

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 436
PROPOSED COMMITTEE SUBSTITUTE H436-CSBH-9 [v.2]
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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.

The General Assembly of North Carolina enacts:

SECTION 1. 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, an in-person interview conducted by a licensed clinical psychologist, to determine the criminal justice officer's psychological suitability to properly fulfill the responsibilities of criminal justice officer. The psychological screening examination shall be given (i) prior to the initial certification and (ii) before the criminal justice officer is employed by an agency.

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 2. 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, an in-person interview conducted by a licensed clinical psychologist, to determine the justice officer's psychological suitability to properly fulfill the responsibilities of the office. The psychological screening examination shall be given (i) prior to the initial certification and (ii) before the justice officer is employed by an agency.



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. Upon petition from a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any justice officer serving that sheriff."

SECTION 3. 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:

- a. Education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions.
- b. Education and training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.
- 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:

- a. Training in response to, and investigation of, domestic violence cases, as well as training investigation for evidence-based prosecutions.
- b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.
- 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 4. 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:

- a. Training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training requirement, the term "officers" shall include justice officers as defined in G.S. 17E-2(3)a., except that the term shall not include "special deputy sheriffs" as defined in G.S. 17E-2(3)a.
 - b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.
 - 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:
- a. Training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training requirement, the term "justice officer" shall include those defined in G.S. 17E-2(3)a., except that the term shall not include "special deputy sheriffs" as defined in G.S. 17E-2(3)a.
 - b. Training on juvenile justice issues, including (i) the handling and processing of juvenile matters for referrals, diversion, arrests, and detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.
 - 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.

...

The Commission may certify, and no additional certification shall be required from it, programs, courses and teachers certified by the North Carolina Criminal Justice Education and Training Standards Commission. Where the Commission determines that a program, course, instructor or teacher is required for an area which is unique to the office of sheriff, the Commission may certify such program, course, instructor, or teacher under such standards and procedures as it may establish."

SECTION 5. In developing the standards and training required by Sections 3 and 4 of this act, the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission are encouraged to adopt standards that provide training conducted by mental health professionals and through in-person instruction.

SECTION 6. The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission shall regularly provide information on any statewide mental health resources specifically available to criminal justice officers or justice officers to all criminal justice agencies or departments in the State that employ officers certified by either Commission.

SECTION 7. All criminal justice agencies or departments in the State that employ criminal justice officers certified by the North Carolina Criminal Justice Education and Training Standards Commission or justice officers certified by the North Carolina Sheriffs' Education and

1 Training Standards Commission shall coordinate with the appropriate local management
2 entity/managed care organization (LME/MCO) or prepaid health plan, as defined under
3 G.S. 108D-1, to make information on State and local mental health resources and programs easily
4 available to all employees and develop policies to encourage employees to utilize the resources
5 available.

6 **SECTION 8.** The North Carolina Criminal Justice Education and Training Standards
7 Commission and the North Carolina Sheriffs' Education and Training Standards Commission
8 shall implement the requirements of Sections 1 through 4 of this act no later than January 1, 2022.
9 The requirements of Sections 1 and 2 of this act shall apply to certifications issued and employees
10 entering employment on or after the implementation date of those requirements.

11 **SECTION 9.** This act is effective when it becomes law.