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HOUSE BILL DRH30083-MT-15 (01/13)

Short Title: First Responders Act of 2017. (Public)

Sponsors: Representatives Warren, Clampitt, Ford, and Potts (Primary Sponsors).

Referred to:

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:

5
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 is
9 an eligible firefighter or an eligible rescue squad worker may deduct from adjusted gross income
10 the sum of two hundred fifty dollars (\$250.00). In the case of a married couple filing a joint return,
11 each spouse may qualify separately for the deduction allowed under this subsection. In order to
12 claim the deduction allowed under this subsection, the taxpayer must submit with the tax return
13 any documentation required by the Secretary. An individual may not claim a deduction as both an
14 eligible firefighter and as an eligible rescue squad worker in a single taxable year. The following
15 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 OF**
26 **QUALIFYING EMERGENCY PERSONNEL**

27 **SECTION 2.(a)** Article 12 of Subchapter II of Chapter 105 of the General Statutes is
28 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 is
31 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 residence is
33 excluded from taxation. A qualifying owner who receives an exclusion under this section may not
34 receive other property tax relief.

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



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

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

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

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

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

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

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

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

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

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

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

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

51 ...

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

...."

SECTION 2.(c) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2017.

PART III. ALLOW COMPANY POLICE OFFICERS AND HOSPITAL SECURITY TO TAKE PERSONS INTO CUSTODY FOR EXAMINATION BY PHYSICIAN OR ELIGIBLE PSYCHOLOGIST

SECTION 3. The title of Part 7 of Article 5 of Chapter 122C of the General Statutes and G.S. 122C-261 read as rewritten:

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

"§ 122C-261. Affidavit and petition before clerk or magistrate when immediate hospitalization is not necessary; custody order.

(a) Anyone who has knowledge of an individual who ~~is mentally ill~~has a mental illness and is either (i) dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as defined in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, may appear before a clerk or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect, and petition the clerk or magistrate for issuance of an order to take the respondent into custody for examination by a physician or eligible psychologist. The affidavit shall include the facts on which the affiant's opinion is based. If the affiant has knowledge or reasonably believes that the respondent, in addition to ~~being mentally ill, having a mental illness, is also mentally retarded,~~has an intellectual disability, this fact shall be stated in the affidavit. Jurisdiction under this subsection is in the clerk or magistrate in the county where the respondent resides or is found.

(b) If the clerk or magistrate finds reasonable grounds to believe that the facts alleged in the affidavit are true and that the respondent ~~is probably mentally ill~~has a mental illness and is either (i) dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as defined in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, the clerk or magistrate shall issue an order to take the respondent into custody for examination by a physician or eligible psychologist. The order shall be issued to any of the following persons:

- (1) A law enforcement officer-officer.

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

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

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

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

24 ...
 25 (f) When a petition is filed for an individual who is a resident of a single portal area, the
 26 procedures for examination by a physician or eligible psychologist as set forth in G.S. 122C-263
 27 shall be carried out in accordance with the area plan. Prior to issuance of a custody order for a
 28 respondent who resides in an area authority with a single portal plan, the clerk or magistrate shall
 29 communicate with the area authority to determine the appropriate 24-hour facility to which the
 30 respondent should be admitted according to the area plan or to determine if there are more
 31 appropriate resources available through the area authority to assist the petitioner or the respondent.
 32 When an individual from a single portal area is presented for commitment at a 24-hour area or
 33 State facility directly, the individual may not be accepted for admission until the facility notifies
 34 the area authority and the area authority agrees to the admission. If the area authority does not
 35 agree to the admission, it shall determine the appropriate 24-hour facility to which the individual
 36 should be admitted according to the area plan or determine if there are more appropriate resources
 37 available through the area authority to assist the individual. If the area authority agrees to the
 38 admission, further planning of treatment for the client is the joint responsibility of the area
 39 authority and the facility as prescribed in the 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 the
 46 community and to other patients committed to non-State hospital psychiatric
 47 inpatient units, as determined by the Director of the Division of Mental Health,
 48 Developmental Disabilities, and Substance Abuse Services or his designee; and
- 49 (4) Respondents who are so gravely disabled by both multiple disorders and
 50 medical fragility or multiple disorders and deafness that alternative care is

