

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50115-MLa-204A*

Short Title: Safer Schools, Healthier Kids Act.

(Public)

Sponsors: Representatives G. Martin and Morey (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR OTHERS; TO REQUIRE A PERMIT FOR THE PURCHASE OF AN ASSAULT WEAPON OR LONG GUN; TO PROHIBIT THE SALE OF AN ASSAULT WEAPON OR LONG GUN TO A PERSON UNDER A CERTAIN AGE; TO PROHIBIT THE SALE OR POSSESSION OF BUMP STOCKS, TRIGGER CRANKS, AND OTHER SIMILAR DEVICES OR INSTRUMENTS; TO APPROPRIATE FUNDS TO EXPAND THE USE OF THE ANONYMOUS TIP LINE MAINTAINED BY THE CENTER FOR SAFER SCHOOLS; AND TO APPROPRIATE FUNDS FOR PUBLIC SAFETY IMPROVEMENTS, ADDITIONAL INSTRUCTIONAL SUPPORT PERSONNEL, AND ADDITIONAL SCHOOL RESOURCE OFFICERS.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1. This act shall be known as "The Safer Schools, Healthier Kids Act."

PART II. AUTHORIZE ISSUANCE OF EXTREME RISK PROTECTION ORDERS

SECTION 2.(a) The General Statutes are amended by adding a new Chapter to read:

"Chapter 50E.

"Extreme Risk Protection Orders.

"§ 50E-1. Title of Chapter.

This Chapter may be cited as the "Extreme Risk Protection Orders Act."

"§ 50E-2. Legislative findings and purpose.

(a) Legislative Findings. – The General Assembly finds all of the following:

(1) Every year, over 100,000 people are victims of gunshot wounds and more than 30,000 of those victims lose their lives.

(2) Individuals who pose a danger to themselves or others often exhibit signs that alert family, household members, or law enforcement to the threat. Many mass shooters displayed warning signs prior to the killings, but federal and State laws provided no clear legal process to suspend the shooters' access to guns, even temporarily.

(b) Purpose. – The purpose of this Chapter is to reduce gun deaths and injuries, while respecting constitutional rights, by providing a court procedure for concerned citizens and law enforcement to obtain an order temporarily restricting a person's access to firearms. The court



orders authorized under this Chapter are intended to be limited to situations in which the person poses a significant danger of harming themselves or others by possessing a firearm and include standards and safeguards to protect the rights of respondents and due process of law.

§ 50E-3. Definitions.

The following definitions apply in this Chapter:

- (1) Extreme Risk Protection Order or ERPO. – An order granted under this Chapter, which includes a remedy authorized under G.S. 50E-6.
- (2) Family or household member. – Any of the following:
 - a. A person related by blood, marriage, or adoption to the respondent.
 - b. A dating partner of the respondent.
 - c. A person who has a child in common with the respondent, regardless of whether the person has been married to the respondent or has lived together with the respondent at any time.
 - d. A domestic partner of the respondent.
 - e. A person who has a biological or legal parent-child relationship with the respondent, including stepparents, stepchildren, grandparents, and grandchildren.
 - f. A person who is acting or has acted as the respondent's legal guardian.
- (3) Firearm. – Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver.
- (4) Petitioner. – The person who petitions for an ERPO under this Chapter.
- (5) Respondent. – The person who is identified as the respondent in a petition filed under this Chapter.

§ 50E-4. Commencement of action.

(a) Petition. – Either of the following may file a verified petition in district court for an Extreme Risk Protection Order:

- (1) A family or household member.
- (2) A law enforcement officer or agency.

(b) Filing Location. – A petition for an ERPO under this Chapter may be filed in any county permitted under G.S. 1-82.

(c) Required Information in Petition. – A petition for an ERPO under this Chapter shall include all of the following:

- (1) An allegation that the respondent poses a danger of physical harm to self or others by having in his or her care, custody, possession, ownership, or control a firearm. If the petitioner is seeking an ex parte ERPO, the petition shall include an allegation that the respondent poses an imminent danger of physical harm to self or others by having in his or her care, custody, possession, ownership, or control a firearm. The allegation required under this subdivision shall include facts to support the allegation.
- (2) An identification, to the best of the petitioner's knowledge, of the number, types, and locations of firearms under the respondent's custody or control.
- (3) An identification of any existing protection order under State law governing the respondent.
- (4) An identification of any pending lawsuits, complaints, petitions, or other actions between the petitioner and the respondent.

(d) Verification of Terms of Existing Orders. – The clerk of court shall verify the terms of any existing protection orders governing the petitioner and respondent. The court shall not delay granting relief because of the existence of a pending action between the petitioner and respondent or the necessity of verifying the terms of an existing protection order. A petition for

1 an ERPO under this Chapter may be granted whether or not there is a pending action between
2 the petitioner and respondent.

3 (e) Nondisclosure of Address. – A petitioner with a current and valid Address
4 Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of
5 the General Statutes may use the substitute address designated by the Address Confidentiality
6 Program when filing with the court any document required under this Chapter.

7 (f) Court Costs and Attorneys' Fees. – No court costs or attorneys' fees shall be assessed
8 for the filing or service of the petition or the service of any ERPOs, except as provided in
9 G.S. 1A-1, Rule 11.

10 (g) Electronic Filing. – All documents filed, issued, registered, or served in an action
11 under this Chapter relating to an ERPO may be filed electronically.

12 **"§ 50E-5. Process.**

13 (a) Summons Required. – Except as otherwise provided in G.S. 50E-7, a petition for an
14 ERPO requires that a summons be issued and served not later than five days prior to the date set
15 for the full ERPO hearing. Attachments to the summons shall include the petition for any ERPO,
16 any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a
17 description of what an ERPO is.

18 (b) Service of the Summons and Attachments. – The clerk of court shall effect service of
19 the summons and any attachments through the appropriate law enforcement agency where the
20 respondent is to be served.

21 **"§ 50E-6. ERPO requirements; remedy; mental health or chemical dependency evaluation.**

22 (a) Required Information in ERPO. – An ERPO issued under this Chapter shall include
23 all of the following:

24 (1) A statement of the grounds supporting issuance of the ERPO.

25 (2) The date and time the ERPO was issued.

26 (3) The date and time the ERPO expires.

27 (4) Whether a mental health evaluation or chemical dependency evaluation of the
28 respondent is required.

29 (5) The address of the court in which any responsive pleading may be filed.

