

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL DRS15131-ML-53

Short Title: Criminal Justice Reform.

(Public)

Sponsors: Senators Britt, Daniel, and Lee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE PROTECTIONS, TRAINING, AND OVERSIGHT FOR STATE  
3 AND LOCAL LAW ENFORCEMENT OFFICERS; TO REQUIRE USE OF THE  
4 FEDERAL BUREAU OF INVESTIGATION'S RECORD OF ARREST AND  
5 PROSECUTION BACKGROUND (RAP BACK) SYSTEM FOR LAW ENFORCEMENT  
6 HIRING PURPOSES; TO EXPAND THE ADMINISTRATIVE OFFICE OF THE  
7 COURT'S COURT DATE REMINDER SYSTEM; TO DECRIMINALIZE  
8 NON-STATUTORY CRIMINAL OFFENSES AND VIOLATIONS; TO INCREASE THE  
9 PUNISHMENT FOR RIOT OFFENSES; TO MANDATE MISDEMEANOR FIRST  
10 APPEARANCES WHEN A DEFENDANT IS IN CUSTODY; AND TO MANDATE FIRST  
11 APPEARANCES FOR ALL CHARGES WHEN A DEFENDANT IS IN CUSTODY TO BE  
12 HELD WITHIN FORTY-EIGHT HOURS.

13 The General Assembly of North Carolina enacts:

14  
15 **PART I. DISCIPLINE AND DECERTIFICATION STATEWIDE DATABASE**

16 **SECTION 1.(a)** Article 1 of Chapter 114 of the General Statutes is amended by  
17 adding a new section to read:

18 "**§ 114-2.7A. Database for law enforcement disciplinary actions and decertification.**

19 (a) The Department of Justice, in consultation with the Criminal Justice Education and  
20 Training Standards Commission and the Sheriffs' Education and Training Standards  
21 Commission, shall develop and maintain a statewide database for use by law enforcement  
22 agencies that tracks all disciplinary actions and decertification of law enforcement officers in  
23 North Carolina.

24 (b) All law enforcement agencies in the State, including, but not limited to, the State  
25 Highway Patrol, the State Bureau of Investigation, county Sheriffs' Offices, municipal police  
26 departments, campus police agencies, and company police agencies, shall provide to the  
27 Department of Justice information requested to maintain the database required by subsection (a)  
28 of this section.

29 (c) Information collected under this section that is confidential under State or federal law  
30 shall remain confidential."

31 **SECTION 1.(b)** Article 4 of Chapter 20 of the General Statutes is amended by  
32 adding a new section to read:

33 "**§ 20-196.6. Provide disciplinary and decertification information to the Department of**  
34 **Justice.**



1 The State Highway Patrol shall provide to the Department of Justice requested information  
2 regarding disciplinary actions against and decertification of State Troopers to maintain the  
3 statewide database developed pursuant to G.S. 114-2.7A.

4 Information collected under this section that is confidential under State or federal law shall  
5 remain confidential."

6 **SECTION 1.(c)** Chapter 74E of the General Statutes is amended by adding a new  
7 section to read:

8 **"§ 74E-10.1. Provide disciplinary and decertification information to the Department of**  
9 **Justice.**

10 A company police agency shall provide to the Department of Justice requested information  
11 regarding disciplinary actions against and decertification of its law enforcement officers to  
12 maintain the statewide database developed pursuant to G.S. 114-2.7A.

13 Information collected under this section that is confidential under State or federal law shall  
14 remain confidential."

15 **SECTION 1.(d)** Chapter 74G of the General Statutes is amended by adding a new  
16 section to read:

17 **"§ 74G-10.1. Provide disciplinary and decertification information to the Department of**  
18 **Justice.**

19 A campus police agency shall provide to the Department of Justice requested information  
20 regarding disciplinary actions against and decertification of its law enforcement officers to  
21 maintain the statewide database developed pursuant to G.S. 114-2.7A.

22 Information collected under this section that is confidential under State or federal law shall  
23 remain confidential."

24 **SECTION 1.(e)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General  
25 Statutes is amended by adding a new section to read:

26 **"§ 143B-927.1. Provide disciplinary and decertification information to the Department of**  
27 **Justice.**

28 The State Bureau of Investigation shall provide to the Department of Justice requested  
29 information regarding disciplinary actions against and decertification of its law enforcement  
30 officers to maintain the statewide database developed pursuant to G.S. 114-2.7A.

