

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 15, 2021
S.B. 300
PRINCIPAL CLERK

S

D

SENATE BILL DRS15131-ML-53

Short Title: Criminal Justice Reform.

(Public)

Sponsors: Senators Britt, Daniel, and Lee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE PROTECTIONS, TRAINING, AND OVERSIGHT FOR STATE
3 AND LOCAL LAW ENFORCEMENT OFFICERS; TO REQUIRE USE OF THE
4 FEDERAL BUREAU OF INVESTIGATION'S RECORD OF ARREST AND
5 PROSECUTION BACKGROUND (RAP BACK) SYSTEM FOR LAW ENFORCEMENT
6 HIRING PURPOSES; TO EXPAND THE ADMINISTRATIVE OFFICE OF THE
7 COURT'S COURT DATE REMINDER SYSTEM; TO DECRIMINALIZE
8 NON-STATUTORY CRIMINAL OFFENSES AND VIOLATIONS; TO INCREASE THE
9 PUNISHMENT FOR RIOT OFFENSES; TO MANDATE MISDEMEANOR FIRST
10 APPEARANCES WHEN A DEFENDANT IS IN CUSTODY; AND TO MANDATE FIRST
11 APPEARANCES FOR ALL CHARGES WHEN A DEFENDANT IS IN CUSTODY TO BE
12 HELD WITHIN FORTY-EIGHT HOURS.

13 The General Assembly of North Carolina enacts:

14
15 **PART I. DISCIPLINE AND DECERTIFICATION STATEWIDE DATABASE**

16 **SECTION 1.(a)** Article 1 of Chapter 114 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 114-2.7A. Database for law enforcement disciplinary actions and decertification.**

19 (a) The Department of Justice, in consultation with the Criminal Justice Education and
20 Training Standards Commission and the Sheriffs' Education and Training Standards
21 Commission, shall develop and maintain a statewide database for use by law enforcement
22 agencies that tracks all disciplinary actions and decertification of law enforcement officers in
23 North Carolina.

24 (b) All law enforcement agencies in the State, including, but not limited to, the State
25 Highway Patrol, the State Bureau of Investigation, county Sheriffs' Offices, municipal police
26 departments, campus police agencies, and company police agencies, shall provide to the
27 Department of Justice information requested to maintain the database required by subsection (a)
28 of this section.

29 (c) Information collected under this section that is confidential under State or federal law
30 shall remain confidential."

31 **SECTION 1.(b)** Article 4 of Chapter 20 of the General Statutes is amended by
32 adding a new section to read:

33 **"§ 20-196.6. Provide disciplinary and decertification information to the Department of**
34 **Justice.**



1 The State Highway Patrol shall provide to the Department of Justice requested information
2 regarding disciplinary actions against and decertification of State Troopers to maintain the
3 statewide database developed pursuant to G.S. 114-2.7A.

4 Information collected under this section that is confidential under State or federal law shall
5 remain confidential."

6 **SECTION 1.(c)** Chapter 74E of the General Statutes is amended by adding a new
7 section to read:

8 **"§ 74E-10.1. Provide disciplinary and decertification information to the Department of**
9 **Justice.**

10 A company police agency shall provide to the Department of Justice requested information
11 regarding disciplinary actions against and decertification of its law enforcement officers to
12 maintain the statewide database developed pursuant to G.S. 114-2.7A.

13 Information collected under this section that is confidential under State or federal law shall
14 remain confidential."

15 **SECTION 1.(d)** Chapter 74G of the General Statutes is amended by adding a new
16 section to read:

17 **"§ 74G-10.1. Provide disciplinary and decertification information to the Department of**
18 **Justice.**

19 A campus police agency shall provide to the Department of Justice requested information
20 regarding disciplinary actions against and decertification of its law enforcement officers to
21 maintain the statewide database developed pursuant to G.S. 114-2.7A.

22 Information collected under this section that is confidential under State or federal law shall
23 remain confidential."

24 **SECTION 1.(e)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
25 Statutes is amended by adding a new section to read:

26 **"§ 143B-927.1. Provide disciplinary and decertification information to the Department of**
27 **Justice.**

28 The State Bureau of Investigation shall provide to the Department of Justice requested
29 information regarding disciplinary actions against and decertification of its law enforcement
30 officers to maintain the statewide database developed pursuant to G.S. 114-2.7A.

