

GENERAL ASSEMBLY OF NORTH CAROLINA
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H.B 1044
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10499-MSa-18 (03/09)

Short Title: Law Enforcement Omnibus Bill. (Public)

Sponsors: Representatives Hager; J. Bell, Boles, and Burr.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE A PUBLIC SERVICE ALERT SYSTEM TO AID IN THE APPREHENSION OF SUSPECTS WHO KILL OR INFLICT SERIOUS BODILY INJURY ON A LAW ENFORCEMENT OFFICER; TO CREATE A STATE HIGHWAY PATROL VOLUNTEER RESERVE PROGRAM; TO PROVIDE THAT THE HEAD OR CHIEF OF A LAW ENFORCEMENT AGENCY MAY DESIGNATE A PERSON TO SUBMIT A WRITTEN REQUEST FOR A DEADLY WEAPON TO BE TURNED OVER TO A LAW ENFORCEMENT AGENCY; TO AMEND THE SILVER ALERT SYSTEM TO EXPAND THE CLASS OF CITIZENS IT PROTECTS; TO PREVENT MOTOR CARRIERS FROM AVOIDING CIVIL PENALTIES OWED TO THE STATE BY TRANSFERRING TITLE PRIOR TO PAYMENT; TO ALLOW FOR THE DIRECTOR OF THE SBI TO HIRE RESERVE AGENTS TO ENHANCE THE EFFICIENCY OF THE SBI; TO PROVIDE RESERVE ALE AGENTS WITH THE SAME BENEFITS GIVEN TO ALL OTHER STATE RESERVE AGENTS; TO MAKE MINOR CHANGES TO THE DEFINITION OF EMERGENCY IN THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT; TO PROVIDE THAT THE SAMARCAND TRAINING ACADEMY IS SPECIFICALLY EXEMPTED FROM THE UMSTEAD ACT; TO PROVIDE FOR THE STATE CAPITAL POLICE TO APPOINT RESERVE OFFICERS; TO DIRECT STATE AGENCIES TO USE THE ENTERPRISE ACTIVE DIRECTORY; TO PROVIDE AN EXEMPTION TO THE DEPARTMENT OF PUBLIC SAFETY AND THE STATE BUREAU OF INVESTIGATION; AND TO APPROPRIATE FUNDS TO PROVIDE AIRCRAFT REPLACEMENT AND TO MODERNIZE LAW ENFORCEMENT EQUIPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Subpart B of Part 5 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-1023. North Carolina Blue Alert System established.

(a) There is established within the North Carolina Center for Missing Persons the Blue Alert System. The purpose of the Blue Alert System is to aid in the apprehension of a suspect who kills or inflicts serious bodily injury on a law enforcement officer by providing a statewide system for the rapid dissemination of information regarding the suspect. The term "serious bodily injury" is as defined in G.S. 14-32.4(a).

(b) The Center shall make every effort to rapidly disseminate information on a suspect when the following criteria are met:

(1) A law enforcement officer is killed or suffers serious bodily injury.

(2) A law enforcement agency with jurisdiction (i) determines that the suspect poses a threat to the public and other law enforcement personnel and (ii)



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1 possesses information that may assist in locating the suspect including
2 information regarding the suspect's vehicle, complete or partial license plate
3 information, and a detailed description of the suspect or that a law enforcement
4 officer is missing while on duty under circumstances warranting concern for the
5 law enforcement officer's safety.

6 (3) The head of a law enforcement agency with jurisdiction recommends the
7 issuance of a blue alert to the Center.

8 (c) The Center shall adopt guidelines and develop procedures for the statewide
9 implementation of the Blue Alert System and shall provide education and training to encourage
10 radio and television broadcasters to participate in the alert.

11 (d) The Center shall consult with the Department of Transportation and develop a
12 procedure for the use of overhead permanent changeable message signs to provide information on
13 a suspect when the criteria established in subsection (b) of this section are met. The Center and the
14 Department of Transportation shall develop guidelines for the content, length, and frequency of
15 any message to be placed on the overhead permanent changeable message sign pursuant to the
16 issuance of a blue alert.

17 (e) The Center shall consult with the Division of Emergency Management in the
18 Department of Public Safety to develop a procedure for the use of the Blue Alert System to
19 provide information on a suspect when the criteria established in subsection (b) of this section are
20 met."