31 Information collected under this section that is confidential under State or federal law shall  
32 remain confidential."

33 **SECTION 1.(f)** Article 10 of Chapter 153A of the General Statutes is amended by  
34 adding a new section to read:

35 **"§ 153A-213. Provide disciplinary and decertification information to the Department of**  
36 **Justice.**

37 A county shall provide to the Department of Justice requested information regarding  
38 disciplinary actions against and decertification of its law enforcement officers to maintain the  
39 statewide database developed pursuant to G.S. 114-2.7A.

40 Information collected under this section that is confidential under State or federal law shall  
41 remain confidential."

42 **SECTION 1.(g)** Article 13 of Chapter 160A of the General Statutes is amended by  
43 adding a new section to read:

44 **"§ 160A-290. Provide disciplinary and decertification information to the Department of**  
45 **Justice.**

46 A city shall provide to the Department of Justice requested information regarding disciplinary  
47 actions against and decertification of its law enforcement officers to maintain the statewide  
48 database developed pursuant to G.S. 114-2.7A.

49 Information collected under this section that is confidential under State or federal law shall  
50 remain confidential."

51 **SECTION 1.(h)** This section becomes effective October 1, 2021.

1  
2 **PART II. USE OF THE FEDERAL BUREAU OF INVESTIGATION'S RECORD OF**  
3 **ARREST AND PROSECUTION BACKGROUND (RAP BACK) SYSTEM**

4 **SECTION 2.(a)** Article 13 of Chapter 143B of the General Statutes is amended by  
5 adding a new section to read:

6 **"§ 143B-972.1. Criminal record checks for North Carolina Criminal Justice Education and**  
7 **Training Standards Commission and North Carolina Sheriffs' Education and**  
8 **Training Standards Commission; fingerprints sent to Federal Bureau of**  
9 **Investigation.**

10 (a) The Department of Public Safety shall provide to the North Carolina Criminal Justice  
11 Education and Training Standards Commission and the North Carolina Sheriffs' Education and  
12 Training Standards Commission information from the State and National Repositories of  
13 Criminal Histories the criminal history of any person who applies for certification as a criminal  
14 justice officer or justice officer or any other position that requires certification with either  
15 Commission. Pursuant to a request for information under this subsection, the Commissions shall  
16 provide to the State Bureau of Investigation the fingerprints of the applicant and other identifying  
17 information requested by the State Bureau of Investigation related to the requirements of relevant  
18 State and federal information databases, as well as its own information databases.

19 Pursuant to a request for information under this subsection, the State Bureau of Investigation  
20 shall search the State's criminal history record file and shall forward a set of fingerprints to the  
21 Federal Bureau of Investigation for a national criminal history record check. The State Bureau  
22 of Investigation shall enroll each individual whose fingerprints are received under this subsection  
23 in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap  
24 Back) Service.

25 The Commissions shall keep all information obtained pursuant to this subsection  
26 confidential.

27 (b) The State Bureau of Investigation shall maintain the fingerprints of the applicant  
28 submitted pursuant to subsection (a) of this section in the Statewide Automated Fingerprint  
29 Identification System (SAFIS) consistent with Subchapter B of Chapter 09 and Subchapter B of  
30 Chapter 10 of Title 12 of the North Carolina Administrative Code.

31 (c) Within 15 business days of receiving notification by either Commission that the  
32 individual whose fingerprints have been stored in SAFIS pursuant to subsection (b) of this section  
33 has separated from employment and a Department of Justice Report of Separation Form F-5B  
34 has been filed with either Commission, the State Bureau of Investigation shall remove the  
35 individual's fingerprints from SAFIS."