31 Information collected under this section that is confidential under State or federal law shall
32 remain confidential."

33 **SECTION 1.(f)** Article 10 of Chapter 153A of the General Statutes is amended by
34 adding a new section to read:

35 **"§ 153A-213. Provide disciplinary and decertification information to the Department of**
36 **Justice.**

37 A county shall provide to the Department of Justice requested information regarding
38 disciplinary actions against and decertification of its law enforcement officers to maintain the
39 statewide database developed pursuant to G.S. 114-2.7A.

40 Information collected under this section that is confidential under State or federal law shall
41 remain confidential."

42 **SECTION 1.(g)** Article 13 of Chapter 160A of the General Statutes is amended by
43 adding a new section to read:

44 **"§ 160A-290. Provide disciplinary and decertification information to the Department of**
45 **Justice.**

46 A city shall provide to the Department of Justice requested information regarding disciplinary
47 actions against and decertification of its law enforcement officers to maintain the statewide
48 database developed pursuant to G.S. 114-2.7A.

49 Information collected under this section that is confidential under State or federal law shall
50 remain confidential."

51 **SECTION 1.(h)** This section becomes effective October 1, 2021.

PART II. USE OF THE FEDERAL BUREAU OF INVESTIGATION'S RECORD OF ARREST AND PROSECUTION BACKGROUND (RAP BACK) SYSTEM

SECTION 2.(a) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-972.1. Criminal record checks for North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Sheriffs' Education and Training Standards Commission; fingerprints sent to Federal Bureau of Investigation.

(a) The Department of Public Safety shall provide to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission information from the State and National Repositories of Criminal Histories the criminal history of any person who applies for certification as a criminal justice officer or justice officer or any other position that requires certification with either Commission. Pursuant to a request for information under this subsection, the Commissions shall provide to the State Bureau of Investigation the fingerprints of the applicant and other identifying information requested by the State Bureau of Investigation related to the requirements of relevant State and federal information databases, as well as its own information databases.

Pursuant to a request for information under this subsection, the State Bureau of Investigation shall search the State's criminal history record file and shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The State Bureau of Investigation shall enroll each individual whose fingerprints are received under this subsection in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service.

The Commissions shall keep all information obtained pursuant to this subsection confidential.

(b) The State Bureau of Investigation shall maintain the fingerprints of the applicant submitted pursuant to subsection (a) of this section in the Statewide Automated Fingerprint Identification System (SAFIS) consistent with Subchapter B of Chapter 09 and Subchapter B of Chapter 10 of Title 12 of the North Carolina Administrative Code.

(c) Within 15 business days of receiving notification by either Commission that the individual whose fingerprints have been stored in SAFIS pursuant to subsection (b) of this section has separated from employment and a Department of Justice Report of Separation Form F-5B has been filed with either Commission, the State Bureau of Investigation shall remove the individual's fingerprints from SAFIS."

SECTION 2.(b) This section becomes effective December 1, 2021.

PART III. CRITICAL INCIDENT STATEWIDE DATABASE

SECTION 3.(a) Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.7B. Database for law enforcement officer critical incident information.

(a) The Department of Justice, in consultation with the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission, shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data of law enforcement officers in North Carolina. For purposes of this section, "critical incident" shall be defined as an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person.

(b) All law enforcement agencies in the State, including, but not limited to, the State Highway Patrol, the State Bureau of Investigation, county Sheriffs' Offices, municipal police departments, campus police agencies, and company police agencies, shall provide to the

Department of Justice information requested to maintain the database required by subsection (a) of this section.

(c) Information collected under this section that is confidential under State or federal law shall remain confidential."

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

"§ 20-196.7. Provide use of force information to the Department of Justice.

The State Highway Patrol shall provide to the Department of Justice requested information regarding the use of force of State Troopers to maintain the statewide database developed pursuant to G.S. 114-2.7B.

Information collected under this section that is confidential under State or federal law shall remain confidential."

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

"§ 74E-10.2. Provide use of force information to the Department of Justice.