30 (6) A description of the requirements for relinquishment and retrieval of any
31 firearms, ammunition, permits to purchase firearms, and permits to carry
32 concealed firearms that are in the care, custody, ownership, or control of the
33 respondent.

34 (7) A description of the process for seeking termination of the ERPO.

35 (8) A statement that a violation of the ERPO is punishable as a Class A1
36 misdemeanor.

37 (b) Remedy Granted. – Upon issuance of an ERPO, including an ex parte ERPO, the
38 court shall order the respondent to surrender to the sheriff all firearms, ammunition, permits to
39 purchase firearms, and permits to carry concealed firearms that are in the care, custody,
40 possession, ownership, or control of the respondent.

41 (c) Mental Health or Chemical Dependency Evaluation. – During a hearing for issuance
42 of an ERPO, the court shall consider whether a mental health evaluation or chemical dependency
43 evaluation of the respondent is appropriate and may order the respondent to undergo evaluation
44 if appropriate.

45 **"§ 50E-7. Hearing and issuance of an ex parte Extreme Risk Protection Order.**

46 (a) Hearing. – Upon receipt of a petition for an ex parte ERPO, the court shall hold a
47 hearing in person on the day the petition is filed or the judicial day immediately following the
48 day the petition is filed.

49 (b) Order. – If the court finds by clear, cogent, and convincing evidence that the
50 respondent poses an imminent danger of causing physical injury to self or others by having in his

1 or her custody a firearm, a judge or magistrate of district court may issue an ex parte ERPO
2 before a hearing for a full ERPO and without evidence of service of process or notice.

3 (c) Requirements. – An ex parte ERPO granted without notice shall meet all of the
4 following requirements:

5 (1) The ERPO shall be endorsed with the date and hour of issuance.

6 (2) The ERPO shall be filed immediately in the clerk's office and entered of
7 record.

8 (3) The ERPO shall include a statement detailing why the ERPO was granted
9 without notice.

10 (4) The ERPO shall include the applicable information required under
11 G.S. 50E-6(a).

12 (5) The ERPO shall expire by its terms within a specified amount of time after
13 entry, not to exceed the limits set forth in G.S. 50E-10(a).

14 (6) The ERPO shall give notice of the date of hearing on the ex parte ERPO.

15 (d) Appearance by Respondent. – If the respondent appears in court for a hearing on an
16 ex parte ERPO, the respondent may elect to file a general appearance and testify. Any resulting
17 ERPO may be an ex parte ERPO governed by this section. Notwithstanding the requirements of
18 this section, if all requirements of G.S. 50E-8 have been met, the court may issue a full ERPO.

19 (e) Court Out of Session. – When the court is not in session, the petitioner may file for
20 an ex parte ERPO before any judge or magistrate designated to grant relief under this Article. If
21 the judge or magistrate finds that the requirements of subsection (a) of this section have been
22 met, the judge or magistrate may issue an ex parte ERPO. The chief district court judge may
23 designate for each county at least one judge or magistrate to be reasonably available to issue ex
24 parte ERPOs when the court is not in session.

25 (f) Video Conference. – Hearings held to consider ex parte relief pursuant to subsection
26 (a) of this section may be held via video conference.

27 **"§ 50E-8. Hearing and issuance of a full Extreme Risk Protection Order.**

28 (a) Hearing. – A court shall hold a hearing on a petition for a full ERPO no later than 10
29 days from either of the following dates:

30 (1) If an ex parte ERPO has been issued, the date the ex parte ERPO was issued.

31 (2) If subdivision (1) of this subsection does not apply, the date the petition for a
32 full ERPO was filed with the court.

33 A continuance shall be limited to one extension of no more than 10 days unless all parties
34 consent or good cause is shown.

35 (b) Order. – A court may issue a full ERPO if all of the following requirements are met:

36 (1) The court finds by a preponderance of the evidence that the respondent poses
37 a danger of causing physical injury to self or others by having in his or her
38 custody a firearm.

39 (2) Process was served on the respondent in accordance with the requirements of
40 this Article.

41 (3) Notice of hearing was given to the respondent in accordance with the
42 requirements of this Article.

43 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

44 (a) Surrender of Firearms. – Upon service of an ERPO, the respondent shall immediately
45 surrender to the sheriff possession of all firearms, ammunition, permits to purchase firearms, and
46 permits to carry concealed firearms that are in the care, custody, possession, ownership, or control
47 of the respondent. In the event that weapons cannot be surrendered at the time the ERPO is
48 served, the respondent shall surrender the firearms, ammunitions, and permits to the sheriff
49 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the
50 firearms or contract with a licensed firearms dealer to provide storage.

1 **(b) Failure to Surrender.** – Upon the sworn statement of the petitioner or the sheriff
2 alleging that the respondent has failed to comply with the surrender of firearms required under
3 subsection (a) of this section, the court shall determine whether probable cause exists to believe
4 that the respondent has failed to surrender all firearms in his or her care, custody, possession,
5 ownership, or control. If probable cause exists, the court shall issue a warrant describing the
6 firearms and authorizing (i) a search of the locations where the firearms are reasonably believed
7 and (ii) seizure of any firearms discovered pursuant to the search.

8 **(c) Receipt.** – At the time of surrender or seizure, the sheriff taking possession of a
9 firearm shall issue a receipt identifying all firearms that have been surrendered or seized and shall
10 provide a copy of the receipt to the respondent. Within 48 hours after issuing the receipt, the
11 officer shall file the original receipt with the court and shall also retain a copy for the sheriff's
12 records.

13 **(d) Fee.** – The sheriff may charge the respondent a reasonable fee for the storage of any
14 firearms and ammunition taken pursuant to an ERPO. The fees are payable to the sheriff. The
15 sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be
16 used by the sheriff to pay the costs of administering this section and for other law enforcement
17 purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall
18 not release firearms, ammunition, or permits without a court order granting the release. The
19 respondent shall remit all fees owed prior to the authorized return of any firearms, ammunition,
20 or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or
21 deterioration due to storage or transportation of any firearms or ammunition held pursuant to this
22 section.

23 **(e) Retrieval.** – If the court does not enter a full ERPO when the ex parte ERPO expires,
24 the respondent may retrieve any weapons surrendered to the sheriff unless the court finds that the
25 respondent is otherwise precluded from owning or possessing a firearm pursuant to State or
26 federal law.

