

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 99  
Feb 14, 2017  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10046-MS-41 (02/01)

Short Title: The Antidiscrimination Act of 2017. (Public)

Sponsors: Representatives R. Moore, Alexander, and Brockman (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO (1) PROHIBIT THE USE OF DISCRIMINATORY PROFILING BY LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR DUTIES; (2) AMEND THE TYPES OF INFORMATION REQUIRED TO BE REPORTED BY CERTAIN LAW ENFORCEMENT AGENCIES CONCERNING TRAFFIC LAW ENFORCEMENT; (3) REQUIRE CERTAIN LAW ENFORCEMENT AGENCIES TO REPORT CERTAIN INFORMATION CONCERNING HOMICIDES; AND (4) REQUIRE LAW ENFORCEMENT OFFICERS TO RECEIVE ANNUAL EDUCATION AND TRAINING CONCERNING DISCRIMINATORY PROFILING.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new Article to read:

"Article 18.

"Discriminatory Profiling.

**"§ 15A-306. Prohibition on discriminatory profiling.**

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

(1) Discriminatory profiling. – The practice of subjecting a person to investigation, detention, or arrest based on the person's real or perceived race, ethnicity, national origin, disability, religion, sexual orientation, or gender identity, rather than on the person's behavior or on information identifying the person as having engaged in criminal activity.

(2) Law enforcement officer. – Any employee of the following agencies who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State and who possesses the power of arrest by virtue of an oath administered under the authority of the State:

a. Any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State.

b. Any company police agency certified by the Attorney General pursuant to Chapter 74E of the General Statutes.

c. Any campus police agency certified by the Attorney General pursuant to Chapter 74G of the General Statutes.

d. Any special police agency created by the State.

(b) Prohibition. – No law enforcement officer shall engage in discriminatory profiling in the performance of the officer's duties."

**SECTION 2.** G.S. 143B-903(a) reads as rewritten:



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1       "(a) In addition to its other duties, the Department of Public Safety shall collect, correlate,  
2 and maintain the following information regarding traffic law enforcement by law enforcement  
3 officers:

4       ...

5       (3) The alleged traffic violation that led to the stop.

6       (3a) Whether the officers making the stop attempted to determine the immigration  
7 status of the driver, passenger, or passengers.

8       (4) Whether a search was instituted as a result of the stop.

9       ...."

10       **SECTION 3.** Article 13 of Chapter 143B of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 143B-904.1. Collection of homicide statistics.**

13       (a) Definition. – The term "law enforcement agency" means any duly accredited State or  
14 local government agency possessing authority to enforce the criminal laws of the State.

15       (b) Additional Duties. – In addition to its other duties, the Department of Public Safety  
16 shall collect, correlate, and maintain the following information regarding homicides committed in  
17 the State:

18       (1) The number of homicides committed.

19       (2) The geographic location where the homicide was committed.

20       (3) Identifying characteristics of offenders and victims, including the race or  
21 ethnicity, approximate age, gender identity, and sex.

22       (4) The number of homicide cases solved and the number of homicide cases that  
23 remain unsolved.

24       (5) For homicide cases that were solved, the time required to solve the case,  
25 including the date the investigation began and the date the case was considered  
26 solved by the law enforcement agency.

27       (c) Reporting Requirement. – Law enforcement agencies shall submit the information  
28 required under subsection (b) of this section to the Department within 60 days of the close of each  
29 month. Any law enforcement agency that does not submit the information as required by this  
30 subsection shall be ineligible to receive any law enforcement grants available by or through the  
31 State until the information that is reasonably available is submitted.

32       (d) List. – The Department shall publish and distribute by December 1 of each year a list  
33 indicating the law enforcement agencies that will be subject to the provisions of this section during  
34 the calendar year commencing on the following January 1.

35       (e) Availability to Public. – The Department shall make any report or summary analyzing  
36 the information required in subsection (b) of this section available to the public, including posting  
37 the report or summary on the Web site maintained by the Department."

38       **SECTION 4.** G.S. 143B-904(a) reads as rewritten:

39       "(a) In addition to its other duties, the Department of Public Safety shall collect, maintain,  
40 and annually publish the ~~number of~~ following information regarding deaths, by law enforcement  
41 agency, resulting from the use of deadly force by law enforcement officers in the course and scope  
42 of their official ~~duties.~~ duties:

43       (1) The number of deaths, including any homicides that were justified or excused.

44       (2) The geographic location where the death occurred.

45       (3) Identifying characteristics of the law enforcement officers and the victims,  
46 including the race or ethnicity, approximate age, gender identity, and sex."