A company police agency shall provide to the Department of Justice requested information regarding the use of force of its law enforcement officers to maintain the statewide database developed pursuant to G.S. 114-2.7B.

Information collected under this section that is confidential under State or federal law shall remain confidential."

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

"§ 74G-10.2. Provide use of force information to the Department of Justice.

A campus police agency shall provide to the Department of Justice requested information regarding the use of force of its law enforcement officers to maintain the statewide database developed pursuant to G.S. 114-2.7B.

Information collected under this section that is confidential under State or federal law shall remain confidential."

SECTION 3.(e) 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-927.2. Provide use of force information to the Department of Justice.

The State Bureau of Investigation shall provide to the Department of Justice requested information regarding the use of force of its law enforcement officers to maintain the statewide database developed pursuant to G.S. 114-2.7B.

Information collected under this section that is confidential under State or federal law shall remain confidential."

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

"§ 153A-213.1. Provide use of force information to the Department of Justice.

A county shall provide to the Department of Justice requested information regarding the use of force of its law enforcement officers to maintain the statewide database developed pursuant to G.S. 114-2.7B.

Information collected under this section that is confidential under State or federal law shall remain confidential."

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

"§ 160A-290.1. Provide use of force information to the Department of Justice.

A city shall provide to the Department of Justice requested information regarding the use of force of its law enforcement officers to maintain the statewide database developed pursuant to G.S. 114-2.7B.

1 Information collected under this section that is confidential under State or federal law shall
2 remain confidential."

3 **SECTION 3.(h)** This section becomes effective October 1, 2021.
4

5 **PART IV. ANNUAL REPORT OF LAW ENFORCEMENT OFFICER GIGLIO**
6 **VIOLATIONS**

7 **SECTION 4.(a)** Article 1 of Chapter 114 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 114-2.7C. Annual report of law enforcement officer Giglio violations.**

10 (a) The Department of Justice, in consultation with the Criminal Justice Education and
11 Training Standards Commission and the Sheriffs' Education and Training Standards
12 Commission, shall report no later than March 1, 2022, and annually thereafter, to the Joint
13 Legislative Oversight Committee on Justice and Public Safety regarding law enforcement
14 officers in the State that were notified by a judge or district attorney in the year prior to the report
15 of an action of misconduct or untruthfulness on the part of the law enforcement officer that
16 requires the disclosure of the action of misconduct or untruthfulness to a criminal defendant
17 against whom the law enforcement officer will serve as a witness.

18 (b) All law enforcement officers in the State certified pursuant to Chapters 17C, 17E,
19 74E, and 74G shall report to the Department of Justice if the officer is notified by a judge or
20 district attorney that an action of misconduct or untruthfulness on the part of the officer requires
21 the disclosure of the action of misconduct or untruthfulness to a criminal defendant against whom
22 the officer will serve as a witness. The report required by this subsection shall be submitted to
23 the Department of Justice within 30 days of the relevant notification by a judge or district
24 attorney."

25 **SECTION 4.(b)** This section becomes effective October 1, 2021, and applies to
26 notifications received by law enforcement officers on or after that date.
27

28 **PART V. REQUIRE CERTAIN MINIMUM LAW ENFORCEMENT OFFICER**
29 **STANDARDS**

30 **SECTION 5.(a)** The Criminal Justice Education and Training Standards
31 Commission and the Sheriffs' Education and Training Standards Commission shall jointly
32 develop uniform, statewide minimum standards for law enforcement officers and adopt these
33 standards as rules.

34 **SECTION 5.(b)** Each Commission shall report the standards developed pursuant to
35 subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public
36 Safety no later than October 1, 2021.

37 **SECTION 5.(c)** Each Commission may adopt temporary rules under G.S. 150B-21.1
38 to comply with this act and shall adopt permanent rules to comply with this act by October 1,
39 2022.
40

41 **PART VI. TRANSPORTATION OF INVOLUNTARY COMMITMENT**
42 **RESPONDENTS**

43 **SECTION 6.(a)** G.S. 122C-251(f) reads as rewritten:

44 "(f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a clerk,
45 a magistrate, or a district court judge, where applicable, may authorize either a health care
46 provider of the respondent or the family or immediate friends of the respondent, if they so request,
47 to transport the respondent in accordance with the procedures of this Article. This authorization
48 shall only be granted in cases where the danger to the public, the health care provider of the
49 respondent, the family or friends of the respondent, or the respondent himself or herself is not
50 substantial. The health care provider of the respondent or the family or immediate friends of the
51 respondent shall bear the costs of providing this transportation."

