

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 532

Short Title: Criminal Justice Equity Act of 2021. (Public)

Sponsors: Representatives Morey, Gailliard, and Quick (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 13, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CRIMINAL JUSTICE, POLICING, AND JUVENILE JUSTICE
3 REFORM, AND TO APPROPRIATE FUNDS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. FUNDS TO EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM TO ALL**
7 **COUNTIES IN THE STATE**

8 **SECTION 1.1.** G.S. 17C-20 reads as rewritten:

9 **"§ 17C-20. Definitions.**

10 As used in this Article, the following definitions apply:

11 ...

12 (5) Eligible county. – ~~A county with a population of less than 125,000 according~~
13 ~~to the latest federal decennial census or a county designated as a development~~
14 ~~tier one area pursuant to G.S. 143B-437.08, or both.~~ Any county of this State.

15"

16 **SECTION 1.2.** There is appropriated from the General Fund to the Department of
17 Justice six hundred sixty-three thousand five hundred seventy-nine dollars (\$663,579) in
18 recurring funds for the 2021-2022 fiscal year to be allocated to the North Carolina Criminal
19 Justice Fellows Program to continue to recruit qualified in-State high school seniors or
20 unemployed/underemployed graduates and provide them with a forgivable community college
21 loan to pursue.

22 **SECTION 1.3.** Section 1.2 of this Part becomes effective July 1, 2021. The
23 remainder of this Part is effective when it becomes law.

24
25 **PART II. EXEMPT IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS**
26 **FROM RULE MAKING**

27 **SECTION 2.1.** G.S. 150B-1(d) reads as rewritten:

28 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the
29 following:

30 ...

31 (6a) The Criminal Justice Education and Training Standards Commission with
32 respect to establishing minimum standards for in-service training for criminal
33 justice officers under G.S. 17C-6(a)(14).



1 (6b) The Sheriffs' Education and Training Standards Commission with respect to
 2 establishing minimum standards for in-service training for justice officers
 3 under G.S. 17E-4(a)(11).

4 "

5
 6 **PART III. MODIFY VARIOUS LAW ENFORCEMENT STANDARDS, PRACTICES,**
 7 **AND REPORTING REQUIREMENTS**

8 **SECTION 3.1.** G.S. 15A-401(d) reads as rewritten:

9 "(d) Use of Force in Arrest. –

10 ...

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

14 ...

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

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

22 (3) A law-enforcement officer that witnesses another law-enforcement officer
 23 using excessive force not justified under this section or otherwise abusing a
 24 suspect or arrestee has a duty to intervene and to report the use of excessive
 25 force or the abuse in writing to the law-enforcement officer's supervisor,
 26 department head, or other appropriate authority. No law-enforcement officer
 27 that submits a report pursuant to this subdivision shall be retaliated against by
 28 termination, suspension, or other disciplinary action.

29 (4) Under all circumstances in which a law-enforcement officer uses force of any
 30 kind, a law-enforcement officer shall use the minimum amount of force
 31 reasonably necessary to accomplish the law-enforcement action and shall
 32 attempt to utilize de-escalation tactics when possible."

33 **SECTION 3.2.** Article 4 of Chapter 20 of the General Statutes reads as rewritten:

34 "Article 4.

35 "State Highway Patrol.

36 ...

37 **"§ 20-196.6. Require State Troopers to render medical assistance to persons in custody.**

38 It shall be a mandatory policy of the State Highway Patrol that every State Trooper shall have
 39 a first aid kit and shall be required to do the following when a person in a State Trooper's custody
 40 is injured or complains of an injury:

41 (1) Render immediate, reasonable medical assistance when it is safe to do so.

42 (2) Contact emergency medical services when appropriate.

43 **"§ 20-196.7. Require use of force early intervention system.**

44 The State Highway Patrol shall develop and implement a use of force intervention system to
 45 document and track State Trooper actions, behaviors, and citizen complaints regarding the use
 46 of force to help the State Highway Patrol manage personnel by intervening to correct State
 47 Trooper performance. The use of force intervention system shall, at a minimum, do the following:

48 (1) Identify State Troopers who receive two or more citizen complaints of any
 49 kind in a single month.

1 the use of force to help the company police agency manage personnel by intervening to correct
 2 company police officer performance. The use of force intervention system shall, at a minimum,
 3 do the following:

- 4 (1) Identify company police officers who receive two or more citizen complaints
 5 of any kind in a single month.
 6 (2) Identify company police officers who report two or more use of force
 7 incidents, or who receive two or more citizen complaints regarding the use of
 8 force, in a single quarter.

9 For purposes of this section, "use of force" shall include actions taken by law enforcement
 10 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
 11 Until the Department of Justice determines which data shall be reported pursuant to
 12 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
 13 G.S. 143B-919(b1).

14 **"§ 74E-10.3. Require regular use of force data reporting to the State Bureau of**
 15 **Investigation.**

16 A company police agency shall report to the State Bureau of Investigation company police
 17 officer use of force information requested by the Department of Justice pursuant to
 18 G.S. 114-2.7A.

19 **"§ 74E-10.4. Require regular Rap Back data reporting to the State Bureau of Investigation.**

20 A company police agency shall report to the State Bureau of Investigation information
 21 requested pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's
 22 Record of Arrest and Prosecution Background (Rap Back) Service.

23 **"§ 74E-10.5. Require use of National Incident-Based Reporting System.**

24 (a) A company police agency shall utilize and submit all available data to the National
 25 Incident-Based Reporting System.

26 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
 27 section shall be made publicly available on the company police agency website.

28 **"§ 74E-10.6. Require use of body-worn and dashboard cameras.**

29 (a) Company police officers shall utilize body-worn and dashboard cameras, as each term
 30 is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not
 31 limited to, the following:

- 32 (1) Arrests.
 33 (2) Searches.
 34 (3) Interrogations not covered under G.S. 15A-211.
 35 (4) Interviews with victims and witnesses.

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

38"

39 **SECTION 3.4.** Chapter 74G of the General Statutes reads as rewritten:

40 **"Chapter 74G.**

41 **"Campus Police Act.**

42 ...