36 **SECTION 2.(b)** This section becomes effective December 1, 2021.  
37

38 **PART III. CRITICAL INCIDENT STATEWIDE DATABASE**

39 **SECTION 3.(a)** Article 1 of Chapter 114 of the General Statutes is amended by  
40 adding a new section to read:

41 **"§ 114-2.7B. Database for law enforcement officer critical incident information.**

42 (a) The Department of Justice, in consultation with the Criminal Justice Education and  
43 Training Standards Commission and the Sheriffs' Education and Training Standards  
44 Commission, shall develop and maintain a statewide database for use by law enforcement  
45 agencies that tracks all critical incident data of law enforcement officers in North Carolina. For  
46 purposes of this section, "critical incident" shall be defined as an incident involving any use of  
47 force by a law enforcement officer that results in death or serious bodily injury to a person.

48 (b) All law enforcement agencies in the State, including, but not limited to, the State  
49 Highway Patrol, the State Bureau of Investigation, county Sheriffs' Offices, municipal police  
50 departments, campus police agencies, and company police agencies, shall provide to the

1 Department of Justice information requested to maintain the database required by subsection (a)  
2 of this section.

3 (c) Information collected under this section that is confidential under State or federal law  
4 shall remain confidential."

5 **SECTION 3.(b)** Article 4 of Chapter 20 of the General Statutes is amended by  
6 adding a new section to read:

7 **"§ 20-196.7. Provide use of force information to the Department of Justice.**

8 The State Highway Patrol shall provide to the Department of Justice requested information  
9 regarding the use of force of State Troopers to maintain the statewide database developed  
10 pursuant to G.S. 114-2.7B.

11 Information collected under this section that is confidential under State or federal law shall  
12 remain confidential."

13 **SECTION 3.(c)** Chapter 74E of the General Statutes is amended by adding a new  
14 section to read:

15 **"§ 74E-10.2. Provide use of force information to the Department of Justice.**

16 A company police agency shall provide to the Department of Justice requested information  
17 regarding the use of force of its law enforcement officers to maintain the statewide database  
18 developed pursuant to G.S. 114-2.7B.

19 Information collected under this section that is confidential under State or federal law shall  
20 remain confidential."

21 **SECTION 3.(d)** Chapter 74G of the General Statutes is amended by adding a new  
22 section to read:

23 **"§ 74G-10.2. Provide use of force information to the Department of Justice.**

24 A campus police agency shall provide to the Department of Justice requested information  
25 regarding the use of force of its law enforcement officers to maintain the statewide database  
26 developed pursuant to G.S. 114-2.7B.

27 Information collected under this section that is confidential under State or federal law shall  
28 remain confidential."

29 **SECTION 3.(e)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General  
30 Statutes is amended by adding a new section to read:

31 **"§ 143B-927.2. Provide use of force information to the Department of Justice.**

32 The State Bureau of Investigation shall provide to the Department of Justice requested  
33 information regarding the use of force of its law enforcement officers to maintain the statewide  
34 database developed pursuant to G.S. 114-2.7B.

35 Information collected under this section that is confidential under State or federal law shall  
36 remain confidential."

37 **SECTION 3.(f)** Article 10 of Chapter 153A of the General Statutes is amended by  
38 adding a new section to read:

39 **"§ 153A-213.1. Provide use of force information to the Department of Justice.**

40 A county shall provide to the Department of Justice requested information regarding the use  
41 of force of its law enforcement officers to maintain the statewide database developed pursuant to  
42 G.S. 114-2.7B.

43 Information collected under this section that is confidential under State or federal law shall  
44 remain confidential."

45 **SECTION 3.(g)** Article 13 of Chapter 160A of the General Statutes is amended by  
46 adding a new section to read:

47 **"§ 160A-290.1. Provide use of force information to the Department of Justice.**

48 A city shall provide to the Department of Justice requested information regarding the use of  
49 force of its law enforcement officers to maintain the statewide database developed pursuant to  
50 G.S. 114-2.7B.

1 Information collected under this section that is confidential under State or federal law shall  
2 remain confidential."

3 **SECTION 3.(h)** This section becomes effective October 1, 2021.  
4

#### 5 **PART IV. ANNUAL REPORT OF LAW ENFORCEMENT OFFICER GIGLIO** 6 **VIOLATIONS**

7 **SECTION 4.(a)** Article 1 of Chapter 114 of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 114-2.7C. Annual report of law enforcement officer Giglio violations.**

10 (a) The Department of Justice, in consultation with the Criminal Justice Education and  
11 Training Standards Commission and the Sheriffs' Education and Training Standards  
12 Commission, shall report no later than March 1, 2022, and annually thereafter, to the Joint  
13 Legislative Oversight Committee on Justice and Public Safety regarding law enforcement  
14 officers in the State that were notified by a judge or district attorney in the year prior to the report  
15 of an action of misconduct or untruthfulness on the part of the law enforcement officer that  
16 requires the disclosure of the action of misconduct or untruthfulness to a criminal defendant  
17 against whom the law enforcement officer will serve as a witness.

