

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30089-ND-47

Short Title: Police Reform for 2023.

(Public)

Sponsors: Representative Brockman.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT NO-KNOCK WARRANTS, TO LIMIT THE USE OF CHOKEHOLDS  
3 BY LAW ENFORCEMENT OFFICERS, AND TO STRENGTHEN THE TRAINING AND  
4 EDUCATION OF LAW ENFORCEMENT OFFICERS.

5 The General Assembly of North Carolina enacts:

6  
7 **SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS**

8 **SECTION 1.(a)** Article 11 of Chapter 15A of the General Statutes reads as rewritten:

9 "Article 11.

10 "Search Warrants.

11 ...  
12 **"§ 15A-242. Items subject to seizure under a search warrant.**

13 An item is subject to seizure pursuant to a search warrant if there is probable cause to believe  
14 ~~that it:~~ any of the following:

- 15 (1) ~~Is~~ It is stolen or ~~embezzled; or~~ embezzled.  
16 (2) ~~Is~~ It is contraband or otherwise unlawfully ~~possessed; or~~ possessed.  
17 (3) ~~Has~~ It has been used or is possessed for the purpose of being used to commit  
18 or conceal the commission of a ~~crime; or~~ crime.  
19 (4) ~~Constitutes~~ It constitutes evidence of an offense or the identity of a person  
20 participating in an offense.

21 ...  
22 **"§ 15A-244. Contents of the application for a search warrant.**

23 (a) Each application for a search warrant must be made in writing upon oath or  
24 affirmation. All applications must contain:

- 25 (1) The name and title of the ~~applicant; and~~ applicant.  
26 (2) A statement that there is probable cause to believe that items subject to seizure  
27 under G.S. 15A-242 may be found in or upon a designated or described place,  
28 vehicle, or ~~person; and~~ person.  
29 (3) Allegations of fact supporting the statement. The statements must be  
30 supported by one or more affidavits particularly setting forth the facts and  
31 circumstances establishing probable cause to believe that the items are in the  
32 places or in the possession of the individuals to be ~~searched; and~~ searched.

33 ...  
34 (b) For an officer to be able to break and enter any premises or vehicle in the execution  
35 of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under  
36 subsection (a) of this section must also contain:



1           (1) A statement that there is probable cause to believe that the giving of notice of  
2 the execution of the search warrant would endanger the life or safety of any  
3 person.

4           (2) Allegations of fact particularly setting forth the facts and circumstances  
5 establishing probable cause to believe that the giving of notice of the  
6 execution of the search warrant would endanger the life or safety of any  
7 person.

8 **"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.**

9 ...

10       (b) If the issuing official finds that the application meets the requirements of this Article  
11 and finds there is probable cause to believe that the search will discover items specified in the  
12 application which are subject to seizure under G.S. 15A-242, ~~he~~the official must issue a search  
13 warrant in accordance with the requirements of this Article. The issuing official must retain a  
14 copy of the warrant and warrant application and must promptly file them with the clerk. If ~~he~~the  
15 official does not so find, the official must deny the application.

16 **"§ 15A-246. Form and content of the search warrant.**

17 A search warrant must contain:

18       (1) The name and signature of the issuing official with the time and date of  
19 issuance above ~~his signature; and~~the issuing official's signature.

20       (2) The name of a specific officer or the classification of officers to whom the  
21 warrant is ~~addressed; and~~addressed.

22       (3) The names of the applicant and of all persons whose affidavits or testimony  
23 were given in support of the ~~application; and~~application.

24       (4) A designation sufficient to establish with reasonable certainty the premises,  
25 vehicles, or persons to be ~~searched; and~~searched.

26 ...

27 **"§ 15A-247. Who may execute a search warrant.**

28 A search warrant may be executed by any law-enforcement officer acting within ~~his~~the  
29 law-enforcement officer's territorial jurisdiction, whose investigative authority encompasses the  
30 crime or crimes involved.