1 **SECTION 6.(b)** This section becomes effective October 1, 2021, and applies to
2 custody orders issued on or after that date.

3
4 **PART VII. LAW ENFORCEMENT OFFICER ENTRY REQUIREMENTS, ONGOING**
5 **REQUIREMENTS, AND DIRECTED PHYSICAL FITNESS STUDY**

6 **SECTION 7.(a)** G.S. 17C-6(a) reads as rewritten:

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

10 ...

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

15 ...

16 c. Crisis intervention training regarding best practices when a criminal
17 justice officer encounters an individual experiencing a behavioral
18 health crisis.

19 d. Education and training on current and former trends and examples of
20 civil unrest in the State and nation.

21 (2a) Establish minimum mental health screening protocols that must be met in
22 order to qualify for entry level employment and retention as a criminal justice
23 officer in temporary or probationary status or in a permanent position. The
24 standards for entry level employment shall include a psychological screening
25 within one year prior to certification performed by a physician, psychologist,
26 or other mental health professional.

27 ...

28 (17a) Establish minimum annual mental health screening protocols for officers,
29 including a psychological screening performed by a physician, psychologist,
30 or other mental health professional.

31 "

32 **SECTION 7.(b)** G.S. 17E-4(a) reads as rewritten:

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

36 ...

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

41 ...

42 c. Crisis intervention training regarding best practices when an officer
43 encounters an individual experiencing a behavioral health crisis.

44 d. Education and training on current and former trends and examples of
45 civil unrest in the State and nation.

46 (2a) Establish minimum mental health screening protocols that must be met in
47 order to qualify for entry level employment and retention as an officer in
48 temporary or probationary status or in a permanent position. The standards for
49 entry level employment shall include a psychological screening within one
50 year prior to certification performed by a physician, psychologist, or other
51 mental health professional.

...

(13a) Establish minimum annual mental health screening protocols for officers, including a psychological screening performed by a physician, psychologist, or other mental health professional.

...

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 7.(c) The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall jointly study the benefits, if any, of requiring physical fitness testing throughout the career of a law enforcement officer and shall also study whether that testing, if required, should be incrementally adjusted based upon the age of the law enforcement officer.

SECTION 7.(d) The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2021, regarding the findings of the study required by subsection (c) of this section.

SECTION 7.(e) Subsections (a) and (b) of this section become effective January 1, 2022, and apply to applications for law enforcement certification filed on or after that date. The remainder of this section is effective when it becomes law.

PART VIII. DEVELOPMENT OF EARLY WARNING SYSTEMS

SECTION 8.(a) Article 4 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-196.8. Development of State Trooper early warning system.

The State Highway Patrol shall develop and implement an early warning system to document and track State Trooper actions and behaviors to help the State Highway Patrol manage personnel by intervening to correct State Trooper performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.
- (2) Instances of use of force.
- (3) Vehicle collisions.
- (4) Citizen complaints.

Information collected under this section that is confidential under State or federal law shall remain confidential."

SECTION 8.(b) Chapter 74E of the General Statutes is amended by adding a new section to read:

"§ 74E-10.3. Development of company police early warning system.

A company police agency shall develop and implement an early warning system to document and track law enforcement officer actions and behaviors to help the company police agency manage personnel by intervening to correct law enforcement officer performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.
- (2) Instances of use of force.
- (3) Vehicle collisions.
- (4) Citizen complaints.

Information collected under this section that is confidential under State or federal law shall remain confidential."

SECTION 8.(c) Chapter 74G of the General Statutes is amended by adding a new section to read:

"§ 74G-10.3. Development of campus police early warning system.

A campus police agency shall develop and implement an early warning system to document and track law enforcement officer actions and behaviors to help the campus police agency manage personnel by intervening to correct law enforcement officer performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.
- (2) Instances of use of force.
- (3) Vehicle collisions.
- (4) Citizen complaints.