47       **SECTION 5.** G.S. 17C-2 reads as rewritten:

48 **"§ 17C-2. Definitions.**

49 Unless the context clearly otherwise requires, the following definitions apply in this Chapter:

50       ...

(3) Criminal justice officers. – The administrative and subordinate personnel of all the departments, agencies, units or entities comprising the criminal justice agencies who are sworn law-enforcement officers, both State and local, with the power of arrest; State correctional officers; State probation/parole officers; State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors.

(4) Discriminatory profiling. – As defined in G.S. 15A-306.

~~(4)~~(5) Entry level. – The initial appointment or employment of any person by a criminal justice agency, or any appointment or employment of a person previously employed by a criminal justice agency who has not been employed by a criminal justice agency for the 12-month period preceding this appointment or employment, or any appointment or employment of a previously certified criminal justice officer to a position which requires a different type of certification."

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

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

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

- a. ~~education~~Education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions.
- b. Education and training concerning the prohibition against discriminatory profiling.
- c. Education and training concerning the proper techniques for recording and storing information, and completing reports, for the purpose of ensuring the accuracy and completeness of data required to be collected under G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.

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

- a. ~~training~~Training in response to, and investigation of, domestic violence cases, as well as training investigation for evidence-based prosecutions.
- b. Training concerning the prohibition against discriminatory profiling.
- c. Training concerning the proper techniques for recording and storing information, and completing reports, for the purpose of ensuring the accuracy and completeness of data required to be collected under G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.

...."

**SECTION 7.** G.S. 17E-2 reads as rewritten:

**"§ 17E-2. Definitions.**

Unless the context clearly requires otherwise, the following definitions apply to this Chapter:

(1) ~~"Commission"~~ means the Commission. – The North Carolina Sheriffs' Education and Training Standards Commission.

- 1 (2) "~~Office~~" or "~~department~~" means the Department or Office. – The sheriff of a  
 2 county, his deputies, his employees and such equipment, space, provisions and  
 3 quarters as are supplied for their use.
- 4 (2a) Discriminatory profiling. – As defined in G.S. 15A-306.
- 5 (3) "~~Justice officer~~" means: Justice officer. – Means any of the following:
- 6 a. A person who, through the special trust and confidence of the sheriff,  
 7 has taken the oath of office prescribed by Chapter 11 of the General  
 8 Statutes as a peace officer in the office of the sheriff. This term includes  
 9 "deputy sheriffs", "reserve deputy sheriffs", and "special deputy  
 10 sheriffs", but does not include clerical and support personnel not  
 11 required to take an oath. The term "special deputy" means a person who,  
 12 through appointment by the sheriff, becomes an unpaid criminal justice  
 13 officer to perform a specific act directed by the ~~sheriff;~~ or sheriff.
- 14 b. A person who, through the special trust and confidence of the sheriff,  
 15 has been appointed as a detention officer by the ~~sheriff;~~ or sheriff.
- 16 c. A person who is either the administrator or other custodial personnel of  
 17 district confinement facilities as defined in G.S. 153A-219; however,  
 18 nothing in this Chapter transfers any supervisory or administrative  
 19 control over employees of district confinement facilities to the office of  
 20 the ~~sheriff;~~ or sheriff.
- 21 d. A person who, through the special trust and confidence of the sheriff, is  
 22 under the direct supervision and control of the sheriff and serves as a  
 23 telecommunicator, or who is presented to the Commission for  
 24 appointment as a telecommunicator by an employing entity other than  
 25 the sheriff for the purpose of obtaining certification from the  
 26 Commission as a telecommunicator."

27 **SECTION 8.** G.S. 17E-4 reads as rewritten:

28 "**§ 17E-4. Powers and duties of the Commission.**

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

- 32 (1) Promulgate rules and regulations for the administration of this Chapter, which  
 33 rules may require (i) the submission by any agency of information with respect  
 34 to the employment, education, and training of its justice officers, and (ii) the  
 35 submission by any training school of information with respect to its programs  
 36 that are required by this ~~Chapter;~~ Chapter.
- 37 (2) Establish minimum educational and training standards that may be met in order  
 38 to qualify for entry level employment as an officer in temporary or probationary  
 39 status or in a permanent position. The standards for entry level employment of  
 40 officers shall include all of the following:
- 41 a. ~~training~~ Training in response to, and investigation of, domestic violence  
 42 cases, as well as training in investigation for evidence-based  
 43 prosecutions. For purposes of the domestic violence training  
 44 requirement, the term "officers" shall include justice officers as defined  
 45 in G.S. 17E-2(3)a., except that the term shall not include "special deputy  
 46 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~ G.S. 17E-2(3)a.
- 47 b. Training concerning the prohibition against discriminatory profiling.
- 48 c. Training concerning the proper techniques for recording and storing  
 49 information, and completing reports, for the purpose of ensuring the  
 50 accuracy and completeness of data required to be collected under  
 51 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.