18 (b) All law enforcement officers in the State certified pursuant to Chapters 17C, 17E,  
19 74E, and 74G shall report to the Department of Justice if the officer is notified by a judge or  
20 district attorney that an action of misconduct or untruthfulness on the part of the officer requires  
21 the disclosure of the action of misconduct or untruthfulness to a criminal defendant against whom  
22 the officer will serve as a witness. The report required by this subsection shall be submitted to  
23 the Department of Justice within 30 days of the relevant notification by a judge or district  
24 attorney."

25 **SECTION 4.(b)** This section becomes effective October 1, 2021, and applies to  
26 notifications received by law enforcement officers on or after that date.  
27

#### 28 **PART V. REQUIRE CERTAIN MINIMUM LAW ENFORCEMENT OFFICER** 29 **STANDARDS**

30 **SECTION 5.(a)** The Criminal Justice Education and Training Standards  
31 Commission and the Sheriffs' Education and Training Standards Commission shall jointly  
32 develop uniform, statewide minimum standards for law enforcement officers and adopt these  
33 standards as rules.

34 **SECTION 5.(b)** Each Commission shall report the standards developed pursuant to  
35 subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public  
36 Safety no later than October 1, 2021.

37 **SECTION 5.(c)** Each Commission may adopt temporary rules under G.S. 150B-21.1  
38 to comply with this act and shall adopt permanent rules to comply with this act by October 1,  
39 2022.  
40

#### 41 **PART VI. TRANSPORTATION OF INVOLUNTARY COMMITMENT** 42 **RESPONDENTS**

43 **SECTION 6.(a)** G.S. 122C-251(f) reads as rewritten:

44 "(f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a clerk,  
45 a magistrate, or a district court judge, where applicable, may authorize either a health care  
46 provider of the respondent or the family or immediate friends of the respondent, if they so request,  
47 to transport the respondent in accordance with the procedures of this Article. This authorization  
48 shall only be granted in cases where the danger to the public, the health care provider of the  
49 respondent, the family or friends of the respondent, or the respondent himself or herself is not  
50 substantial. The health care provider of the respondent or the family or immediate friends of the  
51 respondent shall bear the costs of providing this transportation."

1 SECTION 6.(b) This section becomes effective October 1, 2021, and applies to  
2 custody orders issued on or after that date.

3  
4 PART VII. LAW ENFORCEMENT OFFICER ENTRY REQUIREMENTS, ONGOING  
5 REQUIREMENTS, AND DIRECTED PHYSICAL FITNESS STUDY

6 SECTION 7.(a) G.S. 17C-6(a) reads as rewritten:

7 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the  
8 Commission shall have the following powers, which shall be enforceable through its rules and  
9 regulations, certification procedures, or the provisions of G.S. 17C-10:

10 ...  
11 (2) Establish minimum educational and training standards that must be met in  
12 order to qualify for entry level employment and retention as a criminal justice  
13 officer in temporary or probationary status or in a permanent position. The  
14 standards for entry level employment shall include all of the following:

- 15 ...
- 16 c. Crisis intervention training regarding best practices when a criminal  
17 justice officer encounters an individual experiencing a behavioral  
18 health crisis.
- 19 d. Education and training on current and former trends and examples of  
20 civil unrest in the State and nation.

21 (2a) Establish minimum mental health screening protocols that must be met in  
22 order to qualify for entry level employment and retention as a criminal justice  
23 officer in temporary or probationary status or in a permanent position. The  
24 standards for entry level employment shall include a psychological screening  
25 within one year prior to certification performed by a physician, psychologist,  
26 or other mental health professional.

27 ...  
28 (17a) Establish minimum annual mental health screening protocols for officers,  
29 including a psychological screening performed by a physician, psychologist,  
30 or other mental health professional.

31 ...."

