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HOUSE BILL 1044

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Senate Judiciary II Committee Substitute Adopted 6/23/16

Short Title: Law Enforcement Omnibus Bill.

(Public)

Sponsors:

Referred to:

May 5, 2016

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 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 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 AN EXEMPTION TO THE DEPARTMENT OF PUBLIC SAFETY AND THE STATE BUREAU OF INVESTIGATION; TO CREATE AN EXCEPTION TO THE LENGTH OF SERVICE REQUIREMENTS FOR FORENSIC SCIENTISTS TO BECOME CAREER STATE EMPLOYEES; AND TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE GRAND JURY MAY BE CONVENED.

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) possesses information that may assist in locating the suspect, including information regarding the suspect's vehicle, complete or partial license plate



1 information, and a detailed description of the suspect, or that a law enforcement
2 officer is missing while on duty under circumstances warranting concern for the
3 law enforcement officer's safety.

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

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

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

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

19 **SECTION 2.** G.S. 14-269.1(4b) reads as rewritten:

20 "(4b) By ordering the weapon turned over to a law enforcement agency in the county
21 of trial for (i) the official use of the agency or (ii) sale, trade, or exchange by the
22 agency to a federally licensed firearm dealer in accordance with all applicable
23 State and federal firearm laws. The court may order a disposition of the firearm
24 pursuant to this subdivision only upon the written request of the head or chief
25 of the law enforcement agency or a designee of the head or chief of the law
26 enforcement agency and only if the firearm has a legible, unique identification
27 number. If the law enforcement agency sells the firearm, then the proceeds of
28 the sale shall be remitted to the appropriate county finance officer as provided
29 by G.S. 115C-452 to be used to maintain free public schools. The receiving law
30 enforcement agency shall maintain a record and inventory of all firearms
31 received pursuant to this subdivision."

32 **SECTION 3.** G.S. 143B-1022 reads as rewritten:

33 **"§ 143B-1022. North Carolina Silver Alert System established.**

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

40 (b) If the Center receives a ~~report~~request that involves a missing person or missing child
41 ~~who is believed to be suffering from dementia or other cognitive impairment, for the protection of~~
42 ~~the missing person or missing child from potential abuse or other physical harm, neglect, or~~
43 ~~exploitation, as described in subsection (a) of this section,~~ the Center shall issue an alert providing
44 for rapid dissemination of information statewide regarding the missing person or missing child.
45 The Center shall make every effort to disseminate the information as quickly as possible when the
46 person's or child's status as missing has been reported to a law enforcement agency.

47 (c) The Center shall adopt guidelines and develop procedures for issuing an alert for
48 missing persons and missing children ~~believed to be suffering from dementia or other cognitive~~
49 ~~impairment as described in subsection (a) of this section~~ and shall provide education and training
50 to encourage radio and television broadcasters to participate in the alert. The guidelines and

1 procedures shall ensure that specific health information about the missing person or missing child
2 is not made public through the alert or otherwise.

3"

4 **SECTION 4.** G.S. 20-54 reads as rewritten:

5 **"§ 20-54. Authority for refusing registration or certificate of title.**

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

8 ...

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

12 **SECTION 5.** G.S. 166A-19.3(6) reads as rewritten:

13 "(6) Emergency. – An occurrence or imminent threat of widespread or severe
14 damage, injury, or loss of life or property resulting from any natural or
15 man-made accidental, military, paramilitary, terrorism, weather-related, public
16 health, explosion-related, or riot-related cause-cause, or technological failure or
17 accident, including, but not limited to, a cyber incident, an explosion, a
18 transportation accident, a radiological accident, or a chemical or other
19 hazardous material incident."

20 **SECTION 6.** G.S. 66-58(b) is amended by adding a new subdivision to read:

21 "(28) Samarcand Training Academy."

22 **SECTION 7.** G.S. 126-1.1 reads as rewritten:

23 **"§ 126-1.1. Career State employee defined.**

24 (a) For the purposes of this Chapter, unless the context clearly indicates otherwise, "career
25 State employee" means a State employee or an employee of a local entity who is covered by this
26 Chapter pursuant to G.S. 126-5(a)(2) who:

27 (1) Is in a permanent position with a permanent appointment, and

28 (2) Has been continuously employed by the State of North Carolina or a local
29 entity as provided in G.S. 126-5(a)(2) in a position subject to the North
30 Carolina Human Resources Act for the immediate 12 preceding months.

