

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 181
Committee Substitute Favorable 3/22/17
PROPOSED COMMITTEE SUBSTITUTE H181-PCS30249-RWf-14

Short Title: First Responders Act of 2017.

(Public)

Sponsors:

Referred to:

February 23, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS APPLYING TO FIRST
3 RESPONDERS.

4 The General Assembly of North Carolina enacts:

6 **PART I. TAX DEDUCTION FOR FIREFIGHTERS**

7 **SECTION 1.(a)** G.S. 105-153.5 is amended by adding a new subsection to read:

8 "(e) Other Adjustments. – In calculating North Carolina taxable income, a taxpayer who
9 is an eligible firefighter or an eligible rescue squad worker may deduct from adjusted gross
10 income the sum of two hundred fifty dollars (\$250.00). In the case of a married couple filing a
11 joint return, each spouse may qualify separately for the deduction allowed under this
12 subsection. In order to claim the deduction allowed under this subsection, the taxpayer must
13 submit with the tax return any documentation required by the Secretary. An individual may not
14 claim a deduction as both an eligible firefighter and as an eligible rescue squad worker in a
15 single taxable year. The following definitions apply in this subsection:

16 (1) Eligible firefighter. – An unpaid member of a volunteer fire department who
17 attended at least 36 hours of fire department drills and meetings during the
18 taxable year.

19 (2) Eligible rescue squad worker. – An unpaid member of a volunteer rescue or
20 emergency medical services squad who attended at least 36 hours of rescue
21 squad training and meetings during the taxable year."

22 **SECTION 1.(b)** This section is effective for taxable years beginning on or after
23 January 1, 2017.

24
25 **PART II. PROPERTY TAX HOMESTEAD EXCLUSION FOR SURVIVING SPOUSE**
26 **OF QUALIFYING EMERGENCY PERSONNEL**

27 **SECTION 2.(a)** Article 12 of Subchapter II of Chapter 105 of the General Statutes
28 is amended by adding a new section to read:

29 **"§ 105-277.1E. Surviving spouse property tax homestead exclusion.**

30 (a) Classification. – A permanent residence owned and occupied by a qualifying owner
31 is designated a special class of property under Section 2(2) of Article V of the North Carolina
32 Constitution and is taxable in accordance with this section. The appraised value of the
33 permanent residence is excluded from taxation. A qualifying owner who receives an exclusion
34 under this section may not receive other property tax relief.

35 (b) Definitions. – The following definitions apply in this section:



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1 (1) Emergency personnel officer. – Firefighting, search and rescue, or
2 emergency medical services personnel or any employee of any duly
3 accredited State or local government agency possessing authority to enforce
4 the criminal laws of the State who (i) is actively serving in a position with
5 assigned primary duties and responsibilities for prevention and detection of
6 crime or the general enforcement of the criminal laws of the State and (ii)
7 possesses the power of arrest by virtue of an oath administered under the
8 authority of the State.

9 (2) Permanent residence. – Defined in G.S. 105-277.1.

10 (3) Property tax relief. – Defined in G.S. 105-277.1.

11 (4) Qualifying owner. – An owner, as defined in G.S. 105-277.1, who is a North
12 Carolina resident and is the surviving spouse who has not remarried of an
13 emergency personnel officer who was killed in the line of duty.

14 (c) Temporary Absence. – An owner does not lose the benefit of this exclusion because
15 of a temporary absence from his or her permanent residence for reasons of health or because of
16 an extended absence while confined to a rest home or nursing home, so long as the residence is
17 unoccupied or occupied by a dependent of the owner.

18 (d) Other Multiple Owners. – This subsection applies to co-owners who are not
19 husband and wife. Each co-owner of a permanent residence must apply separately for the
20 exclusion allowed under this section.

21 When one or more co-owners of a permanent residence qualify for the exclusion allowed
22 under this section and none of the co-owners qualifies for the exclusion allowed under
23 G.S. 105-277.1, each co-owner is entitled to the full amount of the exclusion allowed under this
24 section. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate
25 share of the valuation of the property, and the amount of the exclusion allowed to all the
26 co-owners may not exceed the exclusion allowed under this section.