43 **"§ 74G-10.1. Require campus police to render medical assistance to persons in custody.**

44 It shall be a mandatory policy of a campus police agency that every campus police officer
 45 shall have a first aid kit and shall be required to do the following when a person in a campus
 46 police officer's custody is injured or complains of an injury:

- 47 (1) Render immediate, reasonable medical assistance when it is safe to do so.
 48 (2) Contact emergency medical services when appropriate.

49 **"§ 74G-10.2. Require use of force early intervention system.**

50 A campus police agency shall develop and implement a use of force intervention system to
 51 document and track campus police officer actions, behaviors, and citizen complaints regarding

1 the use of force to help the campus police agency manage personnel by intervening to correct
2 campus police officer performance. The use of force intervention system shall, at a minimum, do
3 the following:

- 4 (1) Identify campus police officers who receive two or more citizen complaints
5 of any kind in a single month.
- 6 (2) Identify campus police officers who report two or more use of force incidents,
7 or who receive two or more citizen complaints regarding the use of force, in a
8 single quarter.

9 For purposes of this section, "use of force" shall include actions taken by law enforcement
10 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
11 Until the Department of Justice determines which data shall be reported pursuant to
12 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
13 G.S. 143B-919(b1).

14 **"§ 74G-10.3. Require regular use of force data reporting to the State Bureau of**
15 **Investigation.**

16 A campus police agency shall report to the State Bureau of Investigation campus police
17 officer use of force information requested by the Department of Justice pursuant to
18 G.S. 114-2.7A.

19 **"§ 74G-10.4. Require regular Rap Back data reporting to the State Bureau of Investigation.**

20 A campus police agency shall report to the State Bureau of Investigation information
21 requested pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's
22 Record of Arrest and Prosecution Background (Rap Back) Service.

23 **"§ 74G-10.5. Require use of National Incident-Based Reporting System.**

24 (a) A campus police agency shall utilize and submit all available data to the National
25 Incident-Based Reporting System.

26 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
27 section shall be made publicly available on the campus police agency website.

28 **"§ 74G-10.6. Require use of body-worn and dashboard cameras.**

29 (a) Campus police officers shall utilize body-worn and dashboard cameras, as each term
30 is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not
31 limited to, the following:

- 32 (1) Traffic stops.
- 33 (2) Pursuits.
- 34 (3) Arrests.
- 35 (4) Searches.
- 36 (5) Interrogations not covered under G.S. 15A-211.
- 37 (6) Interviews with victims and witnesses.

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

40"

41 **SECTION 3.5.** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
42 Statutes reads as rewritten:

43 "Subpart C. State Bureau of Investigation.

44 ...

45 **"§ 143B-927.1. Require Bureau law enforcement officers to render medical assistance to**
46 **persons in custody.**

47 It shall be a mandatory policy of the State Bureau of Investigation that every law enforcement
48 officer shall have a first aid kit and shall be required to do the following when a person in a law
49 enforcement officer's custody is injured or complains of an injury:

- 50 (1) Render immediate, reasonable medical assistance when it is safe to do so.
- 51 (2) Contact emergency medical services when appropriate.

"§ 143B-927.2. Require use of force early intervention system.

The State Bureau of Investigation shall develop and implement a use of force intervention system to document and track law enforcement officer actions, behaviors, and citizen complaints regarding the use of force to help the State Bureau of Investigation manage personnel by intervening to correct law enforcement officer performance. The use of force intervention system shall, at a minimum, do the following:

- (1) Identify law enforcement officers who receive two or more citizen complaints of any kind in a single month.
- (2) Identify law enforcement officers who report two or more use of force incidents, or who receive two or more citizen complaints regarding the use of force, in a single quarter.

For purposes of this section, "use of force" shall include actions taken by law enforcement officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A. Until the Department of Justice determines which data shall be reported pursuant to G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in G.S. 143B-919(b1).

"§ 143B-927.3. Require regular use of force data reporting.

The State Bureau of Investigation shall make publicly available law enforcement officer use of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

"§ 143B-927.4. Require use of National Incident-Based Reporting System.

(a) The State Bureau of Investigation shall utilize and submit all available data to the National Incident-Based Reporting System.

(b) Data submitted to the National Incident-Based Reporting System pursuant to this section shall be made publicly available on the State Bureau of Investigation website.

"§ 143B-927.5. Require use of body-worn and dashboard cameras.

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

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

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

...

"§ 143B-929A. Participation in the federal Record of Arrest and Prosecution Background Service.

(a) The State Bureau of Investigation, in consultation with the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission, shall participate in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service by submitting requested or necessary information regarding all sworn law enforcement officers with the power to arrest in the State. Operation and management shall be under the sole direction and control of the Director of the State Bureau of Investigation.

(b) The Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission shall create a publicly accessible database of law

1 enforcement officers with adverse actions required to be reported to the federal Rap Back
2 Service.

3 (c) All law enforcement agencies in the State, including, but not limited to, the State
4 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
5 departments, campus police agencies, and company police agencies, shall provide to the State
6 Bureau of Investigation information requested pursuant to this section."

7 **SECTION 3.6.** Part 1 of Article 10 of Chapter 153A of the General Statutes reads as
8 rewritten:

9 "Part 1. Law Enforcement.

10 ...

11 **"§ 153A-213. Require county law enforcement officers to render medical assistance to**
12 **persons in custody.**

13 It shall be a mandatory policy of a county that every county law enforcement officer shall
14 have a first aid kit and shall be required to do the following when a person in a county law
15 enforcement officer's custody is injured or complains of an injury:

16 (1) Render immediate, reasonable medical assistance when it is safe to do so.

17 (2) Contact emergency medical services when appropriate.

18 **"§ 153A-213.1. Require use of force early intervention system.**

19 A county shall develop and implement a use of force intervention system to document and
20 track county law enforcement officer actions, behaviors, and citizen complaints regarding the use
21 of force to help the county manage personnel by intervening to correct county law enforcement
22 officer performance. The use of force intervention system shall, at a minimum, do the following:

23 (1) Identify county law enforcement officers who receive two or more citizen
24 complaints of any kind in a single month.

25 (2) Identify county law enforcement officers who report two or more use of force
26 incidents, or who receive two or more citizen complaints regarding the use of
27 force, in a single quarter.

