

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40334-NDa-34C

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

Sponsors: Representative Morey.

Referred to:

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).

34 (6b) The Sheriffs' Education and Training Standards Commission with respect to
35 establishing minimum standards for in-service training for justice officers
36 under G.S. 17E-4(a)(11).



...."

PART III. MODIFY VARIOUS LAW ENFORCEMENT STANDARDS, PRACTICES, AND REPORTING REQUIREMENTS

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

"(d) Use of Force in Arrest. –

...

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

...

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

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

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

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

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

"Article 4.

"State Highway Patrol.

...

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

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

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

(2) Contact emergency medical services when appropriate.

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

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

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

(2) Identify State Troopers 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.

1 Until the Department of Justice determines which data shall be reported pursuant to
2 G.S. 114-2.7A, "use of force" shall encompass the law enforcement actions listed in
3 G.S. 143B-919(b1).

4 **"§ 20-196.8. Require regular use of force data reporting to the State Bureau of**
5 **Investigation.**

6 The State Highway Patrol shall report to the State Bureau of Investigation State Trooper use
7 of force information requested by the Department of Justice pursuant to G.S. 114-2.7A.

8 **"§ 20-196.9. Require regular Rap Back data reporting to the State Bureau of Investigation.**

9 The State Highway Patrol shall report to the State Bureau of Investigation information
10 requested pursuant to G.S. 143B-929A to be included in the Federal Bureau of Investigation's
11 Record of Arrest and Prosecution Background (Rap Back) Service.

12 If the State Highway Patrol fails to report as required by this section, it shall not be eligible
13 to receive funds from either the Governor's Crime Commission or the Governor's Highway Safety
14 Program.

15 **"§ 20-196.10. Require use of National Incident-Based Reporting System.**

16 (a) The State Highway Patrol shall utilize and submit all available data to the National
17 Incident-Based Reporting System.

18 (b) Data submitted to the National Incident-Based Reporting System pursuant to this
19 section shall be made publicly available on the State Highway Patrol website.

20 **"§ 20-196.11. Require use of body-worn and dashboard cameras.**

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

24 (1) Traffic stops.

25 (2) Pursuits.

26 (3) Arrests.

27 (4) Searches.

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

29 (6) Interviews with victims and witnesses.

30 (7) Interactions with inmates of a State correctional facility or local confinement
31 facility.

32 (b) The requirements of subsection (a) of this section shall not apply to State Troopers
33 during undercover operations."

34 **SECTION 3.3.** Chapter 74E of the General Statutes reads as rewritten:

35 **"Chapter 74E.**

36 **"Company Police Act.**

37 ...

38 **"§ 74E-10.1. Require company police to render medical assistance to persons in custody.**

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

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

43 (2) Contact emergency medical services when appropriate.

44 **"§ 74E-10.2. Require use of force early intervention system.**

45 A company police agency shall develop and implement a use of force intervention system to
46 document and track company police officer actions, behaviors, and citizen complaints regarding
47 the use of force to help the company police agency manage personnel by intervening to correct
48 company police officer performance. The use of force intervention system shall, at a minimum,
49 do the following:

50 (1) Identify company police officers who receive two or more citizen complaints
51 of any kind in a single month.

(2) Identify campus police 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).

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

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

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

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

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

(a) A campus police agency 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 campus police agency website.

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

(a) Campus police officers 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.

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

...."

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

"Subpart C. State Bureau of Investigation.

...

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

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

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

1 intervening to correct law enforcement officer performance. The use of force intervention system
2 shall, at a minimum, do the following:

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

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

13 **"§ 143B-927.3. Require regular use of force data reporting.**

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

16 **"§ 143B-927.4. Require use of National Incident-Based Reporting System.**

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

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

21 **"§ 143B-927.5. Require use of body-worn and dashboard cameras.**

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

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

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

35 ...

