



North Carolina Association of Chiefs of Police

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2023 LEGISLATIVE REPORT

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NEW LAWS EFFECTIVE NOW

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CIVILIAN TRAFFIC INVESTIGATORS

S.L. 2023-52; HB 140; N.C.G.S. 160A-499.6,
20-166.1(i).

*Authorizes all cities to employ civilian traffic investigators to file accident reports to N.C. DMV for non-injury accidents, and to tow or remove a vehicle obstructing a street or highway.

*Requires training approved by N.C. Justice Academy (materials available for in-house training); at least 4 weeks field training with experienced law enforcement crash investigator.

*Requires distinctive uniform and vehicle, can use red or amber but not blue lights; cannot be issued any weapon; cannot arrest or issue criminal process.

AUTOMATIC LICENSE PLATE READERS IN STATE RIGHT OF WAY

S.L. 2023-151; SB 409

*Establishes pilot program that allows but does not require NC DOT to enter into agreements with SBI to use automatic license plate readers in DOT ROW for SBI, or as administrative agent for local law law enforcement agency.

- Prohibits disclosure of data obtained by automatic license plate reader except to a local, state, or federal law enforcement agency upon written request for legitimate law enforcement purpose (as defined), and creates misdemeanor offense for violation.
- Law expires July 1, 2025 unless renewed, and requires report by the SBI to the General Assembly in 2025 containing the written policy governing the use of the ALPR systems, the number of requests for data, and retention of data beyond 90 days.

GRANT MONEY TO LOCAL LAW ENFORCEMENT AGENCIES AND NCACP

S.L. 2023-134; HB 259 (STATE BUDGET BILL)

- \$750,000 in each year of the biennium directly to NCACP for grants to local law enforcement agencies for employee performance and wellness management programs. (the state budget bill also expands eligibility for Criminal Justice Fellows program to all counties, currently limits applicants to counties of less than 200,000 population; and moves SBI from DPS to independent department of state government).

PRE-TRIAL INTEGRITY

S.L. 2023-75; HB 813; N.C.G.S. 7B-1906(b1), 15A-533

- Moves pre-trial release decisions for named serious offenses from magistrates to superior court judges, and increases from 10 to 30 days the maximum interval between hearings on continued secure custody of juveniles accused of Class A felonies if committed by an adult.

RELEASE OF WANTED JUVENILE NAME AND LIKENESS

S.L. 2023-114; H 186; N.C.G.S. 7B-3103

* Allows Division of Juvenile Justice or any law enforcement agency to release name and likeness of a juvenile alleged in a petition to have committed a crime subject to case transfer to superior court. Requires court order unless exigent circumstances exist then a court order shall be sought as soon as reasonably practicable but no later than the next session of court after release of the information.

ASSAULTS ON FIRST RESPONDERS

S.L. 2023-76; HB 34; N.C.G.S. 14-34.1A et al

- Increases various penalties for different forms of assaults on law enforcement officer or other first responders; creates offenses of firing into unoccupied first responder vehicles, pointing a laser at officers or search and rescue animals.

INCREASE PENALTIES RELATED TO FENTANYL AND DEATH BY DISTRIBUTION

S.L. 2023-123; SB 189; N.C.G.S. 90-95(h)(4), et al

- Increases penalties for fentanyl trafficking, amends death by distribution to close gap requiring proof of sale required; clarifies that Good Samaritan immunity extends to possession of less than one gram of fentanyl.

INCREASE PENALTIES FOR RIOTING, ASSAULTS ON FIRST RESPONDERS

S.L. 2023-6; HB 40; N.C.G.S. 14-288.2, et al.

- Increases penalties for engaging in riot; with weapon or dangerous substance, Class H; causing property damage or more than \$2500 or serious bodily injury, Class F; causing death, Class E.
- Creates felony crimes of assault on first responders in area of riot or declared emergency, with increasing penalties based on use of weapon, causing serious bodily injury, death.
- Persons arrested for these offenses shall have pre-trial release determined by a judge, with specified requirements for release.