31 (b) As used in this Chapter, "probationary State employee" means a State employee who is
32 in a probationary appointment and is exempt from the provisions of the North Carolina Human
33 Resources Act only because the employee has not been continuously employed by the State for the
34 time period required by subsection (a) or (c) of this section.

35 (c) Notwithstanding the provisions of subsection (a) above, employees who are hired by a
36 State agency, department or university in a sworn law enforcement position or forensic scientist
37 position and who are required to complete a formal training program prior to assuming law
38 enforcement or forensic scientist duties with the hiring agency, department or university shall
39 become career State employees only after being employed by the agency, department or university
40 for 24 continuous months."

41 **SECTION 8.** G.S. 15A-622 reads as rewritten:

42 **"§ 15A-622. Formation and organization of grand juries; other preliminary matters.**

43 ...

44 (h) A written petition for convening of grand jury under this section may be filed by the
45 district attorney, the district attorney's designated assistant, or a special prosecutor requested
46 pursuant to G.S. 114-11.6, with the approval of a committee of at least three members of the North
47 Carolina Conference of District Attorneys, and with the concurrence of the Attorney General, with
48 the Clerk of the North Carolina Supreme Court. The Chief Justice shall appoint a panel of three
49 judges to determine whether to order the grand jury convened. A grand jury under this section may
50 be convened if the three-judge panel determines that:

- 1 (1) The petition alleges the commission of or a conspiracy to commit ~~a violation of~~
2 ~~G.S. 90-95(h) or G.S. 90-95.1, any of the crimes listed in subsection (i) of this~~
3 ~~section~~, any part of which violation or conspiracy occurred in the county where
4 the grand jury sits, and that persons named in the petition have knowledge
5 related to the identity of the perpetrators of those crimes but will not divulge
6 that knowledge voluntarily or that such persons request that they be allowed to
7 testify before the grand jury; and
- 8 (2) The affidavit sets forth facts that establish probable cause to believe that the
9 crimes specified in the petition have been committed and reasonable grounds to
10 suspect that the persons named in the petition have knowledge related to the
11 identity of the perpetrators of those crimes.

12 The affidavit shall be based upon personal knowledge or, if the source of the information and
13 basis for the belief are stated, upon information and belief. The panel's order convening the grand
14 jury as an investigative grand jury shall direct the grand jury to investigate the crimes and persons
15 named in the petition, and shall be filed with the Clerk of the North Carolina Supreme Court. A
16 grand jury so convened retains all powers, duties, and responsibilities of a grand jury under this
17 Article. The contents of the petition and the affidavit shall not be disclosed. Upon receiving a
18 petition under this subsection, the Chief Justice shall appoint a panel to determine whether the
19 grand jury should be convened as an investigative grand jury.

20 A grand jury authorized by this subsection may be convened from an existing grand jury or
21 grand juries authorized by subsection (b) of this section or may be convened as an additional grand
22 jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this section, grand
23 jurors impaneled pursuant to this subsection shall serve for a period of 12 months, and, if an
24 additional grand jury is convened, 18 persons shall be selected to constitute that grand jury. At any
25 time for cause shown, the presiding superior court judge may excuse a juror temporarily or
26 permanently, and in the latter event the court may impanel another person in place of the juror
27 excused.

28 (i) An investigative grand jury may be convened pursuant to subsection (h) of this section
29 if the petition alleges the commission of, attempt to commit or solicitation to commit, or a
30 conspiracy to commit ~~a violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary~~
31 ~~servitude), or G.S. 14-43.13 (sexual servitude), any of the following:~~

- 32 (1) A violation of G.S. 90-95(h) or G.S. 90-95.1.
33 (2) A violation of Article 29 or 30 of Chapter 14 of the General Statutes (relating to
34 bribery and obstructing justice), G.S. 14-228 (buying and selling of offices), or
35 G.S. 14-234 (public officers or employees benefiting from public contracts).
36 (3) A violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary
37 servitude), or G.S. 14-43.13 (sexual servitude).

38 (j) Any grand juror who serves the full term of service under subsection (b) or subsection
39 (h) of this section shall not be required to serve again as a grand juror or as a juror for a period of
40 six years."

41 **SECTION 9.** Section 4 of this act becomes effective October 1, 2016, and applies to
42 violations committed on or after that date. Section 8 of this act becomes effective October 1, 2016.
43 The remainder of this act is effective when it becomes law.