28 For purposes of this section, "use of force" shall include actions taken by law enforcement
29 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
30 Until the Department of Justice determines which data shall be reported pursuant to
31 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
32 G.S. 143B-919(b1).

33 **"§ 153A-213.2. Require regular use of force data reporting to the State Bureau of**
34 **Investigation.**

35 A county shall report to the State Bureau of Investigation county law enforcement officer use
36 of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

37 **"§ 153A-213.3. Require regular Rap Back data reporting to the State Bureau of**
38 **Investigation.**

39 (a) A county shall report to the State Bureau of Investigation information requested
40 pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's Record of
41 Arrest and Prosecution Background (Rap Back) Service.

42 (b) Prior to hiring a county law enforcement officer, a county shall request and review
43 Rap Back Service information from the State Bureau of Investigation regarding the applicant for
44 a county law enforcement officer position.

45 **"§ 153A-213.4. Require use of National Incident-Based Reporting System.**

46 (a) A county shall utilize and submit all available data to the National Incident-Based
47 Reporting System.

48 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
49 section shall be made publicly available on the county website.

50 **"§ 153A-213.5. Require use of body-worn and dashboard cameras.**

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

4 (1) Traffic stops.

5 (2) Pursuits.

6 (3) Arrests.

7 (4) Searches.

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

9 (6) Interviews with victims and witnesses.

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

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

14"

15 **SECTION 3.7.** Article 13 of Chapter 160A of the General Statutes reads as rewritten:

16 "Article 13.

17 "Law Enforcement.

18 ...

19 **§ 160A-290. Require city law enforcement officers to render medical assistance to persons**
20 **in custody.**

21 It shall be a mandatory policy of a city that every city law enforcement officer shall have a
22 first aid kit and shall be required to do the following when a person in a city law enforcement
23 officer's custody is injured or complains of an injury:

24 (1) Render immediate, reasonable medical assistance when it is safe to do so.

25 (2) Contact emergency medical services when appropriate.

26 **§ 160A-290.1. Require use of force early intervention system.**

27 A city shall develop and implement a use of force intervention system to document and track
28 city law enforcement officer actions, behaviors, and citizen complaints regarding the use of force
29 to help the city manage personnel by intervening to correct city law enforcement officer
30 performance. The use of force intervention system shall, at a minimum, do the following:

31 (1) Identify city law enforcement officers who receive two or more citizen
32 complaints of any kind in a single month.

33 (2) Identify city law enforcement officers who report two or more use of force
34 incidents, or who receive two or more citizen complaints regarding the use of
35 force, in a single quarter.

36 For purposes of this section, "use of force" shall include actions taken by law enforcement
37 officers of which the Department of Justice requires data reporting pursuant to G.S. 114-2.7A.
38 Until the Department of Justice determines which data shall be reported pursuant to
39 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
40 G.S. 143B-919(b1).

41 **§ 160A-290.2. Require regular use of force data reporting to the State Bureau of**
42 **Investigation.**

43 A city shall report to the State Bureau of Investigation city law enforcement officer use of
44 force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

45 **§ 160A-290.3. Require regular Rap Back data reporting to the State Bureau of**
46 **Investigation.**

47 (a) A city shall report to the State Bureau of Investigation information requested pursuant
48 to G.S. 143B-929A to be included in the Federal Bureau of Investigation's Record of Arrest and
49 Prosecution Background (Rap Back) Service.

1 (b) Prior to hiring a city law enforcement officer, a county shall request and review Rap
2 Back Service information from the State Bureau of Investigation regarding the applicant for a
3 city law enforcement officer position.

4 **"§ 160A-290.4. Require use of National Incident-Based Reporting System.**

5 (a) A city shall utilize and submit all available data to the National Incident-Based
6 Reporting System.

7 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
8 section shall be made publicly available on the city website.

9 **"§ 160A-290.5. Require use of body-worn and dashboard cameras.**

10 (a) City law enforcement officers shall utilize body-worn and dashboard cameras, as each
11 term is defined in G.S. 132-1.4A, in all interactions with members of the public, including, but
12 not limited to, the following:

13 (1) Traffic stops.

14 (2) Pursuits.

15 (3) Arrests.

16 (4) Searches.

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

18 (6) Interviews with victims and witnesses.

19 (7) Interactions with inmates of a State correctional facility or local confinement
20 facility.

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

23 **SECTION 3.8.** This Part becomes effective October 1, 2021.

24
25 **PART IV. REQUIRE STATE BUREAU OF INVESTIGATION TO INVESTIGATE**
26 **OFFICER-INVOLVED USE OF FORCE INCIDENTS AND REQUIRE A SPECIAL**
27 **PROSECUTOR BE APPOINTED FOR THOSE CASES**

28 **SECTION 4.1.** G.S. 143B-919 is amended by adding a new subsection to read:

29 "(b1) The Bureau shall investigate and prepare evidence in the event of any of the following
30 officer-involved use of force incidents related to the actions of a sworn law enforcement officer
31 of the State or any local subdivision of the State:

32 (1) An officer discharges the officer's firearm in the performance of the officer's
33 duties.

34 (2) An officer uses force in the performance of the officer's duties that results in
35 the death of a person.

36 (3) An officer is alleged to have sexually assaulted a person in the performance
37 of the officer's duties.

38 (4) An officer is alleged to have committed an act of domestic violence.

39 (5) A person dies while in the custody of an officer.

40 Investigations required by this subsection shall be criminal investigations. If an employee of
41 the Bureau is investigated pursuant to this subsection, the Bureau shall have an independent entity
42 perform the investigation.

43 Within 24 hours of an officer-involved use of force incident required to be investigated by
44 the Bureau under this section, a law enforcement agency shall report the incident to the Bureau
45 by methods developed by the Bureau for that purpose. A law enforcement agency that fails to
46 report shall be ineligible to receive funds from the Governor's Crime Commission and the
47 Governor's Highway Safety Program until the required report is delivered to the Bureau. A law
48 enforcement agency that repeatedly fails to timely report shall be provided written notice that
49 any further failure to timely report shall result in the ineligibility to receive funds from either the
50 Governor's Crime Commission or the Governor's Highway Safety Program for a period of two
51 years. Following the receipt of notice and upon a determination by the Bureau that a subsequent

1 failure to timely report has occurred, the Bureau shall notify the law enforcement agency in
2 writing of the agency's ineligibility to receive the named funds and the date upon which the
3 agency will once again be eligible to receive the named funds.