21 **SECTION 2.** G.S. 20-185 is amended by adding a new subsection to read:

22 "(j) The State Highway Patrol is authorized to appoint retired members as volunteer reserve
23 members to serve in the Highway Patrol Reserve Unit. Volunteer reserve members shall be
24 entitled to all benefits set forth in Chapter 97 of the General Statutes except those benefits payable
25 pursuant to G.S. 97-29 and G.S. 97-30."

26 **SECTION 3.** G.S. 14-269.1(4b) reads as rewritten:

27 "(4b) By ordering the weapon turned over to a law enforcement agency in the county
28 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by the
29 15 agency to a federally licensed firearm dealer in accordance with all
30 applicable 16 State and federal firearm laws. The court may order a disposition
31 of the firearm pursuant to this subdivision only upon the written request of the
32 head or chief of the law enforcement agency or a designee of the head or chief
33 of the law enforcement agency and only if the firearm has a legible, unique
34 identification number. If the law enforcement agency sells the firearm, then the
35 proceeds of the sale shall be remitted to the appropriate county finance officer
36 as provided by G.S. 115C-452 to be used to maintain free public schools. The
37 receiving law enforcement agency shall maintain a record and inventory of all
38 firearms received pursuant to this subdivision."

39 **SECTION 4.** G.S. 143B-1022 reads as rewritten:

40 "**§ 143B-1022. North Carolina Silver Alert System established.**

41 (a) There is established within the North Carolina Center for Missing Persons the Silver
42 Alert System. The purpose of the Silver Alert System is to provide a statewide system for the
43 rapid dissemination of information regarding a missing person or missing child who is believed to
44 be suffering from ~~dementia or other cognitive impairment~~ dementia, Alzheimer's disease, or a
45 disability that requires them to be protected from potential abuse or other physical harm, neglect,
46 or exploitation.

47 (b) If the Center receives a ~~report request~~ report request that involves a missing person or missing child
48 ~~who is believed to be suffering from dementia or other cognitive impairment, for the protection of~~
49 ~~the missing person or missing child from potential abuse or other physical harm, neglect, or~~
50 ~~exploitation,~~ as described in subsection (a) of this section, the Center shall issue an alert providing
51 for rapid dissemination of information statewide regarding the missing person or missing child.

1 The Center shall make every effort to disseminate the information as quickly as possible when the
2 person's or child's status as missing has been reported to a law enforcement agency.

3 (c) The Center shall adopt guidelines and develop procedures for issuing an alert for
4 missing persons and missing children ~~believed to be suffering from dementia or other cognitive~~
5 ~~impairment as described in subsection (a) of this section~~ and shall provide education and training
6 to encourage radio and television broadcasters to participate in the alert. The guidelines and
7 procedures shall ensure that specific health information about the missing person or missing child
8 is not made public through the alert or otherwise.

9"

10 **SECTION 5.** G.S. 20-54 reads as rewritten:

11 "**§ 20-54. Authority for refusing registration or certificate of title.**

12 The Division shall refuse registration or issuance of a certificate of title or any transfer of
13 registration upon any of the following grounds:

14 ...

15 (13) The Division has been notified by the State Highway Patrol that the owner of
16 the vehicle has failed to pay any civil penalty and fees imposed by the State
17 Highway Patrol for a violation of Part 9 of Article 3 of this Chapter."

18 **SECTION 6.** G.S. 143B-927 reads as rewritten:

19 "**§ 143B-927. Personnel of the State Bureau of Investigation.**

20 The Director of the State Bureau of Investigation may appoint a sufficient number of assistants
21 who shall be competent and qualified to do the work of the Bureau. The Director shall be
22 responsible for making all hiring and personnel decisions of the Bureau. Notwithstanding the
23 provisions of this Chapter or Chapter 143A of the General Statutes, the Director may hire or fire
24 personnel and transfer personnel within the Bureau. If the Director deems it appropriate to hire
25 reserve agents, those reserve agents shall be entitled to all benefits under Chapter 97 of the
26 General Statutes, except those benefits payable pursuant to G.S. 97-29 and G.S. 97-30, while
27 performing assigned duties."