32 SECTION 7.(b) G.S. 17E-4(a) reads as rewritten:

33 "(a) The Commission shall have the following powers, duties, and responsibilities, which  
34 are enforceable through its rules and regulations, certification procedures, or the provisions of  
35 G.S. 17E-8 and G.S. 17E-9:

36 ...  
37 (2) Establish minimum educational and training standards that may be met in  
38 order to qualify for entry level employment as an officer in temporary or  
39 probationary status or in a permanent position. The standards for entry level  
40 employment of officers shall include all of the following:

- 41 ...
- 42 c. Crisis intervention training regarding best practices when an officer  
43 encounters an individual experiencing a behavioral health crisis.
- 44 d. Education and training on current and former trends and examples of  
45 civil unrest in the State and nation.

46 (2a) Establish minimum mental health screening protocols that must be met in  
47 order to qualify for entry level employment and retention as an officer in  
48 temporary or probationary status or in a permanent position. The standards for  
49 entry level employment shall include a psychological screening within one  
50 year prior to certification performed by a physician, psychologist, or other  
51 mental health professional.

1 ...  
2 (13a) Establish minimum annual mental health screening protocols for officers,  
3 including a psychological screening performed by a physician, psychologist,  
4 or other mental health professional.

5 ...  
6 The Commission may certify, and no additional certification shall be required from it, programs,  
7 courses and teachers certified by the North Carolina Criminal Justice Education and Training  
8 Standards Commission. Where the Commission determines that a program, course, instructor or  
9 teacher is required for an area which is unique to the office of sheriff, the Commission may certify  
10 such program, course, instructor, or teacher under such standards and procedures as it may  
11 establish."

12 **SECTION 7.(c)** The Criminal Justice Education and Training Standards  
13 Commission and the Sheriffs' Education and Training Standards Commission shall jointly study  
14 the benefits, if any, of requiring physical fitness testing throughout the career of a law  
15 enforcement officer and shall also study whether that testing, if required, should be incrementally  
16 adjusted based upon the age of the law enforcement officer.

17 **SECTION 7.(d)** The Criminal Justice Education and Training Standards  
18 Commission and the Sheriffs' Education and Training Standards Commission shall report to the  
19 Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1,  
20 2021, regarding the findings of the study required by subsection (c) of this section.

21 **SECTION 7.(e)** Subsections (a) and (b) of this section become effective January 1,  
22 2022, and apply to applications for law enforcement certification filed on or after that date. The  
23 remainder of this section is effective when it becomes law.

## 24 **PART VIII. DEVELOPMENT OF EARLY WARNING SYSTEMS**

25 **SECTION 8.(a)** Article 4 of Chapter 20 of the General Statutes is amended by adding  
26 a new section to read:

### 27 **"§ 20-196.8. Development of State Trooper early warning system.**

28 The State Highway Patrol shall develop and implement an early warning system to document  
29 and track State Trooper actions and behaviors to help the State Highway Patrol manage personnel  
30 by intervening to correct State Trooper performance. The early warning system required by this  
31 section shall include information, at a minimum, regarding the following:

- 32 (1) Instances of the discharge of a firearm.
- 33 (2) Instances of use of force.
- 34 (3) Vehicle collisions.
- 35 (4) Citizen complaints.

36 Information collected under this section that is confidential under State or federal law shall  
37 remain confidential."

38 **SECTION 8.(b)** Chapter 74E of the General Statutes is amended by adding a new  
39 section to read:

### 40 **"§ 74E-10.3. Development of company police early warning system.**

41 A company police agency shall develop and implement an early warning system to document  
42 and track law enforcement officer actions and behaviors to help the company police agency  
43 manage personnel by intervening to correct law enforcement officer performance. The early  
44 warning system required by this section shall include information, at a minimum, regarding the  
45 following:

- 46 (1) Instances of the discharge of a firearm.
  - 47 (2) Instances of use of force.
  - 48 (3) Vehicle collisions.
  - 49 (4) Citizen complaints.
- 50

1 Information collected under this section that is confidential under State or federal law shall  
2 remain confidential."