27 When one or more co-owners of a permanent residence qualify for the exclusion allowed
28 under this section and one or more of the co-owners qualify for the exclusion allowed under
29 G.S. 105-277.1, each co-owner who qualifies for the exclusion allowed under this section is
30 entitled to the full amount of the exclusion. The exclusion allowed to one co-owner may not
31 exceed the co-owner's proportionate share of the valuation of the property, and the amount of
32 the exclusion allowed to all the co-owners may not exceed the greater of the exclusion allowed
33 under this section and the exclusion allowed under G.S. 105-277.1.

34 (e) Application. – An application for the exclusion allowed under this section should be
35 filed during the regular listing period but may be filed and must be accepted at any time up to
36 and through June 1 preceding the tax year for which the exclusion is claimed. Persons may
37 apply for this property tax relief by entering the appropriate information on a form made
38 available by the assessor under G.S. 105-282.1."

39 **SECTION 2.(b)** G.S. 105-282.1(a) reads as rewritten:

40 (a) Application. – Every owner of property claiming exemption or exclusion from
41 property taxes under the provisions of this Subchapter has the burden of establishing that the
42 property is entitled to it. If the property for which the exemption or exclusion is claimed is
43 appraised by the Department of Revenue, the application shall be filed with the Department.
44 Otherwise, the application shall be filed with the assessor of the county in which the property is
45 situated. An application must contain a complete and accurate statement of the facts that entitle
46 the property to the exemption or exclusion and must indicate the municipality, if any, in which
47 the property is located. Each application filed with the Department of Revenue or an assessor
48 shall be submitted on a form approved by the Department. Application forms shall be made
49 available by the assessor and the Department, as appropriate.

50 Except as provided below, an owner claiming an exemption or exclusion from property
51 taxes must file an application for the exemption or exclusion annually during the listing period.

- 1 ...
- 2 (2) Single application required. – An owner of one or more of the following
- 3 properties eligible for a property tax benefit must file an application for the
- 4 benefit to receive it. Once the application has been approved, the owner does
- 5 not need to file an application in subsequent years unless new or additional
- 6 property is acquired or improvements are added or removed, necessitating a
- 7 change in the valuation of the property, or there is a change in the use of the
- 8 property or the qualifications or eligibility of the taxpayer necessitating a
- 9 review of the benefit.
- 10 a. Property exempted from taxation under G.S. 105-278.3, 105-278.4,
- 11 105-278.5, 105-278.6, 105-278.7, or 105-278.8.
- 12 b. Special classes of property excluded from taxation under
- 13 G.S. 105-275(3), (7), (8), (12), (17), (18), (19), (20), (21), (31e), (35),
- 14 (36), (38), (39), (41), or (45) or under G.S. 105-277.1E or
- 15 G.S. 131A-21.
- 16 c. Special classes of property classified for taxation at a reduced
- 17 valuation under G.S. 105-277(h), 105-277.1, 105-277.1C,
- 18 105-277.10, 105-277.13, 105-277.14, 105-277.15, 105-277.17, or
- 19 105-278.

20"

21 **SECTION 2.(c)** This section is effective for taxes imposed for taxable years

22 beginning on or after July 1, 2017.

23

24 **PART III. ALLOW COMPANY POLICE OFFICERS AND HOSPITAL SECURITY TO**

25 **TAKE PERSONS INTO CUSTODY FOR EXAMINATION BY PHYSICIAN OR**

26 **ELIGIBLE PSYCHOLOGIST**

27 **SECTION 3.** The title of Part 7 of Article 5 of Chapter 122C of the General

28 Statutes and G.S. 122C-261 read as rewritten:

29 "Part 7. Involuntary Commitment of ~~the Mentally Ill~~; Persons with Mental Illness; Facilities for

30 ~~the Mentally Ill~~. Persons With Mental Illness.

31 "**§ 122C-261. Affidavit and petition before clerk or magistrate when immediate**

32 **hospitalization is not necessary; custody order.**

33 (a) Anyone who has knowledge of an individual who ~~is mentally ill~~ has a mental illness

34 and is either (i) dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as

35 defined in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability

36 or deterioration that would predictably result in dangerousness, may appear before a clerk or

37 assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect,

38 and petition the clerk or magistrate for issuance of an order to take the respondent into custody

39 for examination by a physician or eligible psychologist. The affidavit shall include the facts on

40 which the affiant's opinion is based. If the affiant has knowledge or reasonably believes that the

41 respondent, in addition to ~~being mentally ill~~ having a mental illness, ~~is also mentally~~

42 ~~retarded~~ has an intellectual disability, this fact shall be stated in the affidavit. Jurisdiction under

43 this subsection is in the clerk or magistrate in the county where the respondent resides or is

44 found.