31 ...

32 **"§ 15A-249. Officer to give notice of identity and purpose.**

33 The officer executing a search warrant must, before entering the premises, give appropriate  
34 notice of ~~his~~the officer's identity and purpose to the person to be searched, or the person in  
35 apparent control of the premises to be searched. If it is unclear whether anyone is present at the  
36 premises to be searched, ~~he~~the officer must give the notice in a manner likely to be heard by  
37 anyone who is present.

38 ...

39 **"§ 15A-251. Entry by force.**

40 An officer may break and enter any premises or vehicle when necessary to the execution of  
41 the warrant ~~if~~under either of the following circumstances:

42       (1) The officer has previously announced ~~his~~the officer's identity and purpose as  
43 required by G.S. 15A-249 and reasonably believes either that admittance is  
44 being denied or unreasonably delayed or that the premises or vehicle is  
45 ~~unoccupied; or~~unoccupied.

46       (2) ~~The officer has probable cause to believe that the giving of notice would~~  
47 ~~endanger the life or safety of any person.~~warrant includes the statement and  
48 allegations of fact required by G.S. 15A-244(b).

49 ...

50 **"§ 15A-253. Scope of the search; seizure of items not named in the warrant.**

1 The scope of the search may be only such as is authorized by the warrant and is reasonably  
2 necessary to discover the items specified therein. Upon discovery of the items specified, the  
3 officer must take possession or custody of them. If in the course of the search the officer  
4 inadvertently discovers items not specified in the warrant which are subject to seizure under  
5 G.S. 15A-242, ~~he the officer~~ may also take possession of the items so discovered.

6 **"§ 15A-254. List of items seized.**

7 Upon seizing items pursuant to a search warrant, an officer must write and sign a receipt  
8 itemizing the items taken and containing the name of the court by which the warrant was issued.  
9 If the items were taken from a person, the receipt must be given to the person. If items are taken  
10 from a place or vehicle, the receipt must be given to the owner, or person in apparent control of  
11 the premises or vehicle if the person is present; ~~or if he the person is not, not present,~~ the officer  
12 must leave the receipt in the premises or vehicle from which the items were taken.

13 **"§ 15A-255. Frisk of persons present in premises or vehicle to be searched.**

14 An officer executing a warrant directing a search of premises or of a vehicle may, if the  
15 officer reasonably believes that ~~his the officer's~~ safety or the safety of others then present so  
16 requires, search for any dangerous weapons by an external patting of the clothing of those  
17 present. If in the course of such a frisk ~~he the officer~~ feels an object which ~~he the officer~~  
18 reasonably believes to be a dangerous weapon, ~~he the officer~~ may take possession of the object.  
19 ...."

20 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to  
21 search warrants issued on or after that date.

22  
23 **INCLUDE CHOKEHOLDS AND SIMILAR TACTICS IN THE DEFINITION OF**  
24 **DEADLY FORCE**

25 **SECTION 2.(a)** G.S. 15A-401(d) reads as rewritten:

26 "(d) Use of Force in Arrest. –

27 ...

28 (2) A law-enforcement officer is justified in using deadly physical force upon  
29 another person for a purpose specified in subdivision (1) of this subsection  
30 only when it is or appears to be reasonably necessary thereby:

31 ...

32 Strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints,  
33 or any other tactics that restrict oxygen or blood flow to the head or neck shall  
34 be considered the use of deadly force under this subdivision.

35 Nothing in this subdivision constitutes justification for willful, malicious or  
36 criminally negligent conduct by any person which injures or endangers any  
37 person or property, nor shall it be construed to excuse or justify the use of  
38 unreasonable or excessive force."

39 **SECTION 2.(b)** This section is effective when it becomes law and applies to uses of  
40 force occurring on or after that date.

