records shall only be used in a court-martial action
32 or administrative investigation or proceeding involving a member of the National Guard.

33 (b) Records and information received pursuant to this section shall remain State records
34 and shall be governed by G.S. 127A-17.1, G.S. 132-1.4, and military regulations governing
35 official use or disclosure to servicemembers as required in connection with adjudicative
36 proceedings."

37 **SECTION 5.(b)** G.S. 132-1.4 is amended by adding a new subsection to read:

38 "(m) Records and information released to the Adjutant General or National Guard Staff
39 Judge Advocate of the North Carolina National Guard pursuant to G.S. 127A-63 shall remain
40 State records and shall be governed by this section, G.S. 127A-17.1, and military regulations
41 governing official use or disclosure to servicemembers as required in connection with
42 adjudicative proceedings."

43 **SECTION 5.(c)** This section is effective when it becomes law and applies to requests
44 made on or after that date.

45 46 **COURTS-MARTIAL CLARIFICATION**

47 **SECTION 6.(a)** G.S. 127A-47 reads as rewritten:

48 **"§ 127A-47. Courts-martial for National Guard.**

49 (a) Courts-martial for military personnel of the North Carolina National Guard not in the
50 service of the United States shall be of three kinds, namely, general courts-martial, special
51 courts-martial, and summary courts-martial. They shall be constituted, have cognizance of the

same subjects, and possess like powers as similar courts provided for by the Uniform Code of Military Justice and Manual for Courts-Martial, United States. The proceedings of courts-martial of the North Carolina National Guard shall follow the forms and modes of procedure prescribed for such similar courts.

(b) Notwithstanding any other provision of law, no provision in the Uniform Code of Military Justice and Manual for Courts-Martial, United States, concerning the special trial counsel shall apply to courts-martial convened under this Article, nor shall any such provision be construed as imposing additional or alternative procedural requirements upon the Governor of North Carolina or the North Carolina National Guard as to any "covered offense" under 10 U.S.C. § 801."

SECTION 6.(b) This section is effective when it becomes law and applies to courts-martial convened on or after that date.

SEX-OFFENDER REGISTRATION CLARIFICATION

SECTION 7.(a) G.S. 14-208.6 reads as rewritten:

"§ 14-208.6. Definitions.

The following definitions apply in this Article:

...

(4) Reportable conviction. – Any of the following:

...

f. A final conviction in a State court-martial proceeding imposing confinement under G.S. 127A-48 or G.S. 127A-49 for an offense which is substantially similar to an offense against a minor or a sexually violent offense as defined in this section.

...."

SECTION 7.(b) This section becomes effective October 1, 2023, and applies to convictions occurring on or after that date.

ESTABLISHMENT OF SAMARCAND TRAINING ACADEMY

SECTION 8. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-1001. Samarcand Training Academy.

(a) There is established, within the Department of Public Safety, the Samarcand Training Academy.

(b) The Department of Public Safety shall employ the staff of the Samarcand Training Academy and the Secretary of Public Safety shall direct its operations.

(c) The Samarcand Training Academy's duties shall include, but are not limited to, all of the following:

(1) Delivering or providing use of its facilities for training programs for public safety personnel or agencies, including:

a. Federal, State, and local law enforcement agencies.

b. Federal and State correction agencies.

c. The North Carolina National Guard.

d. The United States Military.

e. Jails and other correctional facilities maintained by local governments.

f. The courts of the State and juvenile justice agencies.

g. Any other agency with a public safety objective.

(2) Developing a predetermined fee structure designed to cover actual costs of material services for the use of its facilities.

1 (3) Taking other actions as may be deemed necessary or appropriate to carry out
2 its assigned duties and responsibilities, as directed by the Secretary of Public
3 Safety."
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5 **EFFECTIVE DATE**

6 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
7 law.