3 **SECTION 8.(c)** Chapter 74G of the General Statutes is amended by adding a new  
4 section to read:

5 **"§ 74G-10.3. Development of campus police early warning system.**

6 A campus police agency shall develop and implement an early warning system to document  
7 and track law enforcement officer actions and behaviors to help the campus police agency  
8 manage personnel by intervening to correct law enforcement officer performance. The early  
9 warning system required by this section shall include information, at a minimum, regarding the  
10 following:

- 11 (1) Instances of the discharge of a firearm.
- 12 (2) Instances of use of force.
- 13 (3) Vehicle collisions.
- 14 (4) Citizen complaints.

15 Information collected under this section that is confidential under State or federal law shall  
16 remain confidential."

17 **SECTION 8.(d)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General  
18 Statutes is amended by adding a new section to read:

19 **"§ 143B-927.3. Development of law enforcement officer early warning system.**

20 The State Bureau of Investigation shall develop and implement an early warning system to  
21 document and track law enforcement officer actions and behaviors to help the State Bureau of  
22 Investigation manage personnel by intervening to correct law enforcement officer performance.  
23 The early warning system required by this section shall include information, at a minimum,  
24 regarding the following:

- 25 (1) Instances of the discharge of a firearm.
- 26 (2) Instances of use of force.
- 27 (3) Vehicle collisions.
- 28 (4) Citizen complaints.

29 Information collected under this section that is confidential under State or federal law shall  
30 remain confidential."

31 **SECTION 8.(e)** Article 10 of Chapter 153A of the General Statutes is amended by  
32 adding a new section to read:

33 **"§ 153A-213.2. Development of law enforcement officer early warning system.**

34 A county shall develop and implement an early warning system to document and track law  
35 enforcement officer actions and behaviors to help the county manage personnel by intervening  
36 to correct law enforcement officer performance. The early warning system required by this  
37 section shall include information, at a minimum, regarding the following:

- 38 (1) Instances of the discharge of a firearm.
- 39 (2) Instances of use of force.
- 40 (3) Vehicle collisions.
- 41 (4) Citizen complaints.

42 Information collected under this section that is confidential under State or federal law shall  
43 remain confidential."

44 **SECTION 8.(f)** Article 13 of Chapter 160A of the General Statutes is amended by  
45 adding a new section to read:

46 **"§ 160A-290.2. Development of law enforcement officer early warning system.**

47 A city shall develop and implement an early warning system to document and track law  
48 enforcement officer actions and behaviors to help the city manage personnel by intervening to  
49 correct law enforcement officer performance. The early warning system required by this section  
50 shall include information, at a minimum, regarding the following:

- 51 (1) Instances of the discharge of a firearm.



1           (2)   Instances of use of force.

2           (3)   Vehicle collisions.

3           (4)   Citizen complaints.

4           Information collected under this section that is confidential under State or federal law shall  
5 remain confidential."

6  
7 **PART IX. LAW ENFORCEMENT AGENCY BEST PRACTICES RECRUITING GUIDE**

8           **SECTION 9.(a)** The Criminal Justice Education and Training Standards  
9 Commission and the Sheriffs' Education and Training Standards Commission shall jointly  
10 develop a best practices guide to help law enforcement agencies recruit and retain a diverse  
11 workforce.

12           **SECTION 9.(b)** The Criminal Justice Education and Training Standards  
13 Commission and the Sheriffs' Education and Training Standards Commission shall report to the  
14 Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2022,  
15 regarding the best practices guide required by subsection (a) of this section.

16  
17 **PART X. INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS**

18           **SECTION 10.(a)** G.S. 143B-919 is amended by adding a new subsection to read:

19           "(b1) The Bureau shall, upon request of the Governor, investigate and prepare evidence in  
20 the event of any of the following:

21           (1)   A sworn law enforcement officer with the power to arrest discharges the  
22 officer's firearm in the performance of the officer's duties, excluding during  
23 training exercises.

24           (2)   A sworn law enforcement officer with the power to arrest uses force against  
25 an individual in the performance of the officer's duties that results in the death  
26 of, or serious bodily injury to, the individual.

27           (3)   An individual in the custody of the Department of Public Safety, a State  
28 prison, a county jail, or a local confinement facility, regardless of the physical  
29 location of the individual, dies or suffers serious bodily injury."

30           **SECTION 10.(b)** This section becomes effective October 1, 2021.

