



## North Carolina Association of Chiefs of Police

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### Legislative Report May 10, 2021

Thus far there are more than 150 pending legislative bills being monitored or actively lobbied that affect law enforcement—far too many to report individually. The state biennial budget bills and new bills yet to be introduced will add to the issues being worked on. This report will cover selected major bills and issues. Status of bills is as of 5/7. I will have printed copies of this report at the meeting **EXCEPT SB 300**, so please print the attachment if you want to refer to it.

#### **Criminal Justice Reform**

**SB 300. Criminal Justice Reform (latest version attached).** Several groups put forward reform recommendations late last year, including NCACP, the N.C. Sheriffs Association, the N.C. House Committee on reform, and the Governor's Task Force on Racial Equity. SB 300 incorporates many of these recommendations and is the most comprehensive bill on these subjects. The bill's sponsor, Sen. Danny Britt, consulted with these stakeholders in the current formulation of the bill, and the current version is supported by NCACP, the N.C. Sheriffs Association, and the N.C. Conference of District Attorneys.

The major components of SB 300 are:

- Create a public database of LEO suspensions and decertifications.
- Provide a process for all LEO fingerprints to be entered in state and federal databases; use of FBI RAPBACK system to track LEOs charged or convicted of crime in the U.S.
- Creation of database for "critical incidents" (use of force resulting in death or serious injury); available to LE agencies.
- Require notification to applicable Commission of Giglio material.
- Direct Commissions to develop uniform minimum statewide qualifications.
- Allow health care providers to transport IVCs.
- Require LEO's receive psychological screenings and mental health education.
- Require agencies to develop early warning systems to identify actions and behaviors indicating need for intervention and assistance (collisions, use of force, complaints).
- Require Commissions to develop a best practices guide for diversity recruitment.
- Give SBI jurisdiction to investigate LEO involved deaths or serious injuries upon request of agency, DA, or Governor.

- Expand mandatory in-service training to include mental health, community policing, minority sensitivity, use of force, and duty to intervene and report.
- Exempt in-service training from the formal rule-making process.
- Directs AOC to develop digital court date reminder system for defendants.
- Increase penalties for rioting.
- Require misdemeanor first appearance within 72 hours.
- Require Commissions to consult national decertification database.
- Create statutory duty for LEO to intervene and report use of excessive force.
- Decriminalize local ordinances unless specifically made criminal, except on listed subjects which cannot be criminal; not guilty if after 30 days of offense if no additional same offense or good faith effort to seek drug, mental, or other assistance underlying the offense.

Various effective dates.

Status:

Other separate bills are pending that address the same subjects as SB 300: H 436 LEO mental health; SB 455 decriminalize local ordinances; HB 536 duty to intervene and report; HB 547 require decertification index; HB 548 Giglio reporting; HB 605 require use of RAPBACK; HB 757 critical incident database.

Other reform bills are pending that incorporate recommendations of the Governor's Task Force on Racial Equity: ban chokeholds; require all state and local LE agencies to deploy body worn and dash cameras; require public release of LE video within 48 hours unless court order obtained to prevent; abolish cash bail; abolish no-knock warrants; require school administrative approval of SRO juvenile referrals; allow new court date on request after failure to appear; provide counsel for misdemeanors; authorize citizens review boards statewide;

### **PBA/FOP Bills**

**SB 10 (Senate Rules), HB 21 (House State Government).** Add a designated seat on the CJ Standards Commission to the PBA.

**H 115 (House State Government).** Add a designate seat on the CJ Standards Commission to the FOP.

**H 7. Retaliation (House Judiciary 3).** Requires municipalities to adopt ordinance encouraging employees to report improper activity and prohibiting retaliation for reporting.

Status:

### **NCACP Initiated Bills.**

**HB 203.** Extend deadline for certification of police telecommunicators by Sheriffs CJ Standards Commission until July 1, 2022. Status: Passed House.

**HB 481.** Allow UNC system campus police departments to dispose of surplus firearms with FFL (now must go to NC Dept. of Administration). Changed to apply to all state agencies. Status: Passed House.