27 **(f) Motion for Return.** – The respondent may request the return of any firearms,
28 ammunition, or permits surrendered by filing a motion with the court no later than 90 days after
29 the expiration of the ERPO. Unless the court finds that the respondent is otherwise precluded
30 from owning or possessing a firearm pursuant to State or federal law, all firearms, ammunition,
31 and permits surrendered by the respondent shall be returned within 30 days of the date the motion
32 was received by the court.

33 **(g) Motion for Return by Third Party.** – A third-party owner of firearms or ammunition
34 who is otherwise eligible to possess the items may file a motion requesting the return to the third
35 party of any of the items in the possession of the sheriff surrendered or seized as a result of the
36 entry of an ERPO. The motion must be filed not later than 30 days after the surrender or seizure
37 of the items by the sheriff. The third-party owner shall also (i) provide proof of ownership of the
38 firearms or ammunition and (ii) certify that the third-party owner shall not allow the respondent
39 to have access to the firearms or ammunition. Upon receipt of the third party's motion, the court
40 shall schedule a hearing and provide written notice to all parties and the sheriff. The court shall
41 order return of the items to the third party unless the third-party owner fails to provide proof of
42 ownership or certification as required under this subsection, or the court determines that the third
43 party is disqualified from owning or possessing the items pursuant to State or federal law. If the
44 court orders the return of the items to the third party, the third party is not required to pay any
45 fees imposed under subsection (d) of this section. If the court denies the return of the items to the
46 third party, the items shall be disposed of by the sheriff as provided in subsection (h) of this
47 section.

48 **(h) Disposal of Firearms.** – If the respondent or a third-party owner does not file a motion
49 within the applicable time period prescribed by this section requesting the return of any
50 surrendered firearms, ammunition, or permits, if the court determines that the respondent or
51 third-party owner is precluded from regaining possession of any surrendered firearms,

1 ammunition, or permits, or if the respondent fails to remit all fees owed for the storage of the
2 firearms or ammunition within 30 days of the entry of the order granting the return of the
3 firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or
4 permits shall give notice to the respondent and the sheriff shall apply to the court for an order of
5 disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the
6 sheriff in possession, or the sheriff's duly authorized agent, to destroy the firearms, ammunition,
7 and permits, or to dispose of the firearms, ammunition, and permits in one or more of the ways
8 authorized by law, including subdivision (4b), (5), or (6) of G.S. 14-269.1. The sheriff shall
9 maintain a record of any firearms, ammunition, and permits destroyed in accordance with this
10 subsection. If a sale by the sheriff does occur, any proceeds from the sale after deducting any
11 costs associated with the storage and sale, and, in accordance with all applicable State and federal
12 law, shall be provided to the respondent if requested by the respondent by motion made before
13 the hearing or at the hearing and if ordered by the judge.

14 **"§ 50E-10. Duration; renewal of ERPOs.**

15 (a) Duration of Ex Parte ERPO. – Except as otherwise provided in this subsection, an ex
16 parte ERPO shall be effective until the date a hearing is held under G.S. 50E-8. If a hearing is
17 not held or a continuance was not granted, an ex parte ERPO shall be effective for not more than
18 10 days from the date the ex parte ERPO was issued.

19 (b) Duration of Full ERPO. – A full ERPO shall be effective for a fixed period of time
20 not to exceed one year.

21 (c) Renewal. – Any ERPO may be renewed one or more times, as required, provided that
22 the requirements of G.S. 50E-7 or G.S. 50E-8 as appropriate are satisfied. The court may renew
23 an ERPO, including an ERPO that previously has been renewed, upon a motion by the petitioner
24 filed before the expiration of the current ERPO. Upon a motion for a renewal, the court shall hold
25 a hearing no later than 10 days after the date the motion is filed in court. The court may renew
26 an ex parte ERPO if the court finds by clear, cogent, and convincing evidence that there has been
27 no material change in relevant circumstances since entry of the ex parte ERPO. The court may
28 renew a full ERPO if the court finds by a preponderance of the evidence that there has been no
29 material change in relevant circumstances since entry of the full ERPO. The commission of an
30 act of unlawful conduct by the respondent after entry of the current ERPO is not required for an
31 ERPO to be renewed. If the motion for renewal is uncontested and the petitioner seeks no
32 modification of the ERPO, the ERPO may be renewed if the petitioner's motion or affidavit states
33 that there has been no material change in relevant circumstances since entry of the ERPO and
34 states the reason for the requested renewal. Renewals may be granted only in open court.

35 (d) Expiration Date. – An ERPO expiring on a day the court is not open for business shall
36 expire in accordance with the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1.

37 **"§ 50E-11. Termination of an Extreme Risk Protection Order.**

38 (a) Motion. – The respondent may request the termination of a full ERPO by filing a
39 motion with the court. The respondent may submit no more than one motion for termination for
40 every 12-month period the full ERPO is in effect, starting from the date of the full ERPO and
41 continuing through any renewals.

42 (b) Hearing. – Upon receipt of a request for a hearing to terminate a full ERPO, the court
43 shall set a date for a hearing. Notice of the request for a hearing shall be served on the petitioner
44 in accordance with Rule 4 of the Rules of Civil Procedure. The court shall set the date for the
45 hearing no sooner than 14 days and no later than 30 days from the date of service of the request
46 upon the petitioner.

47 (c) Burden of Proof; Termination. – The respondent shall have the burden of proving by
48 a preponderance of the evidence that the respondent does not pose a danger of causing physical
49 injury to self or others by having in his or her care, custody, possession, ownership, or control a
50 firearm. If the court finds after the hearing that the respondent has met his or her burden, the
51 court shall terminate the full ERPO.

"§ 50E-12. Notice.

(a) Notice Law Enforcement; Entry into National Database. – The clerk of court shall deliver on the same day that an ERPO is issued, a certified copy of that ERPO to the sheriff of the county in which the ERPO is issued. Any order extending, modifying, or revoking an ERPO shall be promptly delivered to the sheriff by the clerk and served in a manner provided for service of process in accordance with the provisions of this section. The sheriff shall provide for prompt entry of the ERPO into the National Crime Information Center registry and shall provide for access of such orders to the courts on a 24-hour-a-day basis. Modifications, terminations, renewals, and dismissals of the ERPO shall also be promptly entered. A copy of the ERPO shall be issued promptly to and retained by the police department of the municipality of the petitioner's residence. If the petitioner's residence is not located in a municipality or in a municipality with no police department, copies shall be issued promptly to and retained by the sheriff of the county in which the petitioner's residence is located.