31  
32 **PART XI. MANDATORY IN-SERVICE TRAINING FOR LAW ENFORCEMENT**  
33 **OFFICERS**

34           **SECTION 11.(a)** G.S. 17C-6(a), as amended by Section 7 of this act, reads as  
35 rewritten:

36           "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the  
37 Commission shall have the following powers, which shall be enforceable through its rules and  
38 regulations, certification procedures, or the provisions of G.S. 17C-10:

39           ...

40           (14) Establish minimum standards for in-service training for criminal justice  
41 officers. In-service training standards shall include all of the following:

42           a. Training in response to, and investigation of, domestic violence cases,  
43 as well as training investigation for evidence-based prosecutions.

44           b. Training on juvenile justice issues, including (i) the handling and  
45 processing of juvenile matters for referrals, diversion, arrests, and  
46 detention; (ii) best practices for handling incidents involving juveniles;  
47 (iii) adolescent development and psychology; and (iv) promoting  
48 relationship building with youth as a key to delinquency prevention.

49           c. Training on ethics.

50           d. Training on mental health for criminal justice officers.

51           e. Training on community interaction.

- f. Training on implicit bias and racial equity.
- g. Training on use of force.
- h. Training on the duty to intervene and report.

...."

**SECTION 11.(b)** G.S. 17E-4(a), as amended by Section 7 of this act, reads as rewritten:

"(a) The Commission shall have the following powers, duties, and responsibilities, which are enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17E-8 and G.S. 17E-9:

...

(11) Establish minimum standards for in-service training for justice officers. In-service training standards shall include all of the following:

- a. Training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training requirement, the term "justice officer" shall include those defined in G.S. 17E-2(3)a., except that the term shall not include "special deputy sheriffs" as defined in G.S. 17E-2(3)a.
- b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.
- c. Training on ethics.
- d. Training on mental health for justice officers.
- e. Training on community interaction.
- f. Training on implicit bias and racial equity.
- g. Training on use of force.
- h. Training on the duty to intervene and report.

...."

**SECTION 11.(c)** This section becomes effective January 1, 2022.

**PART XII. EXEMPT CHANGES TO LAW ENFORCEMENT IN-SERVICE TRAINING STANDARDS FROM RULEMAKING**

**SECTION 12.** G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

- (6a) The Criminal Justice Education and Training Standards Commission with respect to establishing minimum standards for in-service training for criminal justice officers under G.S. 17C-6(a)(14).
- (6b) The Sheriffs' Education and Training Standards Commission with respect to establishing minimum standards for in-service training for justice officers under G.S. 17E-4(a)(11).

...."

**PART XIII. UTILIZE TECHNOLOGY TO LIMIT FAILURES TO APPEAR IN COURT**

**SECTION 13.(a)** The Administrative Office of the Courts shall automatically enroll all criminal defendants into its court date reminder system. A criminal defendant shall be allowed to opt out of this automatic enrollment by using processes developed by the Administrative Office

1 of the Courts. The processes that allow a criminal defendant to opt out of this automatic  
2 enrollment shall be developed and implemented no later than December 1, 2021.

3 **SECTION 13.(b)** This section becomes effective December 1, 2021, and applies to  
4 criminal defendants arrested on or after that date.

#### 6 **PART XIV. DECRIMINALIZE NON-STATUTORY OFFENSES AND VIOLATIONS**

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

8 "**§ 14-4. Violation of local ordinances ~~misdemeanor~~ an infraction.**

9 (a) ~~Except as provided in subsection (b), if~~ If any person shall violate an ordinance of a  
10 county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, ~~he~~  
11 ~~the person shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred~~  
12 ~~dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states~~  
13 ~~that the maximum fine is greater than fifty dollars (\$50.00).~~ guilty of an infraction punishable by  
14 a fine of not more than fifty dollars (\$50.00).

15 (b) ~~If any person shall violate an ordinance of a county, city, or town regulating the~~  
16 ~~operation or parking of vehicles, he shall be responsible for an infraction and shall be required to~~  
17 ~~pay a penalty of not more than fifty dollars (\$50.00).~~

18 (c) Nothing in this section shall restrict the authority of a county, city, town, or  
19 metropolitan sewerage district to impose civil penalties for the violation of any ordinance  
20 pursuant to G.S. 153A-123, 160A-175, or 162A-81."