45 (b) If the clerk or magistrate finds reasonable grounds to believe that the facts alleged in

46 the affidavit are true and that the respondent ~~is probably mentally ill~~ has a mental illness and is

47 either (i) dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as defined

48 in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability or

49 deterioration that would predictably result in dangerousness, the clerk or magistrate shall issue

50 an order to ~~a~~ take the respondent into custody for examination by a physician or eligible

51 psychologist. The order shall be issued to any of the following persons:

- 1 (1) ~~A law enforcement officer-officer.~~
- 2 (2) A company police officer commissioned under Chapter 74E of the General
- 3 Statutes who is present at and assigned to the 24-hour facility or area facility
- 4 where the respondent is located.
- 5 (3) ~~or anyAny other person authorized under G.S. 122C-251 to take the~~
- 6 ~~respondent into custody for examination by a physician or eligible~~
- 7 ~~psychologist.G.S. 122C-251.~~

8 If the clerk or magistrate finds that, in addition to probably ~~being mentally ill,~~having a
 9 mental illness, the respondent is ~~also probably mentally retarded,~~has an intellectual disability,
 10 the clerk or magistrate shall contact the area authority before issuing a custody order and the
 11 area authority shall designate the facility to which the respondent is to be taken for examination
 12 by a physician or eligible psychologist. The clerk or magistrate shall provide the petitioner and
 13 the respondent, if present, with specific information regarding the next steps that will occur for
 14 the respondent.

15 ...

16 (d) If the affiant is a physician or eligible psychologist, all of the following apply:

- 17 ...
- 18 (6) If the clerk or magistrate finds probable cause to believe that the respondent,
 19 in addition to ~~being mentally ill,~~having a mental illness, ~~is also mentally~~
 20 ~~retarded,~~has an intellectual disability, the clerk or magistrate shall contact
 21 the area authority before issuing the order and the area authority shall
 22 designate the facility to which the respondent is to be transported.

23 ...

24 (f) When a petition is filed for an individual who is a resident of a single portal area,
 25 the procedures for examination by a physician or eligible psychologist as set forth in
 26 G.S. 122C-263 shall be carried out in accordance with the area plan. Prior to issuance of a
 27 custody order for a respondent who resides in an area authority with a single portal plan, the
 28 clerk or magistrate shall communicate with the area authority to determine the appropriate
 29 24-hour facility to which the respondent should be admitted according to the area plan or to
 30 determine if there are more appropriate resources available through the area authority to assist
 31 the petitioner or the respondent. When an individual from a single portal area is presented for
 32 commitment at a 24-hour area or State facility directly, the individual may not be accepted for
 33 admission until the facility notifies the area authority and the area authority agrees to the
 34 admission. If the area authority does not agree to the admission, it shall determine the
 35 appropriate 24-hour facility to which the individual should be admitted according to the area
 36 plan or determine if there are more appropriate resources available through the area authority to
 37 assist the individual. If the area authority agrees to the admission, further planning of treatment
 38 for the client is the joint responsibility of the area authority and the facility as prescribed in the
 39 area plan.

40 Notwithstanding the provisions of this section, in no event shall an individual known or
 41 reasonably believed to ~~be mentally retarded,~~have an intellectual disability be admitted to a State
 42 psychiatric hospital, except as follows:

- 43 (1) Persons described in G.S. 122C-266(b);
- 44 (2) Persons admitted pursuant to G.S. 15A-1321;
- 45 (3) Respondents who are so extremely dangerous as to pose a serious threat to
 46 the community and to other patients committed to non-State hospital
 47 psychiatric inpatient units, as determined by the Director of the Division of
 48 Mental Health, Developmental Disabilities, and Substance Abuse Services
 49 or his designee; and
- 50 (4) Respondents who are so gravely disabled by both multiple disorders and
 51 medical fragility or multiple disorders and deafness that alternative care is

1 inappropriate, as determined by the Director of the Division of Mental
2 Health, Developmental Disabilities, and Substance Abuse Services or his
3 designee.