(b) Notice to Respondent. – If the respondent was not present in court when the ERPO was issued, the respondent may be served in the manner provided for service of process in civil proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure. If the summons has not yet been served upon the respondent, it shall be served with the ERPO. Law enforcement agencies shall accept receipt of copies of the ERPO issued by the clerk of court by electronic transmission for service on respondents.

(c) Notice to Third Parties. – If the petitioner for an ERPO is a law enforcement officer or agency, the officer or agency shall make a good-faith effort to provide notice of the petition to any known third party who may be at risk of unlawful conduct from the respondent.

"§ 50E-13. Prohibition; violation.

(a) Prohibition. – It is unlawful for any person to possess, purchase, or receive, or attempt to possess, purchase, or receive, a firearm, ammunition, or permits to purchase or carry concealed firearms, for so long as an ERPO entered against that person in accordance with this Chapter is in effect.

(b) Violation. – A person who violates subsection (a) of this section or any other term of an ERPO entered pursuant to this Chapter is guilty of a Class A1 misdemeanor.

"§ 50E-14. False statement regarding ERPO a misdemeanor.

A person who knowingly makes a false statement when petitioning for an ERPO under this Chapter, or who knowingly makes a false statement to a law enforcement agency or officer that an ERPO entered pursuant to this Chapter remains in effect, is guilty of a Class 2 misdemeanor.

"§ 50E-15. Remedies not exclusive.

The remedies provided by this Chapter are not exclusive but are additional to other remedies provided under law.

"§ 50E-16. Other authority retained.

This Chapter does not affect the ability of a law enforcement officer to remove a firearm, permit to purchase firearms, or permit to carry concealed firearms from any person, or conduct any search and seizure for firearms, pursuant to other lawful authority.

"§ 50E-17. Liability.

Except as provided in G.S. 50E-13 or G.S. 50E-14, this Chapter shall not be interpreted to impose any criminal or civil liability on any person or entity for acts or omissions related to obtaining an ERPO, including reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this Chapter."

SECTION 2.(b) Chapter 15C of the General Statutes reads as rewritten:

"Chapter 15C.**"Address Confidentiality Program.****"§ 15C-1. Purpose.**

The purpose of this Chapter is to enable the State and the agencies of North Carolina to respond to requests for public records without disclosing the location of a petitioner for an

1 Extreme Risk Protection Order or a victim of domestic violence, sexual offense, stalking, or
2 human trafficking; to enable interagency cooperation in providing address confidentiality for a
3 petitioner for an Extreme Risk Protection Order or victims of domestic violence, sexual offense,
4 stalking, or human trafficking; and to enable the State and its agencies to accept a program
5 participant's use of an address designated by the Office of the Attorney General as a substitute
6 address.

7 **"§ 15C-2. Definitions.**

8 The following definitions apply in this Chapter:

9 ...

10 (2) Address Confidentiality Program or Program. – A program in the Office of
11 the Attorney General to protect the confidentiality of the address of an ERPO
12 petitioner or a relocated victim of domestic violence, sexual offense, or
13 stalking to prevent the petitioner's or victim's assailants or potential assailants
14 from finding the petitioner or victim through public records.

15 ...

16 (5a) ERPO petitioner. – The person who petitions for an Extreme Risk Protection
17 Order under Chapter 50E of the General Statutes.

18 ...

19 **"§ 15C-3. Address Confidentiality Program.**

20 The General Assembly establishes the Address Confidentiality Program in the Office of the
21 Attorney General to protect the confidentiality of the address of an ERPO petitioner or a relocated
22 victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the
23 petitioner's or victim's assailants or potential assailants from finding the petitioner or victim
24 through public records. Under this Program, the Attorney General shall designate a substitute
25 address for a program participant and act as the agent of the program participant for purposes of
26 service of process and receiving and forwarding first-class mail or certified or registered mail.
27 The Attorney General shall not be required to forward any mail other than first-class mail or
28 certified or registered mail to the program participant. The Attorney General shall not be required
29 to track or otherwise maintain records of any mail received on behalf of a program participant
30 unless the mail is certified or registered mail.

31 **"§ 15C-4. Filing and certification of applications; authorization card.**

32 (a) An individual who wants to participate in the Address Confidentiality Program shall
33 file an application with the Attorney General with the assistance of an application assistant. Any
34 of the following individuals may apply to the Attorney General to have an address designated by
35 the Attorney General to serve as the substitute address of the individual:

36 (1) An adult individual.

37 (2) A parent or guardian acting on behalf of a minor when the minor resides with
38 the individual.

39 (3) A guardian acting on behalf of an incapacitated individual.

40 (b) The application shall be dated, signed, and verified by the applicant and shall be
41 signed by the application assistant who assisted in the preparation of the application.

42 (c) The application shall contain all of the following:

43 (1) A statement by the applicant that the applicant is an ERPO petitioner or a
44 victim of domestic violence, sexual offense, stalking, or human trafficking
45 and that the applicant fears for the applicant's safety or the safety of the
46 applicant's child.

47 (2) ~~Evidence~~Except for an applicant that is an ERPO petitioner, evidence that the
48 applicant is a victim of domestic violence, sexual offense, stalking, or human
49 trafficking. For an applicant that is an ERPO petitioner, evidence that the
50 applicant is at risk from violence or other unlawful conduct from the

respondent in a petition filed under Chapter 50E of the General Statutes. This evidence may include any of the following:

- a. Law enforcement, court, or other federal or state agency records or files.
- b. Documentation from a domestic violence program if the applicant is alleged to be a victim of domestic violence.
- c. Documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.
- d. Documentation submitted to support a victim of human trafficking's application for federal assistance or benefits under federal human trafficking laws.

...
 (4) ~~A~~Except for an applicant that is an ERPO petitioner, a statement by the applicant that the applicant has or will confidentially relocate in North Carolina.

...
 (7) The address that the applicant requests not to be disclosed by the Attorney General that directly relates to the increased risk of domestic violence, sexual offense, ~~or stalking~~stalking, or other unlawful conduct.

...."

SECTION 2.(c) Development of Forms. – The Administrative Office of the Courts shall develop the appropriate forms to implement the processes provided under Chapter 50E of the General Statutes, as enacted by subsection (a) of this section.

SECTION 2.(d) Appropriation. – There is appropriated from the General Fund to the Administrative Office of the Courts the sum of twenty thousand dollars (\$20,000) in nonrecurring funds for the 2018-2019 fiscal year to be used for the training of magistrates and judges of the district courts, clerks of the superior courts, and law enforcement officers in how to implement and enforce the provisions of Chapter 50E of the General Statutes, as enacted by subsection (a) of this section.