36 **"§ 143B-929A. Participation in the federal Record of Arrest and Prosecution Background**
37 **Service.**

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

45 (b) The Criminal Justice Education and Training Standards Commission and the Sheriffs'
46 Education and Training Standards Commission shall create a publicly accessible database of law
47 enforcement officers with adverse actions required to be reported to the federal Rap Back
48 Service.

49 (c) All law enforcement agencies in the State, including, but not limited to, the State
50 Highway Patrol, the State Bureau of Investigation, county sheriffs' offices, municipal police

1 departments, campus police agencies, and company police agencies, shall provide to the State
2 Bureau of Investigation information requested pursuant to this section."

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

5 "Part 1. Law Enforcement.

6 ...

7 **"§ 153A-213. Require county law enforcement officers to render medical assistance to**
8 **persons in custody.**

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

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

13 (2) Contact emergency medical services when appropriate.

14 **"§ 153A-213.1. Require use of force early intervention system.**

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

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

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

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

29 **"§ 153A-213.2. Require regular use of force data reporting to the State Bureau of**
30 **Investigation.**

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

33 **"§ 153A-213.3. Require regular Rap Back data reporting to the State Bureau of**
34 **Investigation.**

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

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

41 **"§ 153A-213.4. Require use of National Incident-Based Reporting System.**

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

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

46 **"§ 153A-213.5. Require use of body-worn and dashboard cameras.**

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

50 (1) Traffic stops.

51 (2) Pursuits.

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

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

9 "

10 **SECTION 3.7.** Article 13 of Chapter 160A of the General Statutes reads as rewritten:
11 "Article 13.
12 "Law Enforcement.

13 ...

14 "**§ 160A-290. Require city law enforcement officers to render medical assistance to persons**
15 **in custody.**

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

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

21 "**§ 160A-290.1. Require use of force early intervention system.**

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

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

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

36 "**§ 160A-290.2. Require regular use of force data reporting to the State Bureau of**
37 **Investigation.**

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

40 "**§ 160A-290.3. Require regular Rap Back data reporting to the State Bureau of**
41 **Investigation.**

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

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

48 "**§ 160A-290.4. Require use of National Incident-Based Reporting System.**

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

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

3 **"§ 160A-290.5. Require use of body-worn and dashboard cameras.**

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

7 (1) Traffic stops.

8 (2) Pursuits.

9 (3) Arrests.

10 (4) Searches.

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

12 (6) Interviews with victims and witnesses.

13 (7) Interactions with inmates of a State correctional facility or local confinement
14 facility.

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

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

18
19 **PART IV. REQUIRE STATE BUREAU OF INVESTIGATION TO INVESTIGATE**
20 **OFFICER-INVOLVED USE OF FORCE INCIDENTS AND REQUIRE A SPECIAL**
21 **PROSECUTOR BE APPOINTED FOR THOSE CASES**

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

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

26 (1) An officer discharges the officer's firearm in the performance of the officer's
27 duties.

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

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

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

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

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

37 Within 24 hours of an officer-involved use of force incident required to be investigated by
38 the Bureau under this section, a law enforcement agency shall report the incident to the Bureau
39 by methods developed by the Bureau for that purpose. A law enforcement agency that fails to
40 report shall be ineligible to receive funds from the Governor's Crime Commission and the
41 Governor's Highway Safety Program until the required report is delivered to the Bureau. A law
42 enforcement agency that repeatedly fails to timely report shall be provided written notice that
43 any further failure to timely report shall result in the ineligibility to receive funds from either the
44 Governor's Crime Commission or the Governor's Highway Safety Program for a period of two
45 years. Following the receipt of notice and upon a determination by the Bureau that a subsequent
46 failure to timely report has occurred, the Bureau shall notify the law enforcement agency in
47 writing of the agency's ineligibility to receive the named funds and the date upon which the
48 agency will once again be eligible to receive the named funds.