### **Retirement**

**HB 647 (House Rules).** Allows retired local LEOs to work as elected sheriff or SRO (or **SB 679 Senate Rules** work for sheriff) without loss of retirement system benefits. Status:

**SB 72, SB 381, HB 417.** Allows purchase at full actuarial cost of up to 4 years retirement credit for advanced certifications. Status: HB 417 passed House.

**Pistol Purchase Permit Repeal.** **HB 398** repeals requirement for permit from sheriff to purchase a pistol. Status: Passed House.

**Threaten LEO or Corrections Officer.** **HB 418** creates crimes of threat to kill or seriously injure LEO or corrections officer for carrying out their duty; or such threats against another person. Status: Passed House.

### **LEO Personal Information Privacy**

**HB 304.** Requires city and county websites to remove personal information (home address, phone numbers) upon written request from the following officials and spouses: federal, state, or local LEO; judge; prosecutor. Status: Passed House.

### **CJ Standards Commission And Other Funding**

**State Budget.** Seek \$2.2M in recurring funds for the Commission, replacing the current insufficient receipts based funding. Even with the increase in court costs for the Commission enacted last year, it is underfunded by \$350,000 annually.

**Also,** seek expansion and funding for CJ Fellows Program; local law enforcement agency accreditation program; training simulators.

## **Drugs**

**SB 321.** Update list of scheduled chemical compounds; make possession of fentanyl a felony. Status: Passed Senate.

## **Record Interviews**

**HB 667 (House Judiciary 2).** Requires electronic recording of interviews in addition to current requirement of recording of interrogations of juveniles and in felony cases in places of detention.

## **Allow Blue Lights on Fire Equipment.**

**HB 448, SB 374.** Allow use of rear facing blue lights on fire equipment when it is parked on scene. Status: HB 448 passed House.

## **Other Bills Of Interest**

**Remote Forensic Analyst Testimony.** **HB 235** allows remote testimony in district court concerning laboratory reports from forensic analyst. Passed House.

**Guns.** Numerous bills are pending, including no permit for concealed carry; permit for long guns; EMS carry concealed in tactical team with LE; concealed carry by school personnel; ease or eliminate concealed carry permit renewal; require photo ID for CC permit; restore felon gun rights.

**Booking Photographs.** **SB 660 (Senate Rules)** restricts public release of photos from publish-for-pay publications or websites; **HB 762 (House Judiciary 2)** prohibits public release of all booking photos.

**ALPR.** **HB 886 (House Transportation)** allows SBI to place automatic license plate readers in State ROW.

**LEO Employment Protection.** **SB 697 (Senate Rules)** requires municipalities to adopt an ordinance with minimum rights for LEOs: requires just cause for termination and formal review by independent board.

**Traffic Stop Data.** **HB 673 (House Judiciary 2)** requires location data on traffic stop report.

**Felony penalties for B&E or theft of LE vehicle or equipment in it.** **HB 761 (House Rules).**

**Marijuana.** Various bills to decriminalize possession of marijuana or hashish either in medical context or otherwise.

**LE To Order Tow For No Auto Insurance. HB 411 (House Transportation).**

**Electronic Gambling. SB 498 (Senate Rules)** legalizes and taxes; **HB 326 (House Commerce)** requires payment of storage fees for seized machines; authorizes seizure of vehicles transporting machines; increases penalties.

**Clarify hotel eviction for non-payment. HB 352.** Transient occupancy is 90 days or less rental allowing trespass charge vs tenancy of more than 90 days requiring eviction process. Status: Passed House.

**Dispose of firearms. HB 419 (House Judiciary 1)** allows judge to authorize destruction of firearms held by LE agency not needed for evidence or agency use. Now, cannot destroy firearms with legible identification number but must sell to FFL.

**PTSD Workers Comp. HB 492.** Includes PTSD as compensable workers compensation occupational disease for first responders. Status: Passed House.

**Collect DNA For Certain Offenses (assault on female; domestic violence). HB 674 (House Health).**

**Always feel free to contact me with questions or comments.**

**Fred**

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