Information collected under this section that is confidential under State or federal law shall remain confidential."

SECTION 8.(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-927.3. Development of law enforcement officer early warning system.

The State Bureau of Investigation shall develop and implement an early warning system to document and track law enforcement officer actions and behaviors to help the State Bureau of Investigation manage personnel by intervening to correct law enforcement officer performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.
- (2) Instances of use of force.
- (3) Vehicle collisions.
- (4) Citizen complaints.

Information collected under this section that is confidential under State or federal law shall remain confidential."

SECTION 8.(e) Article 10 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-213.2. Development of law enforcement officer early warning system.

A county shall develop and implement an early warning system to document and track law enforcement officer actions and behaviors to help the county manage personnel by intervening to correct law enforcement officer performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.
- (2) Instances of use of force.
- (3) Vehicle collisions.
- (4) Citizen complaints.

Information collected under this section that is confidential under State or federal law shall remain confidential."

SECTION 8.(f) Article 13 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-290.2. Development of law enforcement officer early warning system.

A city shall develop and implement an early warning system to document and track law enforcement officer actions and behaviors to help the city manage personnel by intervening to correct law enforcement officer performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.

(2) Instances of use of force.

(3) Vehicle collisions.

(4) Citizen complaints.

Information collected under this section that is confidential under State or federal law shall remain confidential."

PART IX. LAW ENFORCEMENT AGENCY BEST PRACTICES RECRUITING GUIDE

SECTION 9.(a) The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall jointly develop a best practices guide to help law enforcement agencies recruit and retain a diverse workforce.

SECTION 9.(b) The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2022, regarding the best practices guide required by subsection (a) of this section.

PART X. INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS

SECTION 10.(a) G.S. 143B-919 is amended by adding a new subsection to read:

"(b1) The Bureau shall, upon request of the Governor, investigate and prepare evidence in the event of any of the following:

(1) A sworn law enforcement officer with the power to arrest discharges the officer's firearm in the performance of the officer's duties, excluding during training exercises.

(2) A sworn law enforcement officer with the power to arrest uses force against an individual in the performance of the officer's duties that results in the death of, or serious bodily injury to, the individual.

(3) An individual in the custody of the Department of Public Safety, a State prison, a county jail, or a local confinement facility, regardless of the physical location of the individual, dies or suffers serious bodily injury."

SECTION 10.(b) This section becomes effective October 1, 2021.

PART XI. MANDATORY IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS

SECTION 11.(a) G.S. 17C-6(a), as amended by Section 7 of this act, 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:

...

(14) Establish minimum standards for in-service training for criminal justice officers. In-service training standards shall include all of the following:

a. Training in response to, and investigation of, domestic violence cases, as well as training investigation for evidence-based prosecutions.

b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.

c. Training on ethics.

d. Training on mental health for criminal justice officers.

e. Training on community interaction.

- f. Training on implicit bias and racial equity.
- g. Training on use of force.
- h. Training on the duty to intervene and report.

...."

SECTION 11.(b) G.S. 17E-4(a), as amended by Section 7 of this act, 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:

...

(11) Establish minimum standards for in-service training for justice officers. In-service training standards shall include all of the following:

- a. Training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training requirement, the term "justice officer" shall include those defined in G.S. 17E-2(3)a., except that the term shall not include "special deputy sheriffs" as defined in G.S. 17E-2(3)a.
- b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.
- c. Training on ethics.
- d. Training on mental health for justice officers.
- e. Training on community interaction.
- f. Training on implicit bias and racial equity.
- g. Training on use of force.
- h. Training on the duty to intervene and report.

...."

SECTION 11.(c) This section becomes effective January 1, 2022.

PART XII. EXEMPT CHANGES TO LAW ENFORCEMENT IN-SERVICE TRAINING STANDARDS FROM RULEMAKING

SECTION 12. G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

- (6a) The Criminal Justice Education and Training Standards Commission with respect to establishing minimum standards for in-service training for criminal justice officers under G.S. 17C-6(a)(14).
- (6b) The Sheriffs' Education and Training Standards Commission with respect to establishing minimum standards for in-service training for justice officers under G.S. 17E-4(a)(11).