21 **SECTION 14.(b)** Article 1 of Chapter 14 of the General Statutes is amended by  
22 adding a new section to read:

23 "**§ 14-4.2. Notice of crimes.**

24 (a) Except as provided in subsection (b) of this section, no person shall be convicted of a  
25 criminal offense unless the offense appears in this Chapter, Chapter 20 of the General Statutes,  
26 or Article 5 of Chapter 90 of the General Statutes or the offense is a common law offense.

27 (b) Subsection (a) of this section does not apply to a person who has actual knowledge  
28 that the behavior which is the basis for being charged with the offense constitutes a crime.

29 (c) This section applies to offenses enacted on or after September 1, 2021."

30 **SECTION 14.(c)** Subsection (a) of this section is effective when it becomes law and  
31 applies to violations on or after that date. The remainder of this section is effective when it  
32 becomes law.

#### 34 **PART XV. INCREASE THE PUNISHMENT FOR RIOT OFFENSES**

35 **SECTION 15.(a)** G.S. 14-288.2 reads as rewritten:

36 "**§ 14-288.2. Riot; inciting to riot; punishments.**

37 ...

38 (b) Any person who willfully engages in a riot is guilty of a Class ~~4 misdemeanor~~ H  
39 felony.

40 (c) Any person who willfully engages in a riot is guilty of a Class ~~H~~ G felony, if:

41 (1) In the course and as a result of the riot there is property damage in excess of  
42 fifteen hundred dollars (\$1,500) or serious bodily injury; or

43 (2) Such participant in the riot has in his possession any dangerous weapon or  
44 substance.

45 ...."

46 **SECTION 15.(b)** This section becomes effective December 1, 2021, and applies to  
47 offenses committed on or after that date.

#### 49 **PART XVI. REQUIRE MANDATORY FIRST APPEARANCE FOR MISDEMEANORS** 50 **WHEN DEFENDANT IS IN CUSTODY AND REQUIRE FIRST APPEARANCE FOR**

1 **ALL CHARGES WHEN DEFENDANT IS IN CUSTODY TO BE HELD WITHIN**  
2 **FORTY-EIGHT HOURS**

3 **SECTION 16.(a)** G.S. 15A-601 reads as rewritten:

4 "**§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~**  
5 **~~in original jurisdiction of superior court; consolidation of first appearance~~**  
6 **~~before magistrate and before district court judge; first appearance before clerk~~**  
7 **~~of superior court; use of two-way audio and video transmission.~~**

8 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal  
9 process under Article 17 of this Chapter, Criminal Process, with a crime in the original  
10 jurisdiction of the superior court must be brought before a district court judge in the district court  
11 district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This  
12 first appearance before a district court judge is not a critical stage of the proceedings against the  
13 defendant.

14 Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under  
15 Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody  
16 must be brought before a district court judge in the district court district as defined in G.S. 7A-133  
17 in which the crime is charged to have been committed. This first appearance before a district  
18 court judge is not a critical stage of the proceedings against the defendant.

19 ...

20 (b) When a district court judge conducts an initial appearance as provided in  
21 G.S. 15A-511, ~~he~~ the judge may consolidate those proceedings and the proceedings under this  
22 Article.

23 (c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first  
24 appearance before a district court judge must be held within ~~96~~48 hours after the defendant is  
25 taken into custody or at the first regular session of the district court in the county, whichever  
26 occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this  
27 Chapter, Bail, within ~~96~~48 hours after being taken into custody, first appearance must be held at  
28 the next session of district court held in the county. This subsection does not apply to a defendant  
29 whose first appearance before a district court judge has been set in a criminal summons pursuant  
30 to G.S. 15A-303(d).

31 ...."

32 **SECTION 16.(b)** This section becomes effective December 1, 2021, and applies to  
33 criminal processes served on or after that date.

34  
35 **PART XVII. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

36 **SECTION 17.(a)** Prosecutions for offenses committed before the effective date of  
37 this act are not abated or affected by this act, and the statutes that would be applicable but for  
38 this act remain applicable to those prosecutions.

39 **SECTION 17.(b)** Except as otherwise provided, this act is effective when it becomes  
40 law.