STREET TAKEOVER

- S.L. 2023-97; SB 91; N.C.G.S. 20-141.10
- Creates offense of “street takeover” as Class A1 misdemeanor (Class H felony for second offense within 24 months), authorizes seizure of vehicle. “Street takeover” definition includes various stunts such as wheelies, doughnuts, and drifting. Participation by coordination or facilitation of street takeover is Class A1 misdemeanor.

INCREASE PENALTIES FOR B&E OF RAILROAD CARS, MOTOR VEHICLES, BOATS, AIRCRAFT

- S.L. 2023-151; SB 409; N.C.G.S. 14-56
- Provides graduated felony penalties based on value of property stolen (Class H \$1500-20,000; Class G up to \$50,000; Class C over \$100,000). Class H of any value if from any law enforcement agency, N.C. National Guard, or any branch of the Armed Forces.

HOSPITAL VIOLENCE PROTECTION ACT

- S.L. 2023-129; HB 125; N.C.G.S. 131E-88
- Requires each hospital with an emergency department to develop a risk assessment and security plan and provide a law enforcement officer at all times unless hospital determines that it is not necessary based on specified criteria. Requires hospital to train LEOs assigned to it. Effective 10/1/24.

MEDAL OF VALOR FOR FIRST RESPONDERS

- S.L. 2023-94; HB 387; N.C.G.S. 147-12, 13
- Authorizes Governor and Lt. Governor to award to a first responder (2 per year) or first responder unit (1 per year) the Medal of Valor Award for “great acts of heroism beyond the call of duty”.

SCHOOL THREAT ASSESSEMENT TEAMS

- S.L. 2023-78; HB 605; N.C.G.S. 115C-105.65
- Requires Center for Safer Schools to establish guidelines for teams with various disciplines (including law enforcement) to assess and intervene with individuals who might pose a public safety threat in schools.

TRESPASS BETWEEN MIDNIGHT AND 6 A.M.

- S.L. 2023-85; SB 246; N.C.G.S. 14-159.13
- Amends second degree trespass definition to add entering or remaining on the curtilage of a dwelling without authorization between those hours (in addition to existing prohibition of entering or remaining on property of another after having been forbidden to do so; or upon posted property).

FREEZE AUTOMATIC EXPUNCTIONS

- S.L. 2023-103; HB 193
- Freezes until 7/1/24 previously enacted automatic expunctions of dismissed and not guilty cases. These automatic expunctions without notice caused serious problems for law enforcement, clerks of court, and prosecutors.

PENDING BILLS ELIGIBLE FOR CONSIDERATION IN THE 2024 SHORT SESSION

- **Defer special separation allowance.** HB 810. Allows state or local LEO with 30-35 years of service, with 5 years immediately preceding retirement, to defer receiving special separation allowance for up to 5 years (now ends at age 62). Passed House, in Senate Rules committee.
- **Permit re-employment in retirement.** H 768. Allows a LEO at least 59 ½ years old to return to work as a LEO in the same retirement system without loss of retirement pay. Passed House, in Senate Rules.

- **Sale of hemp derived products.** H 563. Regulates sale and distribution of hemp derived consumables, including prohibition of sales on public streets, sidewalks or parks, on school grounds, or to persons under age 18. Provides licensing system for manufacture and sale of such products. Contains civil and criminal penalties for violations, vests ALE with enforcement responsibility. Passed House, in Senate Rules committee.

CONTINUING NCACP INITIATIVES

- New crime of public endangerment by discharge of firearm endangering others in a public place.
- Restore criminal enforcement of taxi regulations
- Close 30 day loophole in ordinance enforcement (charge dismissed if no identical charge within 30 days).

DEFEATED BILLS OPPOSED BY NCACP

- LEO whistleblower protection.
- Designated seats for PBA and FOP on CJ Standards Commission
- Eliminate window tint inspections.
- Require law enforcement to inspect parade vehicles.
- Unacceptable expansion of Good Samaritan immunity.
- Unacceptable Giglio officer protections (NCACP supports acceptable procedure to review Giglio notifications).