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

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

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

10 11 **PART IV. INTERSTATE ACCESS STUDY**

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

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

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

43 44 **PART V. LOCAL FIREFIGHTER RELIEF FUND ELIGIBILITY**

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

46 "**§ 58-84-35. Disbursement of funds by trustees.**

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

- 49 ...
- 50 (2a) To provide assistance, upon approval by the Executive Director of the North
51 Carolina State Firefighters' Association, to a destitute member firefighter who

1 has served or is serving honorably ~~for at least five years~~ with a certified fire
 2 department. The determination of destitute shall be based on the inability of the
 3 firefighters, through no fault of their own, to provide basic provisions to
 4 themselves or their families. Such basic provisions include, but are not limited
 5 to, assistance with housing, vehicle or commuting expenses, food, clothing,
 6 utilities, medical care, and funeral expenses.

7"

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

10 **PART VI. CDL/CLARIFY EXEMPTION FOR EMERGENCY VEHICLES**

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

- 12 "(3) Class C. – A Class C license authorizes the holder to drive any of the following:
- 13 a. A Class C motor vehicle that is not a commercial motor vehicle.
- 14 b. When operated by a volunteer member of a fire department, a rescue
 15 squad, or an emergency medical service (EMS) in the performance of
 16 duty, a Class A or Class B fire-fighting, rescue, or EMS motor vehicle
 17 or a combination of these vehicles. For purposes of this sub-subdivision,
 18 the term "performance of duty" includes any official business of a fire
 19 department, rescue squad, or EMS, that requires use of the vehicle.
- 20 c. A combination of noncommercial motor vehicles that have a GVWR of
 21 more than 10,000 pounds but less than 26,001 pounds. This
 22 sub-subdivision does not apply to a Class C license holder less than 18
 23 years of age."
 24

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

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

30 ...

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

37"

38 **PART VII. HATE CRIMES AGAINST EMERGENCY PERSONNEL**

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

41 **"§ 14-401.14A. Hate crime against emergency personnel.**

42 (a) The following definitions apply in this section:

43 (1) Emergency personnel. – As defined in G.S. 14-288.9.

44 (2) Serious bodily injury. – As defined in G.S. 14-32.4.

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

48 (c) Unless the conduct is covered by another provision of law providing greater
 49 punishment, if anyone assaults another person with a firearm because the person is emergency
 50 personnel, the offender is guilty of a Class F felony.
 51

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

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

7
8 **PART VIII. CONCEALED CARRY FOR CERTAIN EMERGENCY MEDICAL**
9 **SERVICES PERSONNEL**

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

11 "§ 14-269. **Carrying concealed weapons.**

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

16 ...

17 (b) This prohibition shall not apply to the following persons:

18 ...

19 (10) Emergency medical services personnel, as defined in G.S. 131E-155, who are
20 deployed providing tactical medical assistance to law enforcement in an
21 emergency situation, including a Special Weapons And Tactics (SWAT)
22 operation, as a part of their official duties. In order to qualify under this
23 subdivision, emergency services personnel shall have completed an approved
24 tactical medical assistance course for supporting tactical law enforcement
25 operations that includes an element on firearms safety and training and involves
26 the actual firing of handguns and instruction in the laws of this State governing
27 the use of deadly force. For purposes of this subdivision, an approved course
28 shall be any course which satisfies the requirements of this subdivision and is
29 certified or sponsored by one or more of the following organizations:

30 a. The North Carolina Criminal Justice Education and Training Standards
31 Commission.

32 b. The National Rifle Association.

33 c. A law enforcement agency, college, private or public institution or
34 organization, or firearms training school, taught by instructors certified
35 by the North Carolina Criminal Justice Education and Training
36 Standards Commission or the National Rifle Association.

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

41"

42 SECTION 8.(b) State and local law enforcement agencies shall provide paramedics
43 rendering tactical medical assistance during a Special Weapons and Tactics operation with the
44 same protective equipment provided to other members of a Special Weapons and Tactics
45 operation.

46
47 **PART IX. EFFECTIVE DATE**

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