4 Prosecutions under this subsection shall be performed by a Special Prosecutor under
5 G.S. 114-11.6."

6 **SECTION 4.2.** This Part becomes effective October 1, 2021.

7
8 **PART V. REQUIRED DATA COLLECTION, DATA REPORTING, AND USE OF**
9 **BODY-WORN AND DASHBOARD CAMERAS**

10 **SECTION 5.1.** Article 1 of Chapter 114 of the General Statutes is amended by
11 adding the following new sections to read:

12 **"§ 114-2.7A. Define use of force and develop data standards for regular reporting to the**
13 **State Bureau of Investigation.**

14 (a) The Department of Justice, in consultation with the Department of Public Safety, the
15 North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police,
16 shall develop a uniform definition for what constitutes law enforcement officer use of force and
17 shall determine a standard set of data regarding law enforcement officer use of force to be
18 regularly reported to the State Bureau of Investigation.

19 (b) All law enforcement agencies in the State, including, but not limited to, the State
20 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
21 departments, campus police agencies, and company police agencies, shall provide to the State
22 Bureau of Investigation information required by the Department of Justice under subsection (a)
23 of this section.

24 (c) The State Bureau of Investigation shall make publicly available any use of force
25 information collected pursuant to this section.

26 **"§ 114-2.7B. Require use of National Incident-Based Reporting System.**

27 (a) All law enforcement agencies in the State, including, but not limited to, the State
28 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police
29 departments, campus police agencies, and company police agencies, shall utilize and submit all
30 available data to the National Incident-Based Reporting System.

31 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
32 section shall be made publicly available on the law enforcement agency website.

33 **"§ 114-2.7C. Require use of body-worn and dashboard cameras.**

34 (a) All sworn law enforcement officers with the power of arrest, including, but not limited
35 to, those employed by the State Highway Patrol, the State Bureau of Investigation, county
36 sheriffs' offices, municipal police departments, campus police agencies, and company police
37 agencies, shall utilize body-worn and dashboard cameras, as each term is defined in
38 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
39 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 during undercover operations.

1 (c) All departments, offices, and agencies required to provide body-worn and dashboard
2 cameras to law enforcement officers under this section shall have until October 1, 2022, to
3 comply with this section."

4 **SECTION 5.2.** This Part becomes effective October 1, 2021.

5
6 **PART VI. SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS**

7 **SECTION 6.1.** Article 11 of Chapter 15A of the General Statutes reads as rewritten:

8 "Article 11.

9 "Search Warrants.

10 ...

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

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

14 (1) ~~Is It is~~ is stolen or ~~embezzled; or~~ embezzled.

15 (2) ~~Is It is~~ is contraband or otherwise unlawfully ~~possessed; or~~ possessed.

16 (3) ~~Has It has~~ has been used or is possessed for the purpose of being used to commit
17 or conceal the commission of a ~~crime; or~~ crime.

18 (4) ~~Constitutes It constitutes~~ constitutes evidence of an offense or the identity of a person
19 participating in an offense.

20 ...

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

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

24 (1) The name and title of the ~~applicant; and~~ applicant.

25 (2) A statement that there is probable cause to believe that items subject to seizure
26 under G.S. 15A-242 may be found in or upon a designated or described place,
27 vehicle, or ~~person; and~~ person.

28 (3) Allegations of fact supporting the statement. The statements must be
29 supported by one or more affidavits particularly setting forth the facts and
30 circumstances establishing probable cause to believe that the items are in the
31 places or in the possession of the individuals to be ~~searched; and~~ searched.

32 (4) A request that the court issue a search warrant directing a search for and the
33 seizure of the items in question.

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:

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

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

44 **"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.**

45 (a) Before acting on the application, the issuing official may examine on oath the
46 applicant or any other person who may possess pertinent information, but information other than
47 that contained in the affidavit may not be considered by the issuing official in determining
48 whether probable cause exists for the issuance of the warrant unless the information is either
49 recorded or contemporaneously summarized in the record or on the face of the warrant by the
50 issuing official. The information must be shown by one or more of the following:

51 (1) ~~Affidavit; or~~ Affidavit.

1 (2) Oral testimony under oath or affirmation before the issuing ~~official;~~ official.

2 ...

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

9 **"§ 15A-246. Form and content of the search warrant.**

10 A search warrant must contain:

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

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

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

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

19 (5) A description or a designation of the items constituting the object of the search
20 and authorized to be seized.

21 **"§ 15A-247. Who may execute a search warrant.**

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

25 ...

26 **"§ 15A-249. Officer to give notice of identity and purpose.**

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

32 ...

33 **"§ 15A-251. Entry by force.**

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

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

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

43 ...

44 **"§ 15A-253. Scope of the search; seizure of items not named in the warrant.**

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

50 **"§ 15A-254. List of items seized.**

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

7 **"§ 15A-255. Frisk of persons present in premises or vehicle to be searched.**

8 An officer executing a warrant directing a search of premises or of a vehicle may, if the
9 officer reasonably believes that ~~his the officer's~~ safety or the safety of others then present so
10 requires, search for any dangerous weapons by an external patting of the clothing of those
11 present. If in the course of such a frisk ~~he the officer~~ feels an object which ~~he the officer~~
12 reasonably believes to be a dangerous weapon, ~~he the officer~~ may take possession of the object.
13"

14 **SECTION 6.2.** This Part becomes effective October 1, 2021, and applies to search
15 warrants issued on or after that date.

16
17 **PART VII. REQUIRE DISCLOSURE OF VIDEO FROM BODY-WORN OR**
18 **DASHBOARD CAMERAS TO CITIZENS' REVIEW BOARDS AND REQUIRE**
19 **EVENTUAL RELEASE OF ALL VIDEO INVOLVING CRITICAL INCIDENTS**

20 **SECTION 7.1.** G.S. 132-1.4A reads as rewritten:

21 **"§ 132-1.4A. Law enforcement agency recordings.**

22 (a) Definitions. – The following definitions apply in this section:

23 ...