- 1 (3) Certify, pursuant to the standards that it may establish for the purpose, persons  
2 as qualified under the provisions of this Chapter who may be employed at entry  
3 level as ~~officers;~~officers.
- 4 (4) Establish minimum standards for the certification of training schools and  
5 programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
- 6 (5) Certify, pursuant to the standards that it has established for the purpose, training  
7 schools and programs or courses of instruction that are required by this  
8 ~~Chapter;~~Chapter.
- 9 (6) Establish standards and levels of education or equivalent experience for  
10 teachers who participate in programs or courses of instruction that are required  
11 by this ~~Chapter;~~Chapter.
- 12 (7) Certify, pursuant to the standards that it has established for the purpose,  
13 teachers who participate in programs or courses of instruction that are required  
14 by this ~~Chapter;~~Chapter.
- 15 (8) Investigate and make such evaluations as may be necessary to determine if  
16 agencies are complying with the provision of this ~~Chapter;~~Chapter.
- 17 (9) Adopt and amend bylaws, consistent with law, for its internal management and  
18 ~~control;~~control.
- 19 (10) Enter into contracts incident to the administration of its authority pursuant to  
20 this ~~Chapter;~~Chapter.
- 21 (11) Establish minimum standards for in-service training for justice officers.  
22 In-service training standards shall include the following:
- 23 a. ~~training~~Training in response to, and investigation of, domestic violence  
24 cases, as well as training in investigation for evidence-based  
25 prosecutions. For purposes of the domestic violence training  
26 requirement, the term "justice officer" shall include those defined in  
27 G.S. 17E-2(3)a., except that the term shall not include "special deputy  
28 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
- 29 b. Training concerning the prohibition against discriminatory profiling.
- 30 c. Training concerning the proper techniques for recording and storing  
31 information, and completing reports, for the purpose of ensuring the  
32 accuracy and completeness of data required to be collected under  
33 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.
- 34 (12) Establish minimum standards and levels of training for certification of  
35 instructors for the domestic violence training required by subdivisions (2) and  
36 (11) of this subsection.

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

43 (b) The Commission shall have the following powers, which shall be advisory in nature  
44 and for which the Commission is not authorized to undertake any enforcement actions:

- 45 (1) Certify, pursuant to the standards that it has established for the purpose, justice  
46 officers for those law-enforcement agencies that elect to comply with the  
47 minimum education, training, and experience standards established by the  
48 Commission for positions for which advanced or specialized training,  
49 education, and experience are ~~appropriate;~~appropriate.
- 50 (2) Consult and cooperate with counties, agencies of this State, other governmental  
51 agencies, and with universities, colleges, junior colleges, and other institutions,

- 1 public or private, concerning the development of training schools and programs  
2 or courses of ~~instruction;~~instruction.
- 3 (3) Study and make reports and recommendations concerning justice education and  
4 training in North ~~Carolina;~~Carolina.
- 5 (4) Conduct and stimulate research by public and private agencies which shall be  
6 designed to improve education and training in the administration of  
7 ~~justice;~~justice.
- 8 (5) Study, obtain data, statistics, and information and make reports concerning the  
9 recruitment, selection, education and training of persons serving justice  
10 agencies in this State; to make recommendations for improvement in methods  
11 of recruitment, selection, education and training of persons serving sheriffs'  
12 ~~departments;~~departments.
- 13 (6) Study and make reports and recommendations to the Governor, Attorney  
14 General, Chief Justice, President of the Senate and Speaker of the House,  
15 concerning the manpower, salary and equipment needs of the sheriffs of the  
16 ~~State;~~State.
- 17 (7) Make recommendations concerning any matters within its purview pursuant to  
18 this ~~Chapter;~~Chapter.
- 19 (8) Appoint such advisory committees as it may deem ~~necessary;~~necessary.
- 20 (9) Do such things as may be necessary and incidental to the administration of its  
21 authority pursuant to this ~~Chapter;~~Chapter.
- 22 (10) Formulate basic plans for and promote the development and improvement of a  
23 comprehensive system of education and training for the officers and employees  
24 of agencies consistent with its rules and ~~regulations;~~regulations.
- 25 (11) Maintain liaison among municipal, State and federal agencies with respect to  
26 education and ~~training;~~training.
- 27 (12) Promote the planning and development of a systematic career development  
28 program for sheriffs' department personnel."

29 **SECTION 9.** Section 1 of this act is effective when this act becomes law. The  
30 remainder of this act becomes effective December 1, 2017, and applies to any misconduct  
31 committed on or after that date.