4 Individuals transported to a State facility for ~~the mentally ill~~ persons with mental illness who
5 are not admitted by the facility may be transported by law enforcement officers or designated
6 staff of the State facility in State-owned vehicles to an appropriate 24-hour facility that
7 provides psychiatric inpatient care.

8 No later than 24 hours after the transfer, the responsible professional at the original facility
9 shall notify the petitioner, the clerk of court, and, if consent is granted by the respondent, the
10 next of kin, that the transfer has been completed."

11 12 **PART IV. INTERSTATE ACCESS STUDY**

13 **SECTION 4.(a)** Study. – The Department of Transportation shall study the needs
14 of law enforcement, emergency medical and emergency management personnel, and
15 firefighters to improve access to or within the interstate system within this State for the benefit
16 of public safety. In conducting the study, the Department of Transportation may consult with
17 the Division of Emergency Management of the Department of Public Safety, the Office of State
18 Fire Marshal of the Department of Insurance, the Office of Emergency Medical Services of the
19 Department of Health and Human Services, and any other State or local government
20 organizations the Department of Transportation determines may be of assistance in the course
21 of the study. In performing the study, the Department of Transportation shall, at a minimum,
22 take the following steps:

- 23 (1) Consult with county fire marshal divisions, emergency management offices,
24 and emergency medical service divisions to determine potential sites of
25 interest for construction or improvement relevant to the study.
- 26 (2) Establish criteria to prioritize sites of interest for either construction or
27 improvement.
- 28 (3) Review applicable federal and State laws, codes, standards, and studies
29 relevant to the study.
- 30 (4) Review (i) existing Department of Transportation planning, design, and
31 construction standards for interchanges, median crossovers, and access
32 points and (ii) how those standards consider the needs of law enforcement,
33 emergency medical and emergency management personnel, and firefighters.
- 34 (5) Consider the feasibility of providing opportunities for stakeholder input
35 during the planning of future interstate improvements that focus on the needs
36 of law enforcement, emergency medical and emergency management
37 personnel, and firefighters.
- 38 (6) Examine any other matters the Department of Transportation deems relevant
39 in the course of the study.

40 **SECTION 4.(b)** Report. – The Department of Transportation shall report the
41 findings and recommendations, including any legislative proposals, to the Joint Legislative
42 Oversight Committee on Justice and Public Safety, Joint Emergency Management Oversight
43 Committee, and Joint Legislative Transportation Oversight Committee no later than March 1,
44 2018.

45 46 **PART V. LOCAL FIREFIGHTER RELIEF FUND ELIGIBILITY**

47 **SECTION 5.(a)** G.S. 58-84-35(a) reads as rewritten:

48 "**§ 58-84-35. Disbursement of funds by trustees.**

49 (a) The board of trustees shall have entire control of the funds derived from the
50 provisions of this Article, and shall disburse the funds only for the following purposes:

51 ...

(2a) To provide assistance, upon approval by the Executive Director of the North Carolina State Firefighters' Association, to a destitute member firefighter who has served or is serving honorably ~~for at least five years with a certified fire department.~~ The determination of destitute shall be based on the inability of the firefighters, through no fault of their own, to provide basic provisions to themselves or their families. Such basic provisions include, but are not limited to, assistance with housing, vehicle or commuting expenses, food, clothing, utilities, medical care, and funeral expenses.

...."

SECTION 5.(b) This section becomes effective July 1, 2017, and applies to distributions to local firefighters' relief funds on or after that date.

PART VI. CDL/CLARIFY EXEMPTION FOR EMERGENCY VEHICLES

SECTION 6.(a) G.S. 20-7(a)(3) reads as rewritten:

"(3) Class C. – A Class C license authorizes the holder to drive any of the following:

- a. A Class C motor vehicle that is not a commercial motor vehicle.
- b. When operated by a volunteer member of a fire department, a rescue squad, or an emergency medical service (EMS) in the performance of duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle or a combination of these vehicles. For purposes of this sub-subdivision, (i) the term "performance of duty" includes any official business of a fire department, rescue squad, or EMS that requires use of the vehicle and (ii) the term "official business" includes training and the performance of maintenance.
- c. A combination of noncommercial motor vehicles that have a GVWR of more than 10,000 pounds but less than 26,001 pounds. This sub-subdivision does not apply to a Class C license holder less than 18 years of age."