24 (1a) Citizens' review board. – A board or commission, by whatever name, legally
25 constituted and empowered by a city council or board of county
26 commissioners to review law enforcement matters or complaints against a law
27 enforcement agency and individual law enforcement officers.

28 (1b) Critical incident. – An incident involving either (i) the discharge of a law
29 enforcement officer's firearm in the performance of duty when interacting
30 with the public or (ii) the use of force by a law enforcement officer that results
31 in death or serious bodily injury.

32 ...

33 (b) Public Record and Personnel Record Classification. – Recordings are not public
34 records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of
35 Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

36 ...

37 (c1) Disclosure of Recordings; Local Government Purposes. – Notwithstanding the
38 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency
39 shall disclose a recording, upon request, to a citizens' review board in a closed session with each
40 review board member having signed a confidentiality agreement.

41 Any person who knowingly violates the confidentiality agreement required by this subsection
42 is guilty of a Class 1 misdemeanor.

43 ...

44 (h1) Release of Recordings; Deadline for Release. – Notwithstanding any other provision
45 of this section, a custodial law enforcement agency shall release a recording involving a critical
46 incident, upon request, after 45 days have passed from the date of the recording, unless a court
47 finds that release would compromise the integrity of a criminal investigation.

48 Any custodial law enforcement agency may file an action in the superior court in any county
49 where any portion of the recording was made for an order restricting release of the recording.
50 The request must state the date and time of the activity captured in the recording or otherwise
51 identify the activity. The court may conduct an in-camera review of the recording. In determining

1 whether to restrict the release of all or a portion of the recording, the court shall consider whether
2 release would compromise the integrity of a criminal investigation.

3 The court shall restrict the release of only those portions of the recording that are relevant to
4 protecting the integrity of a criminal investigation.

5 In any proceeding pursuant to this subsection, the following persons shall be notified and
6 those persons, or their designated representative, shall be given an opportunity to be heard at any
7 proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement
8 agency personnel whose image or voice is in the recording and the head of that person's
9 employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to
10 this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings
11 in such actions shall be accorded priority by the trial and appellate courts.

12"

13 **SECTION 7.2.** This Part becomes effective October 1, 2021.

14 15 **PART VIII. NORTH CAROLINA LAW ENFORCEMENT ACCREDITATION** 16 **PROGRAM FUNDING**

17 **SECTION 8.1.** There is appropriated from the General Fund to the Criminal Justice
18 Education and Training Standards Commission the sum of one hundred thirty-four thousand five
19 hundred forty dollars (\$134,540) in recurring funds for each fiscal year of the 2021-2023 fiscal
20 biennium to be used to hire one full-time program manager to continue the development and
21 implementation of the North Carolina Law Enforcement Accreditation Program.

22 **SECTION 8.2.** There is appropriated from the General Fund to the Sheriffs'
23 Education and Training Standards Commission the sum of one hundred thirty-four thousand five
24 hundred forty dollars (\$134,540) in recurring funds for each fiscal year of the 2021-2023 fiscal
25 biennium to be used to hire one full-time program manager to continue the development and
26 implementation of the North Carolina Law Enforcement Accreditation Program.

27 **SECTION 8.3.** All law enforcement agencies in the State that fail to become
28 accredited pursuant to the North Carolina Law Enforcement Accreditation Program funded under
29 this Part shall not be eligible to receive funds from the Governor's Crime Commission or the
30 Governor's Highway Safety Program.

31 **SECTION 8.4.** The North Carolina Law Enforcement Accreditation Program funded
32 under this Part shall require, at a minimum, that agencies accredited by the Program have written
33 policies on each of the following matters:

- 34 (1) Use of force.
- 35 (2) Chokeholds.
- 36 (3) Duty to intervene and report.
- 37 (4) Vehicle pursuits.
- 38 (5) Early warning systems.
- 39 (6) Field training programs.
- 40 (7) Professional standards and conduct.

41 **SECTION 8.5.** This Part becomes effective July 1, 2021.

42 43 **PART IX. PUBLIC SAFETY AND VIOLENCE PREVENTION COMMUNITY GRANT** 44 **PROGRAMS**

45 **SECTION 9.1.** There is appropriated from the General Fund to the Department of
46 Justice five hundred thousand dollars (\$500,000) in recurring funds for each year of the
47 2021-2023 fiscal biennium to be used to provide grant funds to organizations that do any of the
48 following:

- 49 (1) Provide and promote peaceful strategies to help communities promote public
50 safety.

- 1 (2) Provide and promote violence prevention programs that treat violence as a
2 public health program.
- 3 (3) Provide and promote services such as mediation, mentoring, job training, and
4 counseling to vulnerable populations.

5 **SECTION 9.2.** This Part becomes effective July 1, 2021.
6

7 **PART X. STUDY RECLASSIFYING CERTAIN CLASS 3 MISDEMEANOR OFFENSES**
8 **AS INFRACTIONS**

9 **SECTION 10.1.** Study. – The University of North Carolina at Chapel Hill School of
10 Government (School of Government), in consultation with the North Carolina Sentencing and
11 Policy Advisory Commission, shall study (i) which Class 3 misdemeanor offenses have a low
12 impact on public safety, (ii) whether the offenses should be reclassified as infractions, and (iii)
13 whether low-level traffic offenses should be moved to the North Carolina Administrative Code
14 and enforced as a civil violation by the Division of Motor Vehicles or the Department of Public
15 Safety.

16 **SECTION 10.2.** Report. – The School of Government shall report its findings from
17 the study required under Section 10.1 of this Part, including any recommendations for legislative
18 action, to the Joint Legislative Oversight Committee on Justice and Public Safety by March 7,
19 2022.
20

21 **PART XI. FUNDING FOR DRUG TREATMENT COURT PROGRAMS AND MENTAL**
22 **HEALTH COURT PROGRAMS**

23 **SECTION 11.1.** There is appropriated the sum of four million two hundred thousand
24 dollars (\$4,200,000) in recurring funds for each fiscal year of the 2021-2023 fiscal biennium
25 from the General Fund to the Administrative Office of the Courts to be used to support the work
26 of the North Carolina Drug Treatment Court Program in creating and sustaining local drug
27 treatment court programs.

