

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 589
PROPOSED COMMITTEE SUBSTITUTE H589-PCS40450-CJ-3

Short Title: Protect Whistleblower LEOs from Retaliation.

(Public)

Sponsors:

Referred to:

April 10, 2023

1 A BILL TO BE ENTITLED
2 AN ACT PROTECTING FROM RETALIATION LAW ENFORCEMENT OFFICERS THAT
3 REPORT IMPROPER OR UNLAWFUL ACTIVITY.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 17C-17. Report certain conduct; protection from retaliation.**

8 (a) A criminal justice officer that makes a report pursuant to a violation of any of the
9 following shall not be terminated, disciplined, or otherwise retaliated against for making that
10 report:

11 (1) Violations of federal, State, city, or county laws, ordinances, or regulations.

12 (2) Fraud.

13 (3) Misappropriation of State, city, or county resources.

14 (4) Activity that poses a substantial danger to public health and safety.

15 (5) Gross mismanagement, including the gross waste of public monies or the
16 gross abuse of authority.

17 (6) Unauthorized use of excessive force.

18 (b) Employers remain free to discipline or terminate employees for legitimate,
19 nondiscriminatory, non-retaliatory reasons, notwithstanding any prior protected activity.
20 Whether an adverse action was taken because of the employee's protected activity depends on
21 the facts.

22 (c) Making a knowingly false report under this section shall be a Class 2 misdemeanor."

23 **SECTION 1.(b)** Article 2 of Chapter 17E of the General Statutes is amended by
24 adding a new section to read:

25 "**§ 17E-17. Report certain conduct; protection from retaliation.**

26 (a) A justice officer that makes a report pursuant to a violation of any of the following
27 shall not be terminated, disciplined, or otherwise retaliated against for making that report:

28 (1) Violations of federal, State, city, or county laws, ordinances, or regulations.

29 (2) Fraud.

30 (3) Misappropriation of State, city, or county resources.

31 (4) Activity that poses a substantial danger to public health and safety.

32 (5) Gross mismanagement, including the gross waste of public monies or the
33 gross abuse of authority.

34 (6) Unauthorized use of excessive force.

35 (b) Employers remain free to discipline or terminate employees for legitimate,
36 nondiscriminatory, non-retaliatory reasons, notwithstanding any prior protected activity.



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1 Whether an adverse action was taken because of the employee's protected activity depends on
2 the facts.
3 (c) Making a knowingly false report under this section shall be a Class 2 misdemeanor."
4 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
5 committed and retaliatory actions taken on or after that date.