

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Feb 28, 2023
S.B. 171
PRINCIPAL CLERK

S

D

SENATE BILL DRS45081-ND-85

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

(Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to:

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:

**STATEWIDE JURISDICTION OF STATE CAPITOL POLICE AS STATE OFFICES
EXPAND OUTSIDE OF WAKE COUNTY**

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

"(d) Jurisdiction of Officers. – Each special police officer of the State Capitol Police 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.~~ law enforcement officers generally."

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

UPDATE NOTICE STATUTE TO REFLECT SECOND CHANCE ACT

SECTION 2.(a) G.S. 15A-150(e) reads as rewritten:

"(e) The Director of the Administrative Office of the Courts may enter into an agreement with any of the State agencies listed in subsection (b) of this section for electronic or facsimile transmission of any information that must be provided under this section. The Administrative Office of the Courts also ~~may~~ shall provide notice to State and local agencies, in a manner and format determined by the Administrative Office of the Courts, of expunctions granted pursuant to G.S. 15A-146(a4)."

SECTION 2.(b) This section becomes effective October 1, 2023, and applies to expunctions granted pursuant to G.S. 15A-146(a4) on or after that date.

ADD DEFINITION OF WOOD RESIDUAL

SECTION 3.(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



* D R S 4 5 0 8 1 - N D - 8 5 *

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 3.(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 4.(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 4.(b) This section is effective when it becomes law.

UPDATE SILVER ALERT NOTIFICATION

SECTION 5.(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 enforcement agency shall issue an alert providing for rapid dissemination of information statewide regarding the missing person or missing child. The Center or law enforcement agency shall make every effort to disseminate the information as quickly as possible when the person's or child's status as missing has been reported to a law enforcement agency.

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

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

SECTION 5.(b) This section becomes effective October 1, 2023, and applies to persons or children reported missing on or after that date.

1
2 **CHANGE NC PUBLIC RECORDS LAWS RELATED TO MILITARY**
3 **INVESTIGATIONS**

4 **SECTION 6.(a)** Article 3 of Chapter 127A of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 127A-63. Adjutant General access to law enforcement and medical examiner records.**

7 (a) The Adjutant General or the Adjutant General's designee may request records of
8 criminal investigations or criminal intelligence information from a district attorney, law
9 enforcement agency, or medical examiner for use in a court-martial action or administrative
10 investigation involving a member of the National Guard. Unless release is prohibited by court
11 order, the district attorney, investigating law enforcement agency, or medical examiner shall
12 disseminate the requested records or information to the Adjutant General or the Adjutant
13 General's designee.

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

18 **SECTION 6.(b)** G.S. 132-1.4 is amended by adding a new subsection to read:

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

23 **SECTION 6.(c)** This section is effective when it becomes law and applies to requests
24 made on or after that date.

25
26 **COURTS-MARTIAL CLARIFICATION**

27 **SECTION 7.(a)** G.S. 127A-47 reads as rewritten:

28 **"§ 127A-47. Courts-martial for National Guard.**

29 (a) ~~Courts-martial~~ Except as provided in subsection (b) of this section, courts-martial for
30 military personnel of the North Carolina National Guard not in the service of the United States
31 shall be of three kinds, namely, general courts-martial, special courts-martial, and summary
32 courts-martial. They shall be constituted, have cognizance of the same subjects, and possess like
33 powers as similar courts provided for by the Uniform Code of Military Justice and Manual for
34 Courts-Martial, United States. The proceedings of courts-martial of the North Carolina National
35 Guard shall follow the forms and modes of procedure prescribed for such similar courts.

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

42 **SECTION 7.(b)** This section is effective when it becomes law and applies to
43 courts-martial convened on or after that date.

44
45 **SEX-OFFENDER REGISTRATION CLARIFICATION**

46 **SECTION 8.(a)** G.S. 14-208.6 reads as rewritten:

47 **"§ 14-208.6. Definitions.**

48 The following definitions apply in this Article:

49 ...

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

51 ...

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

EFFECTIVE DATE

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