SECTION 2.(e) Effective Date. – Subsection (d) of this section becomes effective July 1, 2018. The remainder of this section becomes effective December 1, 2018.

PART III. PERMIT REQUIRED FOR PURCHASE OF ASSAULT WEAPON OR LONG GUN

SECTION 3.(a) G.S. 14-402 reads as rewritten:

"§ 14-402. Sale of certain weapons without permit forbidden.

(a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any ~~pistol~~pistol, assault weapon, or long gun unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.

It is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any ~~pistol~~pistol, assault weapon, or long gun without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

- 1 (b) This section does not apply to an antique firearm or an historic edged weapon.
- 2 (c) The following definitions apply in this Article:
- 3 (1) Antique firearm. – Defined in G.S. 14-409.11.
- 4 (1a) Assault weapon. – The term includes all of the following:
- 5 a. Any selective-fire firearm capable of semiautomatic or burst fire at the
- 6 option of the user. The term also includes all of the following
- 7 semiautomatic firearms:
- 8 1. Algimec Agmi.
- 9 2. Armalite AR-180.
- 10 3. Australian Automatic Arms SAP Pistol.
- 11 4. Auto-Ordnance Thompson type.
- 12 5. Avtomat Kalashnikov Ak-47 type.
- 13 6. Barrett Light-Fifty model 82A1.
- 14 7. Beretta AR-70.
- 15 8. Bushmaster Auto Rifle and Auto Pistol.
- 16 9. Calico models M-900, M-950, and 100-P.
- 17 10. Chartered Industries of Singapore SR-88.
- 18 11. Colt AR-15 and Sporter.
- 19 12. Daewoo K-1, K-2, Max-1, and Max-2.
- 20 13. Encom MK-IV, MP-9, and MP-45.
- 21 14. Fabrique Nationale FN/FAL, FN/LAR, and FN/FNC.
- 22 15. FAMAS MAS 223.
- 23 16. Feather AT-9 and Mini-AT.
- 24 17. Federal XC-900 and XC-450.
- 25 18. Franchi SPAS-12 and LAW-12.
- 26 19. Galil AR and ARM.
- 27 20. Goncz High-Tech Carbine and High-Tech Long Pistol.
- 28 21. Heckler & Koch HK-91, HK-93, HK-94, and SP-89.
- 29 22. Holmes MP-83.
- 30 23. MAC-10, MAC-11, and MAC-11 Carbine type.
- 31 24. Intratec TEC-9 and Scorpion.
- 32 25. Iver Johnson Enforcer model 3000.
- 33 26. Ruger Mini-14/5F folding stock model.
- 34 27. Scarab Skorpion.
- 35 28. SIG 57 AMT and 500 series.
- 36 29. Spectre Auto Carbine and Auto Pistol.
- 37 30. Springfield Armory BM59, SAR-48, and G-3.
- 38 31. Sterling MK-6 and MK-7.
- 39 32. Steyr AUG.
- 40 33. Street Sweeper and Striker 12 revolving cylinder shotguns.
- 41 34. USAS-12.
- 42 35. UZI Carbine, Mini-Carbine, and Pistol.
- 43 36. Weaver Arms Nighthawk.
- 44 37. Wilkinson "Linda" Pistol.
- 45 b. All of the following semiautomatic centerfire rifles, or copies or
- 46 duplicates with the capability of the rifles:
- 47 1. AK-47.
- 48 2. AK-74.
- 49 3. AKM.
- 50 4. AKS-74U.
- 51 5. ARM.

- 1 6. MAADI AK47.
- 2 7. MAK90.
- 3 8. MISR.
- 4 9. NHM90 and NHM91.
- 5 10. Norinco 56, 56S, 84S, and 86S.
- 6 11. Poly Technologies AKS and AK47.
- 7 12. SA 85.
- 8 13. SA 93.
- 9 14. VEPR.
- 10 15. WASR-10.
- 11 16. WUM.
- 12 17. Rock River Arms LAR-47.
- 13 18. Vector Arms AK-47.
- 14 19. AR-10.
- 15 20. AR-15.
- 16 21. Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR
- 17 Rifles, and Bushmaster MOE Rifles.
- 18 22. Colt Match Target Rifles.
- 19 23. Armalite M15.
- 20 24. Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16,
- 21 K48, K8, and K9 Rifles.
- 22 25. DPMS Tactical Rifles.
- 23 26. Smith and Wesson M&P15 Rifles.
- 24 27. Rock River Arms LAR-15.
- 25 28. Doublestar AR Rifles.
- 26 29. Barrett REC7.
- 27 30. Beretta Storm.
- 28 31. Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical,
- 29 II, and II Tactical Rifles.
- 30 32. Hi-Point Carbine Rifles.
- 31 33. HK-PSG-1.
- 32 34. Kel-Tec Sub-2000, SU Rifles, and RFB.
- 33 35. Remington Tactical Rifle Model 7615.
- 34 36. SAR-8, SAR-4800, and SR9.
- 35 37. SLG 95.
- 36 38. SLR 95 and 96.
- 37 39. TNW M230 and M2HB.
- 38 40. Vector Arms UZI.
- 39 41. Galil and Galil Sporter.
- 40 42. Daewoo AR 100 and AR 110C.
- 41 43. Fabrique Nationale/FN 308 Match and L1A1 Sporter.
- 42 44. HK USC.
- 43 45. IZHMASH Saiga AK.
- 44 46. SIG Sauer 551-A1, 556, 516, 716, and M400 Rifles.
- 45 47. Valmet M62S, M71S, and M78S.
- 46 48. Wilkinson Arms Linda Carbine.
- 47 49. Barrett M107A1.
- 48 c. All of the following semiautomatic centerfire pistols, or copies or
- 49 duplicates with the capability of the pistols:
- 50 1. Centurion 39 AK.
- 51 2. Draco AK-47.