28 **SECTION 11.2.** There is appropriated the sum of four million two hundred thousand
29 dollars (\$4,200,000) in recurring funds for each fiscal year of the 2021-2023 fiscal biennium
30 from the General Fund to the Administrative Office of the Courts to be used to facilitate the
31 creation and funding of new and existing mental health court programs to serve individuals that
32 have a mental health diagnosis or treatment history and are defendants in the criminal justice
33 system. Among other functions, the local mental health court programs funded by this section
34 shall recommend mental health treatment plans for individuals served by the programs and shall
35 monitor the progress of the individuals receiving treatment while the individuals remain in the
36 program.

37 **SECTION 11.3.** This Part becomes effective July 1, 2021.
38

39 **PART XII. DEFINE THE TERM "SCHOOL RESOURCE OFFICER," REQUIRE**
40 **TRAINING FOR SCHOOL RESOURCE OFFICERS, AND REQUIRE A SCHOOL**
41 **ADMINISTRATOR OR SCHOOL SOCIAL WORKER TO SIGN A SCHOOL-BASED**
42 **COMPLAINT INITIATED BY A SCHOOL RESOURCE OFFICER PRIOR TO BEING**
43 **FILED IN JUVENILE COURT**

44 **SECTION 12.1.(a)** Article 8C of Chapter 115C of the General Statutes is amended
45 by adding a new section to read:

46 "**§ 115C-105.70. School resource officer.**

47 (a) A school resource officer is any law enforcement officer assigned to one or more
48 public schools within a public school unit for at least 20 hours per week for more than 12 weeks
49 per calendar year to assist with all of the following, consistent with any written memorandum of
50 understanding between the public school unit and the law enforcement agency governing the
51 school resource officer:

1 (1) School safety.

2 (2) School security.

3 (3) Emergency preparedness.

4 (4) Emergency response.

5 (5) Any additional responsibilities related to school safety or security assigned by
6 the officer's employer while the officer is acting as a school resource officer.

7 (b) All school resource officers shall comply with initial training standards, as established
8 by subsection (c) of this section, within one year of being assigned as a school resource officer.
9 After initial training, all school resource officers shall comply with continuing education
10 standards, as established by subsection (c) of this section.

11 (c) The North Carolina Criminal Justice Education and Training Standards Commission
12 and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration
13 with the Center for Safer Schools, shall establish initial training and continuing education
14 standards for school resource officers. These standards shall, at a minimum, include training on
15 the following topics:

16 (1) Mental health.

17 (2) Students with disabilities.

18 (3) Racial equity.

19 (4) Crisis intervention and de-escalation."

20 **SECTION 12.1.(b)** G.S. 17C-6(a) is amended by adding a new subdivision to read:
21 "(21) Establish initial training and continuing education training standards for
22 school resource officers, as set forth in G.S. 115C-105.70."

23 **SECTION 12.1.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:

24 "(17) Establish initial training and continuing education training standards for
25 school resource officers, as set forth in G.S. 115C-105.70."

26 **SECTION 12.1.(d)** The North Carolina Criminal Justice Education and Training
27 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
28 Commission shall establish initial training standards for school resource officers no later than
29 January 15, 2022.

30 **SECTION 12.1.(e)** Subsection (a) of this section applies to school resource officers
31 assigned on or after January 1, 2022. All school resource officers assigned before January 1,
32 2022, shall complete initial training no later than December 31, 2022.

33 **SECTION 12.2.(a)** Article 18 of Chapter 7B of the General Statutes is amended by
34 adding a new section to read:

35 "**§ 7B-1802A. School-based complaints.**

36 A school-based complaint in which delinquency is alleged to have occurred initiated by a
37 school resource officer, as defined in G.S. 115C-105.70, shall be signed by a school administrator
38 or school social worker prior to being referred in accordance with G.S. 7B-1803 or filed in a
39 court of competent jurisdiction. For the purposes of this section, "a school-based complaint"
40 means a complaint in which delinquency is alleged to have occurred on school grounds, school
41 property, at a school bus stop, or at an off-campus school-sanctioned event, or whose victim is
42 identified as a school.

43 All school resource officers, school administrators, and school social workers shall be trained
44 regarding the provisions of this section."

45 **SECTION 12.2.(b)** This section becomes effective on January 1, 2022, and applies
46 to school-based complaints initiated on or after that date by school resource officers.

47 **SECTION 12.3.** Except as otherwise provided, this Part is effective when it becomes
48 law.

49
50 **PART XIII. REVISE FEES IMPOSED FOR HAVING A DRIVERS LICENSE**
51 **SUSPENDED OR REVOKED**

1 **SECTION 13.1.** G.S. 20-24.1 reads as rewritten:
2 "**§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle**
3 **offenses.**

4 (a) The Division ~~must~~shall revoke the driver's license of a person upon receipt of notice
5 from a court that the person was charged with a motor vehicle offense and ~~he~~the person:

6 (1) ~~failed~~Failed to appear, after being notified to do so, when the case was called
7 for a trial or ~~hearing~~hearing.

8 (2) ~~failed~~Failed to pay a fine, penalty, or court costs ordered by the court.

9 Revocation orders entered under the authority of this section are effective on the sixtieth day
10 after the order is mailed or personally delivered to the person.

11 (b) ~~A~~Except as otherwise provided in subsection (g) of this section, a license revoked
12 under this section remains revoked until the person whose license has been revoked:one of the
13 following occurs:

14 (1) The person disposes of the charge in the trial division in which ~~he~~the person
15 failed to appear when the case was last called for trial or ~~hearing~~hearing.

16 (2) The person demonstrates to the court that ~~he~~the person is not the person
17 charged with the ~~offense~~offense.

18 (3) The person pays the penalty, fine, or costs ordered by the ~~court~~court.

19 (4) The person demonstrates to the court that ~~his~~the person's failure to pay the
20 penalty, fine, or costs was not willful and that ~~he~~the person is making a good
21 faith effort to pay or that the penalty, fine, or costs should be remitted.

22 Upon receipt of notice from the court that the person has satisfied the conditions of this subsection
23 applicable to his case, the Division ~~must~~shall restore the person's license as provided in
24 subsection (c). In addition, if the person whose license is revoked is not a resident of this State,
25 the Division may notify the driver licensing agency in the person's state of residence that the
26 person's license to drive in this State has been revoked.

