

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 348  
PROPOSED COMMITTEE SUBSTITUTE H348-PCS40431-RN-14

Short Title: Whistle-Blower Protection/Municipal LEOs.

(Public)

Sponsors:

Referred to:

March 14, 2019

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 procedures protecting employees from retaliation.

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

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

22 (2) Fraud.

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

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

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

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

35 (f) Remedies. – A court, in rendering a judgment in an action brought pursuant to this  
36 section, may order an injunction, damages, reinstatement of the municipal law enforcement



\* H 3 4 8 - P C S 4 0 4 3 1 - R N - 1 4 \*

1 officer, the payment of back wages, full reinstatement of fringe benefits and seniority rights,  
2 costs, reasonable attorneys' fees, or any combination of these. If an application for a permanent  
3 injunction is granted, the officer shall be awarded costs and reasonable attorneys' fees.

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

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

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