

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 1044
PROPOSED COMMITTEE SUBSTITUTE H1044-PCS40667-TC-79

Short Title: Law Enforcement Omnibus Bill.

(Public)

Sponsors:

Referred to:

May 5, 2016

A BILL TO BE ENTITLED

AN ACT TO CREATE A PUBLIC SERVICE ALERT SYSTEM TO AID IN THE APPREHENSION OF SUSPECTS WHO KILL OR INFLICT SERIOUS BODILY INJURY ON A LAW ENFORCEMENT OFFICER; TO PROVIDE THAT THE HEAD OR CHIEF OF A LAW ENFORCEMENT AGENCY MAY DESIGNATE A PERSON TO SUBMIT A WRITTEN REQUEST FOR A DEADLY WEAPON TO BE TURNED OVER TO A LAW ENFORCEMENT AGENCY; TO AMEND THE SILVER ALERT SYSTEM TO EXPAND THE CLASS OF CITIZENS IT PROTECTS; TO PREVENT MOTOR CARRIERS FROM AVOIDING CIVIL PENALTIES OWED TO THE STATE BY TRANSFERRING TITLE PRIOR TO PAYMENT; TO MAKE MINOR CHANGES TO THE DEFINITION OF EMERGENCY IN THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT; TO PROVIDE THAT THE SAMARCAND TRAINING ACADEMY IS SPECIFICALLY EXEMPTED FROM THE UMSTEAD ACT; TO PROVIDE AN EXEMPTION TO THE DEPARTMENT OF PUBLIC SAFETY AND THE STATE BUREAU OF INVESTIGATION; TO PROVIDE AN EXCEPTION FOR FEES TO REIMBURSE THE HIGHWAY PATROL; TO CREATE AN EXCEPTION TO THE LENGTH OF SERVICE REQUIREMENTS FOR FORENSIC SCIENTISTS TO BECOME CAREER STATE EMPLOYEES; AND TO APPROPRIATE FUNDS TO PROVIDE AIRCRAFT REPLACEMENT AND TO MODERNIZE LAW ENFORCEMENT EQUIPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Subpart B of Part 5 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-1023. North Carolina Blue Alert System established.

(a) There is established within the North Carolina Center for Missing Persons the Blue Alert System. The purpose of the Blue Alert System is to aid in the apprehension of a suspect who kills or inflicts serious bodily injury on a law enforcement officer by providing a statewide system for the rapid dissemination of information regarding the suspect. The term "serious bodily injury" is as defined in G.S. 14-32.4(a).

(b) The Center shall make every effort to rapidly disseminate information on a suspect when the following criteria are met:

(1) A law enforcement officer is killed or suffers serious bodily injury.

(2) A law enforcement agency with jurisdiction (i) determines that the suspect poses a threat to the public and other law enforcement personnel and (ii) possesses information that may assist in locating the suspect including information regarding the suspect's vehicle, complete or partial license plate information, and a detailed description of the suspect or that a law enforcement



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1 officer is missing while on duty under circumstances warranting concern for the
2 law enforcement officer's safety.

3 (3) The head of a law enforcement agency with jurisdiction recommends the
4 issuance of a blue alert to the Center.

5 (c) The Center shall adopt guidelines and develop procedures for the statewide
6 implementation of the Blue Alert System and shall provide education and training to encourage
7 radio and television broadcasters to participate in the alert.

8 (d) The Center shall consult with the Department of Transportation and develop a
9 procedure for the use of overhead permanent changeable message signs to provide information on
10 a suspect when the criteria established in subsection (b) of this section are met. The Center and the
11 Department of Transportation shall develop guidelines for the content, length, and frequency of
12 any message to be placed on the overhead permanent changeable message sign pursuant to the
13 issuance of a blue alert.

14 (e) The Center shall consult with the Division of Emergency Management in the
15 Department of Public Safety to develop a procedure for the use of the Blue Alert System to
16 provide information on a suspect when the criteria established in subsection (b) of this section are
17 met."

18 **SECTION 2.** G.S. 14-269.1(4b) reads as rewritten:

19 "(4b) By ordering the weapon turned over to a law enforcement agency in the county
20 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by the
21 agency to a federally licensed firearm dealer in accordance with all applicable
22 State and federal firearm laws. The court may order a disposition of the firearm
23 pursuant to this subdivision only upon the written request of the head or chief
24 of the law enforcement agency or a designee of the head or chief of the law
25 enforcement agency and only if the firearm has a legible, unique identification
26 number. If the law enforcement agency sells the firearm, then the proceeds of
27 the sale shall be remitted to the appropriate county finance officer as provided
28 by G.S. 115C-452 to be used to maintain free public schools. The receiving law
29 enforcement agency shall maintain a record and inventory of all firearms
30 received pursuant to this subdivision."

