

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 436
Committee Substitute Favorable 4/20/21
Senate Judiciary Committee Substitute Adopted 8/18/21

Short Title: Support Law Enforcement Mental Health.

(Public)

Sponsors:

Referred to:

March 30, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PSYCHOLOGICAL SCREENINGS OF LAW ENFORCEMENT OFFICERS PRIOR TO CERTIFICATION OR EMPLOYMENT; TO EDUCATE LAW ENFORCEMENT OFFICERS ON MAINTAINING GOOD MENTAL HEALTH, AND TO PROVIDE INFORMATION TO LAW ENFORCEMENT OFFICERS ON MENTAL HEALTH RESOURCES AVAILABLE; AND TO CREATE A PHYSICAL FITNESS STUDY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 17C-6(a) reads as rewritten:

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

...

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

...

c. Education and training to develop knowledge and increase awareness of effective mental health and wellness strategies for criminal justice officers.

...

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

...

c. Training to develop knowledge and increase awareness of effective mental health and wellness strategies for criminal justice officers. The standards established shall include two hours of training on this issue every three years.

...."

SECTION 1.(b) G.S. 17E-4(a) 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:

...



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

...

c. Education and training to develop knowledge and increase awareness of effective mental health and wellness strategies for justice officers.

...

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

...

c. Training to develop knowledge and increase awareness of effective mental health and wellness strategies for justice officers. The standards established shall include two hours of training on this issue every three years.

...."

SECTION 1.(c) G.S. 17C-10(c) reads as rewritten:

"(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, shall fix other qualifications for the employment, training, and retention of criminal justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of criminal justice officers, ~~and the officers.~~ The Commission shall prescribe the means for presenting evidence of fulfillment of these requirements. The Commission shall require the administration of a psychological screening examination, including a face-to-face, in-person interview conducted by a licensed psychologist, to determine the criminal justice officer's psychological suitability to properly fulfill the responsibilities of the criminal justice officer. If face-to-face, in-person is not practicable, the face-to-face evaluation can be virtual as long as both the audio and video allow for a professional clinical evaluation in a clinical environment. The psychological screening examination shall be given (i) prior to the initial certification or (ii) prior to the criminal justice officer performing any action requiring certification by the Commission.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Such an educational waiver shall not exceed 12 months."

SECTION 1.(d) G.S. 17E-7(c) reads as rewritten:

"(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the ~~office, and the office.~~ The Commission shall prescribe the means for presenting evidence of fulfillment of these requirements. The Commission shall require the administration of a psychological screening examination, including a face-to-face, in-person interview conducted by a licensed psychologist, to determine the justice officer's psychological suitability to properly fulfill the responsibilities of the justice officer. If face-to-face, in-person is not practicable, the face-to-face evaluation can be virtual as long as both the audio and video allow for a professional clinical evaluation in a clinical environment. The psychological screening examination shall be given (i) prior to the initial certification or (ii) prior to the criminal justice officer performing any action requiring certification by the Commission.

1 Where minimum educational standards are not met, yet the individual shows potential and a
2 willingness to achieve the standards by extra study, they may be waived by the Commission for
3 the reasonable amount of time it will take to achieve the standards required. Upon petition from
4 a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any
5 justice officer serving that sheriff."

6 **SECTION 1.(e)** In developing the standards and training required by subsections (a)
7 and (b) of this section, the North Carolina Criminal Justice Education and Training Standards
8 Commission and the North Carolina Sheriffs' Education and Training Standards Commission are
9 encouraged to adopt standards that provide training conducted by mental health professionals
10 and through face-to-face instruction.

11 **SECTION 1.(f)** The North Carolina Criminal Justice Education and Training
12 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
13 Commission shall regularly provide information on any statewide mental health resources
14 specifically available to criminal justice officers or justice officers to all criminal justice agencies
15 or departments in the State that employ officers certified by either Commission.

16 **SECTION 1.(g)** All criminal justice agencies or departments in the State that employ
17 criminal justice officers certified by the North Carolina Criminal Justice Education and Training
18 Standards Commission or justice officers certified by the North Carolina Sheriffs' Education and
19 Training Standards Commission shall coordinate with the appropriate local management
20 entity/managed care organization (LME/MCO) or prepaid health plan, as defined under
21 G.S. 108D-1, to make information on State and local mental health resources and programs easily
22 available to all employees and develop policies to encourage employees to utilize the resources
23 available.

24 **SECTION 1.(h)** The North Carolina Criminal Justice Education and Training
25 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
26 Commission shall jointly study the benefits, if any, of requiring physical fitness testing
27 throughout the career of a law enforcement officer and shall also study whether that testing, if
28 required, should be incrementally adjusted based upon the age of the law enforcement officer
29 and report to the Joint Legislative Oversight Committee on Justice and Public Safety no later
30 than March 31, 2022.

31 **SECTION 1.(i)** The North Carolina Criminal Justice Education and Training
32 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
33 Commission shall implement the requirements of subsections (a) through (d) of this section no
34 later than January 1, 2022. The requirements of subsections (c) and (d) of this section shall apply
35 to certifications issued and employees entering employment on or after the implementation date
36 of those requirements.

37 **SECTION 2.** Subsections (a) through (d) of this section become effective January 1,
38 2022, and apply to applications for law enforcement certification filed on or after that date. The
39 remainder of this act is effective when it becomes law.