A BILL TO BE ENTITLED
AN ACT PROVIDING THAT COUNTIES AND CITIES MAY HAVE CRIMINAL HISTORY RECORD CHECKS FOR FIREFIGHTER APPLICANTS WHO HAVE BEEN RESIDENTS OF THE STATE FOR FIVE OR MORE YEARS CONDUCTED THROUGH THE CLERK OF SUPERIOR COURT OR A THIRD-PARTY VENDOR AND PROVIDING THAT THE CRIMINAL HISTORY RECORD CHECKS REQUIREMENT SHALL NOT APPLY TO JUNIOR MEMBERS UNDER EIGHTEEN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-943 reads as rewritten:

"§ 143B-943.  Criminal history record checks of applicants to and current members of fire departments and emergency medical services.

…

(d1)  An applicant is prohibited from serving in a paid or volunteer position with a fire department if the applicant's verified criminal history record check reveals a conviction of arson or another felony conviction involving burning or setting fire under Article 15, Article 22, or any other Article of Chapter 14 of the General Statutes. A local Homeland Security director, local fire chief, county fire marshal, or local law enforcement agency, as applicable, shall request, and an applicant shall disclose, any pending felony charges involving burning or setting fire under Article 15, Article 22, or any other Article of Chapter 14 of the General Statutes. Upon becoming aware of pending felony charges, through the required disclosure or by other means, a local Homeland Security director, local fire chief, county fire marshal, or local law enforcement agency shall not offer the applicant a paid or volunteer position, except as provided in subsection (f) of this section. This subsection does not apply to an applicant for a paid or volunteer position with an emergency medical service.

...."

SECTION 2. G.S. 153A-233 reads as rewritten:


A county may establish, organize, equip, support, and maintain a fire department; may prescribe the duties of the fire department; may provide financial assistance to incorporated volunteer fire departments; may contract for fire-fighting or prevention services with one or more counties, cities or other units of local government, incorporated volunteer fire departments, or with an agency of the State government; and may for these purposes appropriate funds not otherwise limited as to use by law. A county shall ensure that any county, city or other unit of local government, incorporated volunteer fire department with whom the county contracts for fire-fighting or prevention services shall obtain a criminal history record check of any person who applies for a paid or volunteer position providing fire-fighting or prevention services. The
criminal history record check shall be conducted and evaluated as provided in
G.S. 143B-943; G.S. 143B-943; provided, however, if an applicant has been a resident of North
Carolina for five years or more and did not report any charges or conviction on his or her
application, the criminal history record check may be conducted through the office of the clerk
of superior court or a third-party vendor. The criminal history record check shall not apply to
junior members under the age of 18. The county may also designate fire districts or parts of
existing districts and prescribe the boundaries thereof for insurance grading purposes."

SECTION 3. G.S. 153A-234 reads as rewritten:

  …

  (b) The fire marshal shall obtain a criminal history record check of any person who
  applies for a paid or volunteer position with the fire department. The criminal history record
  check shall be conducted and evaluated as provided in G.S. 143B-943; G.S. 143B-943; provided,
  however, if an applicant has been a resident of North Carolina for five years or more and did not
  report any charges or conviction on his or her application, the criminal history record check may
  be conducted through the office of the clerk of superior court or a third-party vendor. The
  criminal history record check shall not apply to junior members under the age of 18."

SECTION 4. G.S. 160A-292 reads as rewritten:
§ 160A-292. Duties of fire chief.

  …

  (b) The fire chief shall obtain a criminal history record check of any person who applies
  for a paid or volunteer position with the fire department. The criminal history record check shall
  be conducted and evaluated as provided in G.S. 143B-943; G.S. 143B-943; provided, however, if
  an applicant has been a resident of North Carolina for five years or more and did not report any
  charges or conviction on his or her application, the criminal history record check may be
  conducted through the office of the clerk of superior court or a third-party vendor. The criminal
  history record check shall not apply to junior members under the age of 18."

SECTION 5. This act is effective when it becomes law and applies to applications
submitted on or after that date.