

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 910

Short Title: Law Enforcement Conduct Act. (Public)

Sponsors: Representatives Logan, Morey, and K. Smith (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 11, 2021

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

4
5 **PART I. DUTY TO INTERVENE AND ADDITIONS TO MANDATORY IN-SERVICE**
6 **AND ENTRY-LEVEL TRAINING FOR LAW ENFORCEMENT OFFICERS**

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

8 "(3) A law-enforcement officer that witnesses another law-enforcement officer
9 using excessive force not justified under this section or otherwise abusing a
10 suspect or arrestee has a duty to intervene and to report the use of excessive
11 force or the abuse in writing to the law-enforcement officer's supervisor,
12 department head, or other appropriate authority. No law-enforcement officer
13 acting in good faith that intervenes or submits a report pursuant to this
14 subdivision shall be retaliated against by termination, suspension, or other
15 disciplinary action."

16 **SECTION 1.2.** G.S. 17C-6(a) reads as rewritten:

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

20 ...

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

25 ...

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

28 d. Training regarding implicit bias and racial equity.

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

31 ...

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

34 ...



- 1 c. Training on de-escalation and other techniques that avoid the use of
2 force.
3 d. Training on implicit bias and racial equity.
4 e. Training regarding the duty to intervene and report when another
5 criminal justice officer is using excessive force.

6 "

7 **SECTION 1.3.** G.S. 17E-4(a) reads as rewritten:

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

11 ...

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

16 ...

- 17 c. Training regarding de-escalation and other techniques that avoid the
18 use of force.
19 d. Training regarding implicit bias and racial equity.
20 e. Training regarding the duty to intervene and report when another
21 officer is using excessive force.

22 ...

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

25 ...

- 26 c. Training on de-escalation and other techniques that avoid the use of
27 force.
28 d. Training on implicit bias and racial equity.
29 e. Training regarding the duty to intervene and report when another
30 officer is using excessive force.

31 ...

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

38 **SECTION 1.4.** This Part becomes effective January 1, 2022.

39
40 **PART II. INCREASE FUNDING FOR CRIMINAL JUSTICE FELLOWS PROGRAM**

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

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

48
49 **PART III. DIRECT THE DEPARTMENT OF JUSTICE TO DEVELOP MODEL LAW**
50 **ENFORCEMENT AGENCY PROTEST RESPONSE AND ENGAGEMENT POLICIES**

1 **SECTION 3.1.** The Department of Justice, in consultation with the Department of
2 Public Safety, the Criminal Justice Education and Training Standards Commission, and the
3 Sheriffs' Education and Training Standards Commission, shall develop model law enforcement
4 agency protest response and engagement policies.

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

8 **SECTION 3.3.** This Part is effective when it becomes law.
9

10 **PART IV. REQUIRE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE** 11 **OFFICER-INVOLVED DEADLY FORCE INCIDENTS**

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

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

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

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

32 **SECTION 4.2.** This Part becomes effective October 1, 2021.
33

34 **PART V. INCREASE POWERS OF JOINT LEGISLATIVE OVERSIGHT** 35 **COMMITTEE ON JUSTICE AND PUBLIC SAFETY**

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

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

43 ...

44 (8a) Investigate and make recommendations to the appropriate authority regarding
45 either of the following:

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

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

50 "

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

1
2 **PART VI. EMPLOYMENT SEPARATION DUE TO USE OF FORCE STATEWIDE**
3 **DATABASE**

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

6 "**§ 114-2.7A. Database for law enforcement officer employment separation due to use of**
7 **force.**

8 (a) The Department of Justice, in consultation with the Criminal Justice Education and
9 Training Standards Commission and the Sheriffs' Education and Training Standards
10 Commission, shall develop and maintain a statewide database for use by law enforcement
11 agencies that tracks all law enforcement officer separations from employment, whether voluntary
12 or involuntary, related to the use of force of a law enforcement officer.

13 (b) All law enforcement agencies in the State, including, but not limited to, the State
14 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
15 departments, campus police agencies, and company police agencies, shall provide to the
16 Department of Justice information requested to maintain the database required by subsection (a)
17 of this section.

18 (c) Information collected under this section that is confidential under State or federal law
19 shall remain confidential.

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

23 **SECTION 6.2.** Article 4 of Chapter 20 of the General Statutes is amended by adding
24 a new section to read:

25 "**§ 20-196.6. Provide use of force employment separation information to the Department of**
26 **Justice.**

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

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

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

34 "**§ 74E-10.1. Provide use of force employment separation information to the Department**
35 **of Justice.**

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

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

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

43 "**§ 74G-10.1. Provide use of force employment separation information to the Department**
44 **of Justice.**

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

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

50 **SECTION 6.5.** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
51 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.