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3. HCR AK-47.
 4. IO Inc. Hellpup AK-47.
 5. Mini-Draco AK-47.
 6. Yugo Krebs Krink.
 7. American Spirit AR-15.
 8. Bushmaster Carbon 15.
 9. Doublestar Corporation AR.
 10. DPMS AR-15.
 11. Olympic Arms AR-15.
 12. Rock River Arms LAR 15.
 13. Calico Liberty III and III Tactical Pistols.
 14. Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols.
 15. Intratec TEC-DC9 and AB-10.
 16. Colefire Magnum.
 17. German Sport 522 PK and Chiappa Firearms Mfour-22.
 18. DSA SA58 PKP FAL.
 19. I.O. Inc. PPS-43C.
 20. Kel-Tec PLR 16 Pistol.
 21. Sig Sauer P516 and P556 Pistols.
 22. Thompson TA5 Pistols.
- d. All IZHMAASH Saiga 12 Shotguns, or copies or duplicates with the capability of the shotguns.
- e. All semiautomatic firearms that meet any of the following criteria:
1. A semiautomatic, centerfire rifle that has the ability to accept a detachable magazine and has at least one of the following:
 - I. A folding or telescoping stock.
 - II. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.
 - III. A forward pistol grip.
 - IV. A flash suppressor.
 - V. A grenade launcher or flare launcher.
 2. A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than 10 rounds.
 3. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.
 4. A semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following:
 - I. An ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip.
 - II. A threaded barrel capable of accepting a flash suppressor, forward pistol grip, or silencer.
 - III. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to fire the firearm without being burned, except a slide that encloses the barrel.
 - IV. A second hand grip.

- 5. A semiautomatic pistol with a fixed magazine that has the ability to accept more than 10 rounds.
- 6. A semiautomatic shotgun that has both of the following:
 - I. A folding or telescoping stock.
 - II. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.
- 7. A semiautomatic shotgun that has the ability to accept a detachable magazine.
- 8. A shotgun with a revolving cylinder.

(4) Historic edged weapon. – Defined in G.S. 14-409.12.

(4a) Long guns. – A shotgun or rifle that is not considered an antique firearm or assault weapon, as those terms are defined under this section."

SECTION 3.(b) G.S. 14-403 reads as rewritten:

"§ 14-403. Permit issued by sheriff; form of permit; expiration of permit.

The sheriffs of any and all counties of this State shall issue to any person, firm, or corporation in any county a permit to purchase or receive any weapon mentioned in this Article from any person, firm, or corporation offering to sell or dispose of the weapon. The permit shall expire five years from the date of issuance. The permit shall be a standard form created by the State Bureau of Investigation in consultation with the North Carolina Sheriffs' Association, shall be of a uniform size and material, and shall be designed with security features intended to minimize the ability to counterfeit or replicate the permit and shall be set forth as follows:

North Carolina,

_____ County.

I, _____, Sheriff of said County, do hereby certify that I have conducted a criminal background check of the applicant, _____ whose place of residence is _____ in _____ (or) in _____ Township, _____ County, North Carolina, and have received no information to indicate that it would be a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The applicant has further satisfied me as to his, her (or) their good moral character. Therefore, a permit is issued to _____ to purchase one ~~pistol~~pistol, one assault weapon, or one long gun from any person, firm or corporation authorized to dispose of the same.

This permit expires five years from its date of issuance.

This ___ day of _____, ____.

Sheriff.

The standard permit created by this section shall be used statewide by the sheriffs of any and all counties and, when issued by a sheriff, shall also contain an embossed seal unique to the office of the issuing sheriff. "

SECTION 3.(c) G.S. 14-404(c)(1) reads as rewritten:

"(1) One who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade). However, a person who has been convicted of a felony in a court of any state or in a court of the United States and (i) who is later pardoned, or (ii) whose firearms rights have been restored pursuant to G.S. 14-415.4, may obtain a permit, if the purchase or receipt of a ~~pistol~~pistol, assault weapon, or long gun

permitted in this Article does not violate a condition of the pardon or restoration of firearms rights."

SECTION 3.(d) G.S. 14-408.1(a)(2) reads as rewritten:

"(2) Firearm. – A handgun, assault weapon, shotgun, or rifle which expels a projectile by action of an explosion."

SECTION 3.(e) This section becomes effective December 1, 2018, and applies to the sale, giving away, transfer, purchase, or receiving of an assault weapon or long gun on or after that date.

PART IV. PROHIBIT SALE OF ASSAULT WEAPONS OR LONG GUNS TO PERSONS UNDER A CERTAIN AGE

SECTION 4.(a) G.S. 14-269.7 reads as rewritten:

"§ 14-269.7. Prohibitions on handguns for minors.

(a) Any minor who willfully and intentionally possesses or carries a ~~handgun~~handgun, long gun, or assault weapon is guilty of a Class 1 misdemeanor.

(b) This section does not apply:

(1) To officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties or acting under orders requiring them to carry ~~handguns~~handguns, long gun, or assault weapons.

(2) To a minor who possesses a ~~handgun~~handgun, long gun, or assault weapon for educational or recreational purposes while the minor is supervised by an adult who is present.

(3) To an emancipated minor who possesses such ~~handgun~~handgun, long gun, or assault weapon inside his or her residence.

(4) To a minor who possesses a ~~handgun~~handgun, long gun, or assault weapon while hunting or trapping outside the limits of an incorporated municipality if he has on his person written permission from a parent, guardian, or other person standing in loco parentis.

(c) The following definitions apply in this section:

(1) Assault weapon. – As defined in G.S. 14-402.

(1a) Handgun. – A firearm that has a short stock and is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled.

(1b) Long gun. – As defined in G.S. 14-402.

(2) Minor. – Any person under 18 years of age. For possessing or carrying a handgun or long gun, any person under 18 years of age. For possessing or carrying an assault weapon, any person under the age of 21."

SECTION 4.(b) G.S. 14-315(a1) reads as rewritten:

"§ 14-315. Selling or giving weapons to minors.

(a) Sale of Weapons Other Than ~~Handguns~~Handguns, Long Guns, and Assault Weapons. – If a person sells, offers for sale, gives, or in any way transfers to a minor any pistol cartridge, brass knucks, bowie knife, dirk, shurikin, leaded cane, or slungshot, the person is guilty of a Class 1 misdemeanor and, in addition, shall forfeit the proceeds of any sale made in violation of this section.

(a1) Sale of ~~Handguns~~Handguns, Long Guns, and Assault Weapons. – If a person sells, offers for sale, gives, or in any way transfers to a minor any ~~handgun as defined in G.S. 14-269.7~~handgun, long gun, or assault weapon, the person is guilty of a Class H felony and, in addition, shall forfeit the proceeds of any sale made in violation of this section. This section does not apply in any of the following circumstances:

(1) The ~~handgun~~handgun, long gun, or assault weapon is lent to a minor for temporary use if the minor's possession of the ~~handgun~~handgun, long gun, or

1 assault weapon is lawful under G.S. 14-269.7 and G.S. 14-316 and is not
2 otherwise unlawful.