31 **SECTION 3.** G.S. 143B-1022 reads as rewritten:

32 **"§ 143B-1022. North Carolina Silver Alert System established.**

33 (a) There is established within the North Carolina Center for Missing Persons the Silver
34 Alert System. The purpose of the Silver Alert System is to provide a statewide system for the
35 rapid dissemination of information regarding a missing person or missing child who is believed to
36 be suffering from ~~dementia or other cognitive impairment~~, dementia, Alzheimer's disease, or a
37 disability that requires them to be protected from potential abuse or other physical harm, neglect,
38 or exploitation.

39 (b) If the Center receives a ~~report~~request that involves a missing person or missing child
40 ~~who is believed to be suffering from dementia or other cognitive impairment, for the protection of~~
41 ~~the missing person or missing child from potential abuse or other physical harm, neglect, or~~
42 ~~exploitation~~, as described in subsection (a) of this section, the Center shall issue an alert providing
43 for rapid dissemination of information statewide regarding the missing person or missing child.
44 The Center shall make every effort to disseminate the information as quickly as possible when the
45 person's or child's status as missing has been reported to a law enforcement agency.

46 (c) The Center shall adopt guidelines and develop procedures for issuing an alert for
47 missing persons and missing children ~~believed to be suffering from dementia or other cognitive~~
48 ~~impairment~~ as described in subsection (a) of this section and shall provide education and training
49 to encourage radio and television broadcasters to participate in the alert. The guidelines and
50 procedures shall ensure that specific health information about the missing person or missing child
51 is not made public through the alert or otherwise.

1"

2 **SECTION 4.** G.S. 20-54 reads as rewritten:

3 **"§ 20-54. Authority for refusing registration or certificate of title.**

4 The Division shall refuse registration or issuance of a certificate of title or any transfer of
5 registration upon any of the following grounds:

6 ...

7 (13) The Division has been notified by the State Highway Patrol that the owner of
8 the vehicle has failed to pay any civil penalty and fees imposed by the State
9 Highway Patrol for a violation of Part 9 of Article 3 of this Chapter."

10 **SECTION 5.** G.S. 166A-19.3(6) reads as rewritten:

11 "(6) Emergency. – An occurrence or imminent threat of widespread or severe
12 damage, injury, or loss of life or property resulting from any natural or
13 man-made accidental, military, paramilitary, terrorism, weather-related, public
14 health, explosion-related, riot-related cause, cause, or technological failure or
15 accident, including, but not limited to, a cyber incident, an explosion, a
16 transportation accident, a radiological accident, or a chemical or other
17 hazardous material incident."

18 **SECTION 6.** G.S. 66-58(b) is amended by adding a new subdivision to read:

19 "(28) Samarcand Training Academy."

20 **SECTION 7.** G.S. 12-3.1(c) reads as rewritten:

21 "(c) Exceptions. – This section does not apply to any of the following:

- 22 (1) Rules establishing fees or charges to State, federal or local governmental units.
23 (2) A reasonable fee or charge for copying, transcripts of public hearings, State
24 publications, or mailing a document or other item.
25 (3) Reasonable registration fees covering the cost of a conference or workshop.
26 (4) Reasonable user fees covering the cost of providing data processing services.
27 (5) A fee to reimburse the State Highway Patrol for salaries, travel, and other
28 expenses directly related to providing traffic control at public events where an
29 admission fee is charged, not to include State-supported events."

30 **SECTION 8.** G.S. 126-1.1 reads as rewritten:

31 **"§ 126-1.1. Career State employee defined.**

32 (a) For the purposes of this Chapter, unless the context clearly indicates otherwise, "career
33 State employee" means a State employee or an employee of a local entity who is covered by this
34 Chapter pursuant to G.S. 126-5(a)(2) who:

- 35 (1) Is in a permanent position with a permanent appointment, and
36 (2) Has been continuously employed by the State of North Carolina or a local
37 entity as provided in G.S. 126-5(a)(2) in a position subject to the North
38 Carolina Human Resources Act for the immediate 12 preceding months.

39 (b) As used in this Chapter, "probationary State employee" means a State employee who is
40 in a probationary appointment and is exempt from the provisions of the North Carolina Human
41 Resources Act only because the employee has not been continuously employed by the State for the
42 time period required by subsection (a) or (c) of this section.

43 (c) Notwithstanding the provisions of subsection (a) above, employees who are hired by a
44 State agency, department or university in a sworn law enforcement position or forensic scientist
45 position and who are required to complete a formal training program prior to assuming law
46 enforcement or forensic scientist duties with the hiring agency, department or university shall
47 become career State employees only after being employed by the agency, department or university
48 for 24 continuous months."

49 **SECTION 9.** There is appropriated from the General Fund to the State Bureau of
50 Investigation the sum of eight million six hundred seventy-five thousand nine hundred twenty-four
51 dollars (\$8,675,924) in nonrecurring funds for the 2016-2017 fiscal year to provide aircraft

1 replacement and essential modern law enforcement equipment to ensure safety of agents and the
2 citizens of North Carolina.
3 **SECTION 10.** Section 4 of this act becomes effective October 1, 2016, and applies to
4 violations committed on or after that date. Section 9 of this act becomes effective July 1, 2016.
5 The remainder of this act is effective when it becomes law.