41  
42 **REQUIRE LAW ENFORCEMENT OFFICERS TO USE BODY-WORN CAMERAS**

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

45 **"§ 20-196.6. Require use of body-worn cameras.**

46 (a) State Troopers shall utilize body-worn cameras, as that term is defined in  
47 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the  
48 following:

49 (1) Traffic stops.

50 (2) Pursuits.

51 (3) Arrests.

- 1           (4)   Searches.
- 2           (5)   Interrogations not covered under G.S. 15A-211.
- 3           (6)   Interviews with victims and witnesses.
- 4           (7)   Interactions with inmates of a State correctional facility or local confinement
- 5                 facility.

6       (b)   The requirements of subsection (a) of this section shall not apply to State Troopers  
7 during undercover operations."

8           **SECTION 3.(b)** Chapter 74E of the General Statutes is amended by adding a new  
9 section to read:

10 **"§ 74E-10.1. Require use of body-worn cameras.**

11       (a)   Company police officers shall utilize body-worn cameras, as that term is defined in  
12 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the  
13 following:

- 14           (1)   Arrests.
- 15           (2)   Searches.
- 16           (3)   Interrogations not covered under G.S. 15A-211.
- 17           (4)   Interviews with victims and witnesses.

18       (b)   The requirements of subsection (a) of this section shall not apply to company police  
19 officers during undercover operations."

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

22 **"§ 74G-10.1. Require use of body-worn cameras.**

23       (a)   Campus police officers shall utilize body-worn cameras, as that term is defined in  
24 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the  
25 following:

- 26           (1)   Traffic stops.
- 27           (2)   Pursuits.
- 28           (3)   Arrests.
- 29           (4)   Searches.
- 30           (5)   Interrogations not covered under G.S. 15A-211.
- 31           (6)   Interviews with victims and witnesses.

32       (b)   The requirements of subsection (a) of this section shall not apply to campus police  
33 officers during undercover operations."

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

36 **"§ 143B-927.1. Require use of body-worn cameras.**

37       (a)   Law enforcement officers of the State Bureau of Investigation shall utilize body-worn  
38 cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public,  
39 including, but not limited to, the following:

- 40           (1)   Traffic stops.
- 41           (2)   Pursuits.
- 42           (3)   Arrests.
- 43           (4)   Searches.
- 44           (5)   Interrogations not covered under G.S. 15A-211.
- 45           (6)   Interviews with victims and witnesses.
- 46           (7)   Interactions with inmates of a State correctional facility or local confinement
- 47                 facility.

48       (b)   The requirements of subsection (a) of this section shall not apply to law enforcement  
49 officers of the State Bureau of Investigation during undercover operations."

50           **SECTION 3.(e)** Part 1 of Article 10 of Chapter 153A of the General Statutes is  
51 amended by adding a new section to read:

1 **"§ 153A-213. Require use of body-worn cameras.**

2 (a) County law enforcement officers shall utilize body-worn cameras, as that term is  
3 defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not  
4 limited to, the following:

5 (1) Traffic stops.

6 (2) Pursuits.

7 (3) Arrests.

8 (4) Searches.

9 (5) Interrogations not covered under G.S. 15A-211.

10 (6) Interviews with victims and witnesses.

11 (7) Interactions with inmates of a State correctional facility or local confinement  
12 facility.

13 (b) The requirements of subsection (a) of this section shall not apply to county law  
14 enforcement officers during undercover operations."

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

17 **"§ 160A-290. Require use of body-worn cameras.**

18 (a) City law enforcement officers shall utilize body-worn cameras, as that term is defined  
19 in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to,  
20 the following:

21 (1) Traffic stops.

22 (2) Pursuits.

23 (3) Arrests.

24 (4) Searches.

25 (5) Interrogations not covered under G.S. 15A-211.

26 (6) Interviews with victims and witnesses.

27 (7) Interactions with inmates of a State correctional facility or local confinement  
28 facility.

29 (b) The requirements of subsection (a) of this section shall not apply to city law  
30 enforcement officers during undercover operations."