- 3 (2) The ~~handgun~~handgun, long gun, or assault weapon is transferred to an adult
4 custodian pursuant to Chapter 33A of the General Statutes, and the minor does
5 not take possession of the ~~handgun~~handgun, long gun, or assault weapon
6 except that the adult custodian may allow the minor temporary possession of
7 the ~~handgun~~handgun, long gun, or assault weapon in circumstances in which
8 the minor's possession of the ~~handgun~~handgun, long gun, or assault weapon
9 is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- 10 (3) The ~~handgun~~handgun, long gun, or assault weapon is a devise and is
11 distributed to a parent or guardian under G.S. 28A-22-7, and the minor does
12 not take possession of the ~~handgun~~handgun, long gun, or assault weapon
13 except that the parent or guardian may allow the minor temporary possession
14 of the ~~handgun~~handgun, long gun, or assault weapon in circumstances in
15 which the minor's possession of the ~~handgun~~handgun, long gun, or assault
16 weapon is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise
17 unlawful.

18 For purposes of this subsection, the terms "assault weapon," "long gun," "handgun," and
19 "minor" are as defined in G.S. 14-269.7.

20"

21 **SECTION 4.(c)** This section becomes effective December 1, 2018, and applies to
22 the possession, carrying, sale, offer for sale, giving, or transfer of an assault weapon or long gun
23 on or after that date.

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25 **PART V. PROHIBIT THE SALE OR POSSESSION OF BUMP STOCKS OR TRIGGER** 26 **CRANKS**

27 **SECTION 5.(a)** Article 52A of Chapter 14 of the General Statutes is amended by
28 adding a new section to read:

29 **"§ 14-409A. Bump stocks and trigger cranks prohibited.**

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

- 31 (1) Bump stock. – Any device or instrument for a firearm that increases the rate
32 of fire achievable with the firearm by using energy from the recoil of the
33 firearm to generate a reciprocating action that facilitates repeated activation
34 of the trigger.
- 35 (2) Firearm. – As defined in G.S. 14-409.39.
- 36 (3) Trigger crank. – Any device or instrument to be attached to a firearm that
37 repeatedly activates the trigger of the firearm through the use of a lever or
38 other part that is turned in a circular motion. The term does not include any
39 weapon initially designed and manufactured to fire through the use of a crank
40 or lever.

41 (b) Prohibition. – It shall be unlawful for any person, firm, or corporation to manufacture,
42 sell, give away, transfer, use, or possess bump stocks, trigger cranks, or any other similar device
43 or instrument added to a firearm by a person other than the manufacturer that is designed to
44 increase the rate of fire achievable by the firearm.

45 (c) Punishment. – Any person violating this section is guilty of a Class I felony."

46 **SECTION 5.(b)** This section becomes effective December 1, 2018, and applies to
47 the sale, giving away, transfer, use, or possession of bump stocks, trigger cranks, or other similar
48 devices and instruments added to a firearm by a person other than the manufacturer that is
49 designed to increase the rate of fire achievable by the firearm on or after that date.

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51 **PART VI. FUNDING TO EXPAND USE OF ANONYMOUS TIP LINE**

1 **SECTION 6.(a)** There is appropriated from the General Fund to the Department of
2 Public Instruction the sum of one million six hundred sixty-six thousand four hundred eighty-nine
3 dollars (\$1,666,489) in nonrecurring funds for the 2018-2019 fiscal year to implement the SPK
4 UP NC anonymous safety tip line application through the Center for Safer Schools on a statewide
5 basis.

6 **SECTION 6.(b)** There is appropriated from the General Fund to the Department of
7 Public Instruction the sum of three hundred sixty-five thousand one hundred eighty-two dollars
8 (\$365,182) in recurring funds for the 2019-2020 fiscal year to maintain the SPK UP NC
9 anonymous safety tip line application provided through the Center for Safer Schools.

10 11 **PART VII. FUNDING FOR PUBLIC SAFETY IMPROVEMENTS**

12 **SECTION 7.(a)** The following sums in nonrecurring funds for the 2018-2019 fiscal
13 year are appropriated from the General Fund:

- 14 (1) Twenty-five million dollars (\$25,000,000) to the State Board of Education for
15 grants to local school administrative units, regional schools, charter schools,
16 and laboratory schools for making public safety improvements in accordance
17 with subsection (b) of this section.
- 18 (2) Twenty million dollars (\$20,000,000) to the University of North Carolina
19 Board of Governors for grants to constituent institutions for making public
20 safety improvements in accordance with subsection (b) of this section.
- 21 (3) Twenty million dollars (\$20,000,000) to the State Board of Community
22 Colleges for grants to community colleges for making public safety
23 improvements in accordance with subsection (b) of this section.

24 **SECTION 7.(b)** The funds appropriated in subsection (a) of this section may be used
25 for any of the following types of public safety improvement projects:

- 26 (1) Improvements and expansion of existing capital facilities to provide increased
27 protection, improved notification, and reduced risk from external harm.
28 Examples of improvements authorized under this subdivision include
29 improved doors and windows, guard stations, fencing, and renovations to
30 support items authorized under subdivision (2) of this subsection.
- 31 (2) Purchase of equipment to provide increased monitoring of facilities,
32 notification to emergency responders, and improved response to life
33 threatening events. Examples of equipment authorized under this subdivision
34 include panic buttons, worn devices that can create an emergency notification,
35 cameras, and monitors.
- 36 (3) Improvements to communications and data systems to provide improved
37 response and coordination in the event of a public safety disturbance at a State
38 or local facility. Examples of communications improvements authorized
39 under this subdivision include security alarms and notification systems,
40 telephone systems, and alert notification systems.
- 41 (4) Development of security master plans and procedures.
- 42 (5) Training of personnel regarding best practices and procedures for emergency
43 response, public safety risk identification, and related items.

44 **SECTION 7.(c)** Each grantor receiving funds under subsection (a) of this section
45 shall develop and utilize criteria and applications when granting funds. The State Board of
46 Education shall include need-based considerations as part of its criteria established under this
47 subsection.

48 **SECTION 7.(d)** Funds received under subsection (a) of this section shall be used to
49 supplement and not supplant local, other State, and federal funds received for public safety
50 improvements.