SECTION 6.(b) G.S. 20-37.16(e) reads as rewritten:

"(e) The requirements for a commercial drivers license do not apply to vehicles used for personal use such as recreational vehicles. A commercial drivers license is also waived for the following classes of vehicles as permitted by regulation of the United States Department of Transportation:

...

(2) Any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or ~~property or to execute property; executing~~ emergency governmental ~~functions; functions;~~ or other official business of a fire department, rescue squad, or emergency medical service that requires use of the vehicle. For purposes of this subdivision, the term "official business" includes training and the performance of maintenance.

...."

PART VII. HATE CRIMES AGAINST EMERGENCY PERSONNEL

SECTION 7.(a) Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-401.14A. Hate crime against emergency personnel.

(a) The following definitions apply in this section:

- (1) Emergency personnel. – As defined in G.S. 14-288.9.
- (2) Serious bodily injury. – As defined in G.S. 14-32.4.

1 (b) Unless the conduct is covered by another provision of law providing greater
2 punishment, if anyone assaults another person because the person is emergency personnel and
3 inflicts serious bodily injury on the other person, the offender is guilty of a Class H felony.

4 (c) Unless the conduct is covered by another provision of law providing greater
5 punishment, if anyone assaults another person with a firearm because the person is emergency
6 personnel, the offender is guilty of a Class F felony.

7 (d) Anyone who, with the intent of harming a person who is emergency personnel, lures
8 the person to a location by falsely reporting or having another individual falsely report that
9 emergency services are needed and then assaults that person because the person is emergency
10 personnel is guilty of a Class E felony."

11 SECTION 7.(b) This section becomes effective December 1, 2017, and applies to
12 offenses committed on or after that date.

13
14 **PART VIII. CONCEALED CARRY FOR CERTAIN EMERGENCY MEDICAL**
15 **SERVICES PERSONNEL**

16 SECTION 8.(a) G.S. 14-269 reads as rewritten:

17 "§ 14-269. **Carrying concealed weapons.**

18 (a) It shall be unlawful for any person willfully and intentionally to carry concealed
19 about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic
20 knuckles, razor, shuriken, stun gun, or other deadly weapon of like kind, except when the
21 person is on the person's own premises.

22 ...
23 (b) This prohibition shall not apply to the following persons:

24 ...
25 (10) Emergency medical services personnel, as defined in G.S. 131E-155, while
26 on duty, who are deployed as part of their official duties providing tactical
27 medical assistance to law enforcement in an emergency situation, including
28 a special weapons and tactics (SWAT) operation. In order to qualify under
29 this subdivision, emergency services personnel shall have completed an
30 approved tactical medical assistance course for supporting tactical law
31 enforcement operations. An approved course shall (i) include an element on
32 firearms safety and training, (ii) include instruction in the laws of this State
33 governing the use of deadly force, and (iii) require training and qualification
34 on all weapons systems, both lethal and less than lethal, deemed necessary
35 by any law enforcement agency the emergency services personnel supports.
36 For purposes of this subdivision, an approved course shall be any course
37 which satisfies the requirements of this subdivision and is certified or
38 sponsored by one or more of the following organizations:

- 39 a. The North Carolina Criminal Justice Education and Training
40 Standards Commission.
- 41 b. The National Rifle Association.
- 42 c. A law enforcement agency, college, private or public institution or
43 organization, or firearms training school, taught by instructors
44 certified by the North Carolina Criminal Justice Education and
45 Training Standards Commission or the National Rifle Association.

46 Every instructor of an approved course shall file a copy of the course
47 description, outline, and proof of certification annually, or upon modification
48 of the course if more frequently, with the North Carolina Criminal Justice
49 Education and Training Standards Commission.

50"

1 **SECTION 8.(b)** State and local law enforcement agencies shall provide
2 paramedics rendering tactical medical assistance during a Special Weapons and Tactics
3 operation with the same protective equipment provided to other members of a Special Weapons
4 and Tactics operation.

5

6 **PART IX. EFFECTIVE DATE**

7 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
8 law.