27 ...

28 (c) If the person satisfies the conditions of subsection (b) that are applicable to ~~his~~the
29 person's case before the effective date of the revocation order, the revocation order and any
30 entries on ~~his~~the person's driving record relating to it shall be deleted and the person does not
31 have to pay the restoration fee set by G.S. 20-7(i1). ~~For~~Except as otherwise provided in
32 subsection (g) of this section all other revocation orders issued pursuant to this section,
33 G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other
34 applicable requirements of this Article before the person may be relicensed.

35 ...

36 ~~(f) If a license is revoked under subdivision (2) of subsection (a) of this section, and for~~
37 ~~no other reason, the person subject to the order may apply to the court for a limited driving~~
38 ~~privilege valid for up to one year or until any fine, penalty, or court costs ordered by the court~~
39 ~~are paid. The court may grant the limited driving privilege in the same manner and under the~~
40 ~~terms and conditions prescribed in G.S. 20-16.1. A person is eligible to apply for a limited driving~~
41 ~~privilege under this subsection only if the person has not had a limited driving privilege granted~~
42 ~~under this subsection within the three years prior to application.~~

43 (g) Except for a revocation order entered under this section resulting from a charge of
44 impaired driving, the Division shall automatically restore a license revoked pursuant to
45 subsection (a) of this section 12 months after the effective date of revocation."

46 **SECTION 13.2.** G.S. 20-7(i1) reads as rewritten:

47 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
48 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five
49 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall
50 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
51 prior to the issuance to such person of a new drivers license or the restoration of the drivers

1 license. The restoration fee shall be paid to the Division in addition to any and all fees which may
2 be provided by law. This restoration fee shall not be required from any licensee whose license
3 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
4 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
5 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
6 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
7 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
8 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
9 Department of Health and Human Services. Notwithstanding any other provision of law, a
10 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
11 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
12 person responsible for payment of the restoration fee has been issued a drivers license by the
13 Division after the effective date of the revocation for which the restoration fee is owed. The
14 Division may also waive restoration fees and other service fees upon a finding by the
15 Commissioner that the license holder has shown good cause for not being able to pay the fine.
16 The Office of State Budget and Management shall annually report to the General Assembly the
17 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
18 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
19 Services under this subsection."

20 **SECTION 13.3.** Except for offenses involving impaired driving, the Division shall
21 automatically restore any drivers license suspended for failure to pay after 12 months.

22 **SECTION 13.4.** This Part becomes effective October 1, 2021.

23
24 **PART XIV. APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE**
25 **COURTS TO STRENGTHEN AND MAINTAIN ITS COURT DATE REMINDER**
26 **SYSTEM AND ALLOW CRIMINAL DEFENDANTS TO STRIKE A FAILURE TO**
27 **APPEAR UNDER CERTAIN CIRCUMSTANCES**

28 **SECTION 14.1.** The Administrative Office of the Courts shall automatically enroll
29 all criminal defendants into its court date reminder system. A criminal defendant shall be allowed
30 to opt out of this automatic enrollment by using processes developed by the Administrative Office
31 of the Courts. The processes that allow a criminal defendant to opt out of this automatic
32 enrollment shall be developed and implemented no later than December 1, 2021.

33 **SECTION 14.2.** Article 17 of Chapter 15A of the General Statutes is amended by
34 adding a new section to read:

35 **"§ 15A-306. Strike failure to appear under certain circumstances.**

36 (a) Notwithstanding any other provision of law, a person who fails to appear in court as
37 required by a citation or other criminal process served upon that person pursuant to this Article
38 shall have 20 calendar days from the missed court date to contact the clerk of superior court to
39 request a new court date. If a person contacts the clerk of superior court as required by this
40 section, the person's failure to appear in court, as well as any order for arrest or fines related to
41 the failure to appear in court, shall be stricken by the clerk of superior court, and the person shall
42 be provided a new court date in the case.

43 (b) A person shall receive no more than one new court date in a criminal case pursuant
44 to this section."

45 **SECTION 14.3.** Section 14.1 of this Part becomes effective December 1, 2021, and
46 applies to criminal defendants arrested on or after that date. Section 14.2 of this Part becomes
47 effective October 1, 2021, and applies to failures to appear in court on or after that date. The
48 remainder of this Part is effective when it becomes law.

49
50 **PART XV. PROVIDE A RIGHT TO COUNSEL FOR CRIMINAL DEFENDANTS**
51 **FACING A FELONY OR MISDEMEANOR CHARGE, AND APPROPRIATE FUNDS**

1 **TO INDIGENT DEFENSE SERVICES FOR THE PURPOSE OF IMPLEMENTING**
 2 **THAT CHANGE**

3 **SECTION 15.1.** G.S. 7A-451(a) reads as rewritten:

4 "(a) An indigent person is entitled to services of counsel in the following actions and
 5 proceedings:

6 (1) Any case in which ~~imprisonment, or a fine of five hundred dollars (\$500.00),~~
 7 ~~or more, is likely to be adjudged a felony or misdemeanor is charged.~~

8 ...

9 (3) A motion for appropriate relief under Chapter 15A of the General Statutes if
 10 appointment of counsel is authorized by Chapter 15A of the General Statutes
 11 and the defendant has been convicted of a felony, has been fined ~~five two~~
 12 ~~hundred dollars (\$500.00)-(\$200.00)~~ or more, or has been sentenced to a term
 13 of imprisonment.

14"

15 **SECTION 15.2.** There is appropriated from the General Fund to the Office of
 16 Indigent Defense Services, Private Assigned Counsel Fund, the sum of one million one hundred
 17 eighty thousand dollars (\$1,180,000) in recurring funds for each fiscal year of the 2021-2023
 18 fiscal biennium to be used to fund the increased need of appointed counsel pursuant to the
 19 expansion of eligibility to receive appointed counsel under this Part.

20 **SECTION 15.3.** Section 15.2 of this Part becomes effective July 1, 2021. The
 21 remainder of this Part becomes effective October 1, 2021.

22
 23 **PART XVI. MAKE JURIES MORE REPRESENTATIVE OF THE POPULATION**

24 **SECTION 16.1.** Article 1 of Chapter 9 of the General Statutes reads as rewritten:

25 "Article 1.