1 **SECTION 7.(e)** On or before May 1 of each year, each entity receiving funds under
2 subsection (a) of this section shall submit a report to the Joint Legislative Commission on
3 Governmental Operations detailing all of the following:

- 4 (1) The number and description of projects awarded.
- 5 (2) The total cost of each project awarded.
- 6 (3) The number of applications for funding received.
- 7 (4) The basis on which the projects were evaluated.

8 **SECTION 7.(f)** There is appropriated from the General Fund to the Department of
9 Public Instruction the sum of seven million dollars (\$7,000,000) in recurring funds for the
10 2018-2019 fiscal year to increase the at-risk allotment. The Department shall allocate these funds
11 to local school administrative units in amounts sufficient to increase the allotment of funds for
12 school resource officers in public high schools from approximately thirty-eight thousand dollars
13 (\$38,000) to approximately fifty thousand dollars (\$50,000).

14 **SECTION 7.(g)** There is appropriated from the General Fund to the State Board of
15 Education the sum of three million dollars (\$3,000,000) in recurring funds for the 2018-2019
16 fiscal year to use for grants in accordance with Section 8.36 of S.L. 2013-360 to employ
17 additional school resource officers in public elementary and public middle schools.

18 **PART VIII. FUNDING FOR INSTRUCTIONAL SUPPORT PERSONNEL**

19 **SECTION 8.(a)** There is appropriated from the General Fund to the Department of
20 Public Instruction the sum of forty million dollars (\$40,000,000) in recurring funds for the
21 2018-2019 fiscal year to increase funding for the Instructional Support Personnel – Certified
22 Allotment. The funds appropriated in this section shall be used by local administrative units and
23 charter schools for certified school-based instructional support personnel, including nurses,
24 counselors, school psychologists, and social workers. The State Board of Education shall ensure
25 at least one full-time employee is allotted to each local administrative unit. The remaining
26 additional positions shall be allotted based on average daily membership.

27 **SECTION 8.(b)** It is the intent of the General Assembly to increase the amount of
28 funding set forth in subsection (a) of this section on a recurring basis to achieve all of the
29 following:

- 30 (1) To employ school psychologists at a ratio of at least one school psychologist
31 for every 700 students.
- 32 (2) To employ school counselors at a ratio of at least one school counselor for
33 every 250 students.
- 34 (3) To employ school nurses at a ratio of at least one school nurse for every 750
35 students.
- 36 (4) To employ social workers at a ratio of at least one social worker for every 400
37 students.

38 **PART IX. INCREASE FUNDING FOR SCHOOL RESOURCE OFFICERS AND 39 REQUIRE ANNUAL CENSUS**

40 **SECTION 9.(a)** There is appropriated from the General Fund to the Department of
41 Public Instruction the sum of seven million dollars (\$7,000,000) in recurring funds for the
42 2018-2019 fiscal year to increase funding to the At-Risk Student Services Allotment. The sum
43 allotted for school resource officers from the At-Risk Student Services Allotment is increased to
44 fifty thousand dollars (\$50,000) for each high school in a local education agency that receives a
45 principal allotment. Funds received under this subsection shall be used to supplement and not
46 supplant local, other State, and federal funds received for costs related to school resource officers.

47 **SECTION 9.(b)** There is appropriated from the General Fund to the Department of
48 Public Safety the sum of four hundred forty-four thousand dollars (\$444,000) in recurring funds
49 for the 2018-2019 fiscal year to be used as grants to local schools administrative units, regional
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1 schools, charter schools, and lab schools in accordance with Section 8.36 of S.L. 2013-360, as
2 amended by subsection (c) of this section.

3 **SECTION 9.(c)** Section 8.36 of S.L. 2013-360 reads as rewritten:

4 "**SECTION 8.36.** Grants to local school administrative units, regional schools, lab schools,
5 and charter schools for school resource officers in elementary and middle schools shall be
6 matched on the basis of (i) four dollars (\$4.00) in State funds for every one dollar (\$1.00) in local
7 funds for grantees located in a development tier one area, as that term is defined in
8 G.S. 143B-437.08; (ii) three dollars (\$3.00) in State funds for every one dollar (\$1.00) in local
9 funds for grantees located in a development tier two area, as that term is defined in
10 G.S. 143B-437.08; and (iii) two dollars (\$2.00) in State funds for every one dollar (\$1.00) in
11 local funds and for grantees located in a development tier three area, as that term is defined in
12 G.S. 143B-437.08. Funds granted under this section shall be used to supplement and not to
13 supplant State, local, and federal funds for school resource officers.

14 The State Board of Education shall include need-based considerations in its criteria for
15 awarding these grants to local school administrative units, regional schools, and charter schools.

16 Local school administrative units, regional schools, and charter schools may use these funds
17 to employ school resource officers in elementary and middle schools, to train them, or both. Any
18 such training shall include instruction on research into the social and cognitive development of
19 elementary school and middle school children."

20 **SECTION 9.(d)** The Center for Safer Schools (Center) in the Department of Public
21 Instruction shall conduct an annual census of school resource officers located in each local
22 education agency in the State. The Center shall submit a report analyzing and summarizing the
23 data compiled to the Joint Legislative Education Oversight Committee and the State Board of
24 Education by March 1 of each year. At a minimum, the report shall include all of the following:

- 25 (1) The total number of school resource officers.
- 26 (2) Demographic information, including gender, age, race, ethnicity, education
27 level, years as a sworn law enforcement officer, and years as a school resource
28 officer.
- 29 (3) School resource officer-specific training completed.
- 30 (4) The school or schools to which the school resource officer is assigned.
- 31 (5) The funding source for each school resource officer.
- 32 (6) The school type, including elementary, middle, high school, early college,
33 special education school, traditional, charter school, and lab school.
- 34 (7) Whether the school resource officer is shared across more than one school.
- 35 (8) The law enforcement agency with which each school resource officer is
36 employed or otherwise affiliated.
- 37 (9) The type of weapon, if any, carried by each school resource officer.

38 **SECTION 9.(e)** Subsection (c) of this section becomes effective July 1, 2018, and
39 applies to funds granted on or after that date.

40 **PART X. EFFECTIVE DATE**

41 **SECTION 10.(a)** Prosecutions for offenses committed before the effective date of
42 this act are not abated or affected by this act and the statutes that would be applicable but for this
43 act remain applicable to those prosecutions.

44 **SECTION 10.(b)** Except as otherwise provided in this act, this act becomes effective
45 July 1, 2018.
46