31 **SECTION 3.(g)** This section becomes effective October 1, 2023, and applies to  
32 interactions occurring on or after that date.

33  
34 **REQUIRE ADDITIONAL LAW ENFORCEMENT TRAINING RELATED TO THE USE**  
35 **OF FORCE, THE USE OF DEADLY FORCE, AND EXCESSIVE FORCE**

36 **SECTION 4.(a)** G.S. 17C-6(a) reads as rewritten:

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

40 ...

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

45 ...

46 d. Education and training on the use of force, the use of deadly force,  
47 excessive force, methods for intervening when witnessing excessive  
48 force, de-escalation tactics, and methods of warning individuals prior  
49 to discharging a firearm.

50 ...

1 (14) Establish minimum standards for in-service training for criminal justice  
 2 officers. In-service training standards for sworn law enforcement officers shall  
 3 include all of the following training topics:

4 ...

5 h. Use of force, use of deadly force, de-escalation tactics, and  
 6 methods of warning individuals prior to discharging a firearm.

7 i. The Excessive force, methods for intervening when witnessing  
 8 excessive force, and the duty to intervene and report.

9 ...."

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

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

14 (1) Promulgate rules and regulations for the administration of this Chapter, which  
 15 rules may require (i) the submission by any agency of information with respect  
 16 to the employment, education, and training of its justice officers, and (ii) the  
 17 submission by any training school of information with respect to its programs  
 18 that are required by this ~~Chapter~~;Chapter.

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

23 ...

24 d. Education and training on the use of force, the use of deadly force,  
 25 excessive force, methods for intervening when witnessing excessive  
 26 force, de-escalation tactics, and methods of warning individuals prior  
 27 to discharging a firearm.

28 (3) Certify, pursuant to the standards that it may establish for the purpose, persons  
 29 as qualified under the provisions of this Chapter who may be employed at  
 30 entry level as ~~officers~~;officers.

31 (4) Establish minimum standards for the certification of training schools and  
 32 programs or courses of instruction that are required by this ~~Chapter~~;Chapter.

33 (5) Certify, pursuant to the standards that it has established for the purpose,  
 34 training schools and programs or courses of instruction that are required by  
 35 this ~~Chapter~~;Chapter.

36 (6) Establish standards and levels of education or equivalent experience for  
 37 teachers who participate in programs or courses of instruction that are required  
 38 by this ~~Chapter~~;Chapter.

39 (7) Certify, pursuant to the standards that it has established for the purpose,  
 40 teachers who participate in programs or courses of instruction that are required  
 41 by this ~~Chapter~~;Chapter.

42 (8) Investigate and make such evaluations as may be necessary to determine if  
 43 agencies are complying with the provision[s] of this ~~Chapter~~;Chapter.

44 (9) Adopt and amend bylaws, consistent with law, for its internal management  
 45 and ~~control~~;control.

46 (10) Enter into contracts incident to the administration of its authority pursuant to  
 47 this ~~Chapter~~;Chapter.

48 (11) Establish minimum standards for in-service training for justice officers.  
 49 In-service training standards for sworn law enforcement officers shall include  
 50 all of the following training topics:

51 ...

- 1                           h.     Use of ~~foree-~~force, use of deadly force, de-escalation tactics, and
- 2   methods of warning individuals prior to discharging a firearm.
- 3                           i.     ~~The~~ Excessive force, methods for intervening when witnessing
- 4   excessive force, and the duty to intervene and report.

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 4.(c)** The North Carolina Criminal Justice Education and Training

13    Standards Commission and the North Carolina Sheriffs' Education and Training Standards

14    Commission shall issue temporary rules to implement the requirements of this section.

15                    **SECTION 4.(d)** This section becomes effective October 1, 2023, and applies to

16    entry-level education and training and in-service training required on or after that date.

17

18    **EFFECTIVE DATE**

19                    **SECTION 5.** Except as otherwise provided, this act is effective when it becomes

20    law.