...."

PART XIII. UTILIZE TECHNOLOGY TO LIMIT FAILURES TO APPEAR IN COURT

SECTION 13.(a) The Administrative Office of the Courts shall automatically enroll all criminal defendants into its court date reminder system. A criminal defendant shall be allowed to opt out of this automatic enrollment by using processes developed by the Administrative Office

of the Courts. The processes that allow a criminal defendant to opt out of this automatic enrollment shall be developed and implemented no later than December 1, 2021.

SECTION 13.(b) This section becomes effective December 1, 2021, and applies to criminal defendants arrested on or after that date.

PART XIV. DECRIMINALIZE NON-STATUTORY OFFENSES AND VIOLATIONS

SECTION 14.(a) G.S. 14-4 reads as rewritten:

"§ 14-4. Violation of local ordinances ~~misdemeanor~~-an infraction.

(a) ~~Except as provided in subsection (b), if~~ If any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, ~~he~~ the person shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). ~~No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).~~ guilty of an infraction punishable by a fine of not more than fifty dollars (\$50.00).

(b) ~~If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).~~

(c) Nothing in this section shall restrict the authority of a county, city, town, or metropolitan sewerage district to impose civil penalties for the violation of any ordinance pursuant to G.S. 153A-123, 160A-175, or 162A-81."

SECTION 14.(b) Article 1 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-4.2. Notice of crimes.

(a) Except as provided in subsection (b) of this section, no person shall be convicted of a criminal offense unless the offense appears in this Chapter, Chapter 20 of the General Statutes, or Article 5 of Chapter 90 of the General Statutes or the offense is a common law offense.

(b) Subsection (a) of this section does not apply to a person who has actual knowledge that the behavior which is the basis for being charged with the offense constitutes a crime.

(c) This section applies to offenses enacted on or after September 1, 2021."

SECTION 14.(c) Subsection (a) of this section is effective when it becomes law and applies to violations on or after that date. The remainder of this section is effective when it becomes law.

PART XV. INCREASE THE PUNISHMENT FOR RIOT OFFENSES

SECTION 15.(a) G.S. 14-288.2 reads as rewritten:

"§ 14-288.2. Riot; inciting to riot; punishments.

...

(b) Any person who willfully engages in a riot is guilty of a Class 4 ~~misdemeanor~~-H felony.

(c) Any person who willfully engages in a riot is guilty of a Class ~~H~~-G felony, if:

- (1) In the course and as a result of the riot there is property damage in excess of fifteen hundred dollars (\$1,500) or serious bodily injury; or
- (2) Such participant in the riot has in his possession any dangerous weapon or substance.

...."

SECTION 15.(b) This section becomes effective December 1, 2021, and applies to offenses committed on or after that date.

PART XVI. REQUIRE MANDATORY FIRST APPEARANCE FOR MISDEMEANORS WHEN DEFENDANT IS IN CUSTODY AND REQUIRE FIRST APPEARANCE FOR

ALL CHARGES WHEN DEFENDANT IS IN CUSTODY TO BE HELD WITHIN FORTY-EIGHT HOURS

SECTION 16.(a) G.S. 15A-601 reads as rewritten:

"§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases in original jurisdiction of superior court; consolidation of first appearance before magistrate and before district court judge; first appearance before clerk of superior court; use of two-way audio and video transmission.~~

(a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a crime in the original jurisdiction of the superior court must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

...

(b) When a district court judge conducts an initial appearance as provided in G.S. 15A-511, ~~he the judge~~ may consolidate those proceedings and the proceedings under this Article.

(c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first appearance before a district court judge must be held within ~~96-48~~ hours after the defendant is taken into custody or at the first regular session of the district court in the county, whichever occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this Chapter, Bail, within ~~96-48~~ hours after being taken into custody, first appearance must be held at the next session of district court held in the county. This subsection does not apply to a defendant whose first appearance before a district court judge has been set in a criminal summons pursuant to G.S. 15A-303(d).

...."

SECTION 16.(b) This section becomes effective December 1, 2021, and applies to criminal processes served on or after that date.

PART XVII. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 17.(a) Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 17.(b) Except as otherwise provided, this act is effective when it becomes law.