28 **SECTION 7.** G.S. 18B-500(a) reads as rewritten:

29 "**§ 18B-500. Alcohol law-enforcement agents.**

30 (a) Appointment. – The Director of the State Bureau of Investigation shall appoint alcohol
31 law-enforcement agents and other enforcement personnel. The Director may also appoint regular
32 employees of the Commission as alcohol law-enforcement agents. Alcohol law-enforcement
33 agents shall be designated as "alcohol law-enforcement agents". Persons serving as reserve alcohol
34 law-enforcement agents are ~~considered employees of the Alcohol Law Enforcement Branch for~~
35 ~~workers' compensation purposes~~ entitled to all benefits of Chapter 97 of the General Statutes,
36 except those benefits payable pursuant to G.S. 97-29 and G.S. 97-30, while performing duties
37 assigned or approved by the Head of the Alcohol Law Enforcement Branch or the Head's
38 designee."

39 **SECTION 8.** G.S. 166A-19.3(6) reads as rewritten:

40 "(6) Emergency. – An occurrence or imminent threat of widespread or severe
41 damage, injury, or loss of life or property resulting from any natural or
42 man-made accidental, military, paramilitary, terrorism, weather-related, public
43 health, explosion-related, riot-related ~~cause, cause, or technological failure or~~
44 accident, including, but not limited, to a cyber-incident, an explosion, a
45 transportation accident, a radiological accident, or a chemical or other
46 hazardous material incident."

47 **SECTION 9.** G.S. 66-58(b) is amended by adding a new subdivision to read:

48 "(28) Samarcaud Training Academy."

49 **SECTION 10.** G.S. 143B-911 is amended by adding a new subsection to read:

50 "(f) If approved and deemed appropriate, the Chief of the State Capital Police may appoint
51 reserve police officers to assist with particular duties. These reserve officers shall be entitled to all

1 the benefits under Chapter 97 of the General Statutes, except those benefits payable pursuant to
2 G.S. 97-29 and G.S. 97-30, while performing assigned duties."

3 **SECTION 11.** On or before July 1, 2016, all State agencies identified as principal
4 departments under G.S. 143B-6 shall become direct members of and shall use the Enterprise
5 Active Directory. A principal department may submit to the State Chief Information Officer a
6 written request to deviate from certain requirements of the Enterprise Active Directory, provided
7 that any deviation shall be consistent with available funding and shall be subject to any terms and
8 conditions specified by the State Chief Information Officer.

9 **SECTION 12.** G.S. 143B-1320(b) reads as rewritten:

10 "(b) Exemptions. – Except as otherwise specifically provided by law, the provisions of this
11 Chapter do not apply to the following entities: the General Assembly, the Judicial Department, the
12 Department of Public Safety, the State Highway Patrol and Emergency Management, the State
13 Bureau of Investigation, and The University of North Carolina and its constituent institutions.
14 ~~These entities~~ The General Assembly, the Judicial Department, law enforcement agencies, or The
15 University of North Carolina and its constituent institutions may elect to participate in the
16 information technology programs, services, or contracts offered by the Department, including
17 information technology procurement, in accordance with the statutes, policies, and rules of the
18 Department. The election must be made in writing, as follows:

- 19 (1) For the General Assembly, by the Legislative Services Commission.
- 20 (2) For the Judicial Department, by the Chief Justice.
- 21 ~~(3) For The University of North Carolina, by the Board of Governors.~~
- 22 ~~(4) For the constituent institutions of The University of North Carolina, by the~~
23 ~~respective boards of trustees.~~
- 24 (5) For the Department of Public Safety, by the Secretary.
- 25 (6) For the State Bureau of Investigation, by the Director.
- 26 (7) For The University of North Carolina, by the Board of Governors.
- 27 (8) For the constituent institutions of The University of North Carolina, by the
28 respective boards of trustees."

29 **SECTION 13.** There is appropriated from the General Fund to the State Bureau of
30 Investigation the sum of eight million six hundred seventy-five thousand nine hundred twenty-four
31 dollars (\$8,675,924) in nonrecurring funds for the 2016-2017 fiscal year to provide aircraft
32 replacement and essential modern law enforcement equipment to ensure safety of agents and the
33 citizens of North Carolina.

34 **SECTION 14.** Section 5 of this act becomes effective October 1, 2016, and applies to
35 violations committed on or after that date. Section 13 of this act becomes effective July 1, 2016.
36 The remainder of this act is effective when it becomes law.