26 "Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

27 ...

28 **"§ 9-2. Preparation of master jury list; sources of names.**

29 (a) It shall be the duty of the jury commission ~~during every odd-numbered year to~~
 30 annually prepare a master list of prospective jurors qualified under this Chapter to serve ~~in the~~
 31 ~~biennium beginning on January 1 of the next year. Instead of providing a master list for an entire~~
 32 ~~biennium, the commission may prepare a master list each year if the senior regular resident~~
 33 ~~superior court judge requests in writing that it do so.~~

34 ...

35 (f) The master list shall contain ~~not less than one and one-quarter times and not more~~
 36 ~~than three times as many names as were drawn for jury duty in all courts in the county during the~~
 37 ~~previous biennium, or, if an annual list is being prepared as requested under subsection (a) of this~~
 38 ~~section the master list shall contain~~ not less than one and one-quarter times and not more than
 39 three times as many names as were drawn for jury duty in all courts in the county during the
 40 previous ~~year-year,~~ but in no event shall the list include fewer than 500 names, except that in
 41 counties in which a different panel of jurors is selected for each day of the week, there is no limit
 42 to the number of names that may be placed on the master list.

43 ...

44 **"§ 9-2.1:** Repealed by Session Laws 2012-180, s. 2, effective July 12, 2012.

45 ...

46 **"§ 9-4. Preparation and custody of alphabetized list; access to list.**

47 (a) As the master jury list is prepared, the name of each qualified person selected for the
 48 list shall be recorded and alphabetically arranged. The alphabetized list shall be maintained in
 49 the office of the clerk of superior court, together with a statement of the sources used and
 50 procedures followed in preparing the list. The alphabetized list shall be kept under lock and key,

1 but shall be available for public inspection during regular office hours. The clerk of court may
2 elect to store an electronic copy of the alphabetized list for the county.

3 (b) Public access to juror information shall be limited to the alphabetized list of the
4 names. The addresses and dates of birth of prospective jurors are confidential and not subject to
5 disclosure without an order of the court.

6"

7 **SECTION 16.2.** G.S. 20-43.4 reads as rewritten:

8 "**§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.**

9 (a) The Commissioner of Motor Vehicles shall annually provide to each county jury
10 commission an alphabetical list of all persons that the Commissioner has determined are residents
11 of the county, who will be 18 years of age or older as of the first day of January of the following
12 year, and licensed to drive a motor vehicle as of July 1 of ~~each odd-numbered year, provided that~~
13 ~~if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the~~
14 ~~county jury commission shall be updated and provided annually.~~the year in which the list is
15 compiled.

16 (b) The list shall include those persons whose license to drive has been suspended, and
17 those former licensees whose license has been canceled, except that the list shall not include the
18 name of any formerly licensed driver whose license is expired and has not been renewed for eight
19 years or more. The list shall contain the address and zip code of each driver, plus the driver's date
20 of birth, sex, race, social security number, and drivers license number, and may be in either
21 printed or computerized form, as requested by each county. Before providing the list to the county
22 jury commission, the Commissioner shall have computer-matched the list with the voter
23 registration list of the State Board of Elections to eliminate duplicates. The Commissioner shall
24 also remove from the list the names of those residents of the county who are (i) issued a drivers
25 license of limited duration under G.S. 20-7(s), (ii) issued a drivers license of regular duration
26 under G.S. 20-7(f) and who hold a valid permanent resident card issued by the United States, or
27 (iii) who are recently deceased, which names shall be supplied to the Commissioner by the State
28 Registrar under G.S. 130A-121(b). The Commissioner shall include in the list provided to the
29 county jury commission names of registered voters who do not have drivers licenses, and shall
30 indicate the licensed or formerly licensed drivers who are also registered voters, the licensed or
31 formerly licensed drivers who are not registered voters, and the registered voters who are not
32 licensed or formerly licensed drivers.

33 (b1) The raw data of date of birth, sex, and race used to develop the list provided by the
34 Commissioner under subsection (b) of this section shall be made available for analysis by clerks
35 of court, jury commissions, and the public to ensure compliance with applicable laws. The data
36 of date of birth, sex, and race in the list provided by the Commissioner under subsection (b) of
37 this section shall also be made available for analysis by clerks of court, jury commissions, and
38 the public to ensure compliance with applicable laws.

39 (c) ~~The~~Except as provided in subsection (b1) of this section, the list so provided shall be
40 used solely for jury selection and election records purposes and no other. Information~~Except as~~
41 provided in subsection (b1) of this section, information provided by the Commissioner to county
42 jury commissions and the State Board of Elections under this section shall remain confidential,
43 shall continue to be subject to the disclosure restriction provisions of G.S. 20-43.1, and shall not
44 be a public record for purposes of Chapter 132 of the General Statutes."

45 **SECTION 16.3.** G.S. 9-2, as amended by Section 16.1 of this Part, is amended by
46 adding a new subsection to read:

47 "(l) The data of date of birth, sex, and race for the following lists shall be compiled by
48 each county and shall be public records under Chapter 132 of the General Statutes:

49 (1) The master list of prospective jurors.

50 (2) The list of jurors summoned.

51 (3) The list of jurors that have served.

- 1 (4) The list of jurors that have been excused.
- 2 (5) The list of jurors that have been disqualified.
- 3 (6) The list of jurors whose service has been deferred."

4 **SECTION 16.4.** Section 16.1 of this Part is effective when it becomes law and
5 applies to master jury lists prepared on or after that date. Section 16.2 of this Part is effective
6 when it becomes law and applies to lists compiled by the Commissioner of Motor Vehicles on or
7 after that date. Section 16.3 of this Part becomes effective October 1, 2021, and applies to lists
8 prepared on or after that date. The remainder of this Part is effective when it becomes law.
9

10 **PART XXVII. SEVERABILITY CLAUSE**

11 **SECTION 17.1.** If any Part, section, or provision of this act is declared
12 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
13 any Part, section, or provision other than the Part, section, or provision so declared to be
14 unconstitutional or invalid.
15

16 **PART XVIII. EFFECTIVE DATE**

17 **SECTION 18.1.** Except as otherwise provided, this act is effective when it becomes
18 law.