

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 348
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30160-MM-22C*

Short Title: Whistle-Blower Protection/Municipal LEOs. (Public)

Sponsors: Representatives Grange, Conrad, Hanig, and Richardson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT MUNICIPAL LAW ENFORCEMENT OFFICERS WHO REPORT
3 IMPROPER OR UNLAWFUL GOVERNMENT ACTIVITY FROM RETALIATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 160A-290. Protection from retaliation for municipal law enforcement officers.**

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

9 (1) Employing agency. – A city or unified city-county government police agency.

10 (2) Municipal law enforcement officer. – A full-time paid employee of an
11 employing agency who is actively serving in a position with assigned primary
12 duties and responsibilities for prevention and detection of crime or the general
13 enforcement of the criminal laws of the State or serving civil processes and
14 who possesses the power of arrest by virtue of an oath administered under the
15 authority of the State.

16 (b) Exemptions. – This section shall not apply to an employing agency that has a binding
17 personnel policy, code of conduct, or other binding procedures protecting employees from
18 retaliation.

19 (c) Statement of Policy. – It is the policy of this State that municipal law enforcement
20 officers shall be encouraged to report in writing to their supervisor, department head, or other
21 appropriate authority evidence of activity constituting any of the following:

22 (1) A violation of State or federal law, rule, or regulation.

23 (2) Fraud.

24 (3) Misappropriation of State and local government resources.

25 (4) Substantial and specific danger to the public health and safety.

26 (d) Protections. – No public official of a municipal government shall retaliate against a
27 municipal law enforcement officer because the officer or a person acting on behalf of the officer
28 reports in writing any activity described in subsection (c) of this section.

29 (e) Civil Actions for Injunctive Relief or Other Remedies. – For claims arising under this
30 section only, a municipal law enforcement officer injured by a violation of this section may
31 maintain an action in superior court for damages, an injunction, or other remedies provided in
32 this section against the person or employing agency who committed the violation within one year
33 after the occurrence of the alleged violation of this section. Any claim arising under Article 21
34 of Chapter 95 of the General Statutes may be maintained pursuant to the provisions of that Article
35 only and may be redressed only by the remedies and relief available under that Article.



1 (f) Remedies. – A court, in rendering a judgment in an action brought pursuant to this
2 section, may order an injunction, damages, reinstatement of the municipal law enforcement
3 officer, the payment of back wages, full reinstatement of fringe benefits and seniority rights,
4 costs, reasonable attorneys' fees, or any combination of these. If an application for a permanent
5 injunction is granted, the officer shall be awarded costs and reasonable attorneys' fees.

6 (g) Notice of Employee Protections and Obligations. – It shall be the duty of the
7 employing agency of the municipal law enforcement officer to post notice in accordance with
8 G.S. 95-9 or use other appropriate means to keep municipal law enforcement officers informed
9 of their protections and obligations under this section. It shall be the responsibility of the State to
10 pay for the production of these postings for distribution.

11 (h) If any municipal law enforcement officer knowingly files a false writing under the
12 provisions of this section and is found guilty in a judicial proceeding, the offense shall be
13 punishable as a Class 2 misdemeanor."

14 **SECTION 2.** This act becomes effective October 1, 2019, and applies to acts
15 incurring liability and offenses committed on or after that date.