

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 910
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40573-NDa-104B

Short Title: Law Enforcement Conduct Act.

(Public)

Sponsors: Representative Logan.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN THE LAW ENFORCEMENT PROFESSION.
The General Assembly of North Carolina enacts:

**PART I. DUTY TO INTERVENE AND ADDITIONS TO MANDATORY IN-SERVICE
AND ENTRY-LEVEL TRAINING FOR LAW ENFORCEMENT OFFICERS**

SECTION 1.1. G.S. 15A-401(d) is amended by adding a new subdivision to read:

"(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 in writing to the law-enforcement officer's supervisor, department head, or other appropriate authority. No law-enforcement officer acting in good faith that intervenes or submits a report pursuant to this subdivision shall be retaliated against by termination, suspension, or other disciplinary action."

SECTION 1.2. 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:

...

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

...

c. Training regarding de-escalation and other techniques that avoid the use of force.

d. Training regarding implicit bias and racial equity.

e. Training regarding the duty to intervene and report when another criminal justice officer is using excessive force.

...

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

...

c. Training on de-escalation and other techniques that avoid the use of force.



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d. Training on implicit bias and racial equity.

e. Training regarding the duty to intervene and report when another criminal justice officer is using excessive force.

...."

SECTION 1.3. 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:

...

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

...

c. Training regarding de-escalation and other techniques that avoid the use of force.

d. Training regarding implicit bias and racial equity.

e. Training regarding the duty to intervene and report when another officer is using excessive force.

...

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

...

c. Training on de-escalation and other techniques that avoid the use of force.

d. Training on implicit bias and racial equity.

e. Training regarding the duty to intervene and report when another officer is using excessive force.

...

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 1.4. This Part becomes effective January 1, 2022.

PART II. INCREASE FUNDING FOR CRIMINAL JUSTICE FELLOWS PROGRAM

SECTION 2.1. There is appropriated from the General Fund to the Department of Justice six hundred sixty-three thousand five hundred seventy-nine dollars (\$663,579) in recurring funds for each year of the 2021-2023 fiscal biennium to be allocated to the Criminal Justice Fellows Program to continue to recruit qualified in-State (i) high school seniors and (ii) unemployed or underemployed graduates and provide them with a forgivable community college loan to pursue a degree in preparation to enter a criminal justice profession.

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

PART III. DIRECT THE DEPARTMENT OF JUSTICE TO DEVELOP MODEL LAW ENFORCEMENT AGENCY PROTEST RESPONSE AND ENGAGEMENT POLICIES

SECTION 3.1. The Department of Justice, in consultation with the Department of Public Safety, the Criminal Justice Education and Training Standards Commission, and the

Sheriffs' Education and Training Standards Commission, shall develop model law enforcement agency protest response and engagement policies.

SECTION 3.2. The Department of Justice shall report the model policies developed pursuant to Section 3.1 of this Part to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2022.

SECTION 3.3. This Part is effective when it becomes law.

PART IV. REQUIRE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE OFFICER-INVOLVED DEADLY FORCE INCIDENTS

SECTION 4.1. G.S. 143B-919 is amended by adding a new subsection to read:

"(b1) The Bureau shall investigate and prepare evidence when the use of force of a sworn law enforcement officer of the State or any local subdivision of the State in the performance of the officer's duties constitutes deadly force and results in the death or serious bodily injury of a person.

Investigations required by this subsection shall be criminal investigations. If an employee of the Bureau is investigated pursuant to this subsection, the Bureau shall have an independent entity perform the investigation.

Within 24 hours of an officer-involved use-of-force incident required to be investigated by the Bureau under this subsection, a law enforcement agency shall report the incident to the Bureau by methods developed by the Bureau for that purpose. A law enforcement agency that fails to report shall be ineligible to receive funds from the Governor's Crime Commission and the Governor's Highway Safety Program until the required report is delivered to the Bureau. A law enforcement agency that repeatedly fails to timely report shall be provided written notice that any further failure to timely report shall result in the ineligibility to receive funds from either the Governor's Crime Commission or the Governor's Highway Safety Program for a period of two years. Following the receipt of notice and upon a determination by the Bureau that a subsequent failure to timely report has occurred, the Bureau shall notify the law enforcement agency in writing of the agency's ineligibility to receive the named funds and the date upon which the agency will once again be eligible to receive the named funds."

SECTION 4.2. This Part becomes effective October 1, 2021.

PART V. INCREASE POWERS OF JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

SECTION 5.1. G.S. 120-70.94(a) reads as rewritten:

"(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

...

(8a) Investigate and make recommendations to the appropriate authority regarding either of the following:

a. Corrective action to be taken against a law enforcement officer serving within the State.

b. The suspension or revocation of certification of a law enforcement officer certified by the State.

...."

SECTION 5.2. This Part is effective when it becomes law.

PART VI. EMPLOYMENT SEPARATION DUE TO USE OF FORCE STATEWIDE DATABASE

SECTION 6.1. Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.7A. Database for law enforcement officer employment separation due to use of force.

(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 law enforcement officer separations from employment, whether voluntary or involuntary, related to the use of force of a law enforcement officer.

(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.

(d) The inclusion of a law enforcement officer in the database created under this section shall not create any presumption regarding the retention, suspension, or revocation of that law enforcement officer's certification."

SECTION 6.2. 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 employment separation information to the Department of Justice.

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

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

SECTION 6.3. Chapter 74E of the General Statutes is amended by adding a new section to read:

"§ 74E-10.1. Provide use of force employment separation information to the Department of Justice.

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

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

SECTION 6.4. Chapter 74G of the General Statutes is amended by adding a new section to read:

"§ 74G-10.1. Provide use of force employment separation information to the Department of Justice.

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

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

SECTION 6.5. Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

1 **"§ 143B-927.1. Provide use of force employment separation information to the Department**
2 **of Justice.**

3 The State Bureau of Investigation shall provide to the Department of Justice requested
4 information of its law enforcement officers regarding employment separation due to use of force
5 in order to maintain the statewide database developed pursuant to G.S. 114-2.7A.

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

8 **SECTION 6.6.** Article 10 of Chapter 153A of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 153A-213. Provide use of force employment separation information to the Department**
11 **of Justice.**

12 A county shall provide to the Department of Justice requested information of its law
13 enforcement officers regarding employment separation due to use of force in order to maintain
14 the statewide database developed pursuant to G.S. 114-2.7A.

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

17 **SECTION 6.7.** 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 employment separation information to the Department**
20 **of Justice.**

21 A city shall provide to the Department of Justice requested information of its law enforcement
22 officers regarding employment separation due to use of force in order to maintain the statewide
23 database developed pursuant to G.S. 114-2.7A.

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

26 **SECTION 6.8.** This Part becomes effective October 1, 2021.

27
28 **PART VII. EFFECTIVE DATE**

29 **SECTION 7.1.** Except as otherwise provided, this act is effective when it becomes
30 law.