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SENATE BILL DRS45305-NDa-89A

Short Title: Supporting Law Enforcement. (Public)

Sponsors: Senators Batch, Crawford, and Garrett (Primary Sponsors).

Referred to:

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

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 each year of the
2021-2023 fiscal biennium 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, 2021.

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 each year
of the 2021-2023 fiscal biennium to be used to award grants to law enforcement agencies for
initiatives supporting community policing.

SECTION 2.2. This Part becomes effective July 1, 2021.

**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.



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

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

4
5 **PART IV. CREATE A STATEWIDE DATABASE FOR LAW ENFORCEMENT**
6 **OFFICERS THAT HAVE HAD THEIR LAW ENFORCEMENT CERTIFICATION**
7 **SUSPENDED OR REVOKED**

8 **SECTION 4.1.** Article 1 of Chapter 17C of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 17C-14. Database of law enforcement officer certification suspensions and revocations.**

11 (a) The Commission shall develop and maintain a statewide database that contains all
12 revocations and suspensions of law enforcement officer certifications by the Commission. This
13 database shall only be accessible to the Department of Justice and to law enforcement agencies
14 for hiring purposes.

15 (b) All law enforcement agencies in the State shall provide to the Department of Justice
16 information requested to maintain the database created by subsection (a) of this section.

17 (c) Prior to making a hiring decision, all law enforcement agencies in the State shall
18 search the database created by subsection (a) of this section for the names of any applicants
19 seeking a law enforcement position within the agency.

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

22 **SECTION 4.2.** Chapter 17E of the General Statutes is amended by adding a new
23 section to read:

24 **"§ 17E-14. Database of justice officer certification suspensions and revocations.**

25 (a) The Commission shall develop and maintain a statewide database that contains all
26 revocations and suspensions of justice officer certifications by the Commission. This database
27 shall only be accessible to the Department of Justice and to law enforcement agencies for hiring
28 purposes.

29 (b) All law enforcement agencies in the State shall provide to the Department of Justice
30 information requested to maintain the database created by subsection (a) of this section.

31 (c) Prior to making a hiring decision, all law enforcement agencies in the State shall
32 search the database created by subsection (a) of this section for the names of any applicants
33 seeking a law enforcement position within the agency.

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

36 **SECTION 4.3.** This Part becomes effective October 1, 2021.

37
38 **PART V. REVISE POLICE USE OF FORCE POLICIES**

39 **SECTION 5.1.** G.S. 15A-401(d) reads as rewritten:

40 "(d) Use of Force in Arrest. –

41 ...

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

45 ...

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

49 Nothing in this subdivision constitutes justification for willful, malicious or
50 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) A law-enforcement officer that witnesses another law-enforcement officer using excessive force not justified under this section or otherwise abusing a suspect or arrestee has a duty to intervene and to report the use of excessive force or the abuse.

(4) 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 5.2.(a) Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.8. 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 5.2.(b) Article 4 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-196.6. 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. 114-2.8.

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

SECTION 5.2.(c) Chapter 74E of the General Statutes is amended by adding a new section to read:

"§ 74E-10.1. 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. 114-2.8.

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

SECTION 5.2.(d) Chapter 74G of the General Statutes is amended by adding a new section to read:

"§ 74G-10.1. 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. 114-2.8.

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

1 **SECTION 5.2.(e)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
2 Statutes is amended by adding a new section to read:

3 **"§ 143B-927.1. Provide use of force information to the Department of Justice.**

4 The State Bureau of Investigation shall provide to the Department of Justice requested
5 information regarding the use of force of its law enforcement officers to maintain the statewide
6 database developed pursuant to G.S. 114-2.8.

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

9 **SECTION 5.2.(f)** Article 10 of Chapter 153A of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 153A-213. Provide use of force information to the Department of Justice.**

12 A county shall provide to the Department of Justice requested information regarding the use
13 of force of its law enforcement officers to maintain the statewide database developed pursuant to
14 G.S. 114-2.8.

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

17 **SECTION 5.2.(g)** Article 13 of Chapter 160A of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 160A-290. Provide use of force information to the Department of Justice.**

20 A city shall provide to the Department of Justice requested information regarding the use of
21 force of its law enforcement officers to maintain the statewide database developed pursuant to
22 G.S. 114-2.8.

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

25 **SECTION 5.3.** The Attorney General, in consultation with the North Carolina
26 Sheriffs' Association and the North Carolina Association of Chiefs of Police, shall develop
27 uniform use of force policies that may be adopted by all law enforcement agencies in the State.
28 These policies shall be submitted to the Joint Legislative Oversight Committee on Justice and
29 Public Safety no later than December 1, 2022, shall be published on the Department of Justice
30 website, and shall be distributed in digital format by the Attorney General to all law enforcement
31 agencies in the State.

32 **SECTION 5.4.** Section 5.3 of this Part is effective when it becomes law. The
33 remainder of this Part becomes effective October 1, 2021, and applies to actions taken on or after
34 that date.

35
36 **PART VI. ESTABLISH MINIMUM STANDARDS FOR THE HIRING AND TRAINING**
37 **OF LAW ENFORCEMENT OFFICERS**

38 **SECTION 6.1.** G.S. 17C-6(a) reads as rewritten:

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

42 ...

43 (2a) Establish the minimum age requirement that shall be met in order to qualify
44 for entry level employment as a criminal justice officer in temporary or
45 probationary status or in a permanent position, which shall not be less than 21
46 years of age.

47 (2b) Establish minimum mental health screening protocols that must be met in
48 order to qualify for entry level employment and retention as a criminal justice
49 officer in temporary or probationary status or in a permanent position. The
50 standards for entry level employment shall include a psychological screening

1 within one year prior to certification performed by a physician, psychologist,
2 or other mental health professional.

3 ...

4 (17a) Establish minimum annual mental health screening protocols for criminal
5 justice officers, including additional mental health screening protocols for
6 criminal justice officers following a traumatic event, including a
7 psychological screening performed by a physician, psychologist, or other
8 mental health professional.

9 "

10 **SECTION 6.2.** G.S. 17C-13(b) reads as rewritten:

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

17 **SECTION 6.3.** G.S. 17E-4(a) reads as rewritten:

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

21 ...

22 (2a) Establish the minimum age requirement that shall be met in order to qualify
23 for entry level employment as an officer in temporary or probationary status
24 or in a permanent position, which shall not be less than 21 years of age.

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

31 ...

32 (13a) Establish minimum annual mental health screening protocols for officers,
33 including additional mental health screening protocols for officers following
34 a traumatic event, including a psychological screening performed by a
35 physician, psychologist, or other mental health professional.

36 ...

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

43 **SECTION 6.4.** G.S. 17E-12(b) reads as rewritten:

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

50 **SECTION 6.5.** There is appropriated from the General Fund to the Department of
51 Justice the sum of one million dollars (\$1,000,000) in recurring funds for each year of the

2021-2023 fiscal biennium to be used to provide grants to law enforcement agencies to pay for the mental health screenings required by Sections 6.1 and 6.3 of this Part.

SECTION 6.6. Sections 6.1 and 6.3 of this Part become effective January 1, 2022, and apply to officers hired or employed on or after that date. Sections 6.2 and 6.4 of this Part become effective January 1, 2022, 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. Section 6.5 of this Part becomes effective July 1, 2021. The remainder of this Part is effective when it becomes law.

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

SECTION 7.1. 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 each year of the 2021-2023 fiscal biennium 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 7.2. This Part becomes effective July 1, 2021.

PART VIII. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 8.1. 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 8.2. Except as otherwise provided, this act is effective when it becomes law.