

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS15134-ND-103B

Short Title: Citizens Review Board/Special Legislation. (Local)

Sponsors: Senators deViere and Clark (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ESTABLISH A CITIZENS
3 REVIEW BOARD TO INVESTIGATE OR REVIEW ALLEGATIONS OF CERTAIN
4 POLICE MISCONDUCT.

5 Whereas, on February 22, 2021, the Fayetteville City Council adopted the City of
6 Fayetteville 2021 State Legislative Agenda, which includes a provision to seek special legislation
7 allowing the City of Fayetteville to confidentially disclose limited personnel information to the
8 members of the citizens review board to facilitate its review of police disciplinary cases; and

9 Whereas, on March 8, 2021, the Fayetteville City Council passed resolution
10 R-2021-018 in support of legislation to create a citizens review board; Now, therefore,
11 The General Assembly of North Carolina enacts:

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

14 "**§ 160A-289.3. Citizens review board.**

15 (a) The City of Fayetteville may by ordinance establish a citizens review board to review
16 appeals of disciplinary actions involving allegations of misconduct by law enforcement officers
17 employed by the City of Fayetteville. The ordinance shall comply with this section.

18 (b) Upon accepting the appointment, each member shall sign a confidentiality agreement.
19 Failure to sign, or breach of, the confidentiality agreement shall be a Class 1 misdemeanor, up to
20 a one thousand dollar (\$1,000) fine, and cause for removal.

21 (c) Notwithstanding G.S. 160A-168, but subject to any federal law restricting access and
22 the approval of the law enforcement officer being investigated, the head of the law enforcement
23 agency that employs the law enforcement officer alleged to have committed misconduct shall
24 make available to the citizens review board the personnel file of the law enforcement officer and
25 any other material deemed necessary by the governing body of the city for the citizens review
26 board to complete its investigation or review. The citizens review board shall maintain the
27 confidentiality of any information provided to it under this subsection.

28 (d) For purposes of this section, the following definitions shall apply:

29 (1) Disciplinary action. – An oral or written reprimand, suspension, demotion, or
30 termination.

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

32 (3) Head. – Any director or chief officer of a law enforcement agency, including
33 the chief of police of the City of Fayetteville.

34 (4) Law enforcement agency. – A city police department.

35 (5) Law enforcement officer. – Any employee of a city law enforcement agency
36 who is actively serving in a position with assigned primary duties and



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1 responsibilities for prevention and detection of crime or the general
2 enforcement of the criminal laws of the State and who possesses the power of
3 arrest by virtue of an oath administered under the authority of the State.
4 (6) Misconduct. – Limited to excessive use of force, abuse of power, and
5 discriminatory profiling."

6 **SECTION 2.** This act applies to the City of Fayetteville.

7 **SECTION 3.** Section 1 of this act becomes effective December 1, 2021, and applies
8 to any misconduct committed on or after that date. The remainder of this act becomes effective
9 December 1, 2021.