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

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

1
2 **PART V. REQUIRED DATA COLLECTION, DATA REPORTING, AND USE OF**
3 **BODY-WORN AND DASHBOARD CAMERAS**

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

6 **"§ 114-2.7A. Define use of force and develop data standards for regular reporting to the**
7 **State Bureau of Investigation.**

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

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

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

20 **"§ 114-2.7B. Require use of National Incident-Based Reporting System.**

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

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

27 **"§ 114-2.7C. Require use of body-worn and dashboard cameras.**

28 (a) All sworn law enforcement officers with the power of arrest, including, but not limited
29 to, those employed by the State Highway Patrol, the State Bureau of Investigation, county
30 sheriffs' offices, municipal police departments, campus police agencies, and company police
31 agencies, shall utilize body-worn and dashboard cameras, as each term is defined in
32 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
33 following:

34 (1) Traffic stops.

35 (2) Pursuits.

36 (3) Arrests.

37 (4) Searches.

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

39 (6) Interviews with victims and witnesses.

40 (7) Interactions with inmates of a State correctional facility or local confinement
41 facility.

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

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

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

48
49 **PART VI. SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS**

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

"Search Warrants.

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

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

- (1) ~~Is It is~~ stolen or ~~embezzled; or~~ embezzled.
- (2) ~~Is It is~~ contraband or otherwise unlawfully ~~possessed; or~~ possessed.
- (3) ~~Has It has~~ been used or is possessed for the purpose of being used to commit or conceal the commission of a ~~crime; or~~ crime.
- (4) ~~Constitutes It constitutes~~ evidence of an offense or the identity of a person participating in an offense.

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

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

- (1) The name and title of the ~~applicant; and~~ applicant.
- (2) A statement that there is probable cause to believe that items subject to seizure under G.S. 15A-242 may be found in or upon a designated or described place, vehicle, or ~~person; and~~ person.
- (3) Allegations of fact supporting the statement. The statements must be supported by one or more affidavits particularly setting forth the facts and circumstances establishing probable cause to believe that the items are in the places or in the possession of the individuals to be ~~searched; and~~ searched.
- (4) A request that the court issue a search warrant directing a search for and the seizure of the items in question.

(b) For an officer to be able to break and enter any premises or vehicle in the execution of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under subsection (a) of this section must also contain:

- (1) A statement that there is probable cause to believe that the giving of notice of the execution of the search warrant would endanger the life or safety of any person.
- (2) Allegations of fact particularly setting forth the facts and circumstances establishing probable cause to believe that the giving of notice of the execution of the search warrant would endanger the life or safety of any person.

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

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

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

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

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

A search warrant must contain:

- (1) The name and signature of the issuing official with the time and date of issuance above ~~his signature;~~ and the issuing official's signature.
- (2) The name of a specific officer or the classification of officers to whom the warrant is ~~addressed;~~ addressed.
- (3) The names of the applicant and of all persons whose affidavits or testimony were given in support of the ~~application;~~ application.
- (4) A designation sufficient to establish with reasonable certainty the premises, vehicles, or persons to be ~~searched;~~ searched.
- (5) A description or a designation of the items constituting the object of the search and authorized to be seized.

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

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

...

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

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

...

"§ 15A-251. Entry by force.

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

- (1) The officer has previously announced ~~his~~ the officer's identity and purpose as required by G.S. 15A-249 and reasonably believes either that admittance is being denied or unreasonably delayed or that the premises or vehicle is ~~unoccupied;~~ or unoccupied.
- (2) ~~The officer has probable cause to believe that the giving of notice would endanger the life or safety of any person.~~ warrant includes the statement and allegations of fact required by G.S. 15A-244(b).

...

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

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

"§ 15A-254. List of items seized.

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

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

An officer executing a warrant directing a search of premises or of a vehicle may, if the officer reasonably believes that ~~his~~ the officer's safety or the safety of others then present so

1 requires, search for any dangerous weapons by an external patting of the clothing of those
2 present. If in the course of such a frisk ~~he~~the officer feels an object which ~~he~~the officer
3 reasonably believes to be a dangerous weapon, ~~he~~the officer may take possession of the object.
4"

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

7
8 **PART VII. REQUIRE DISCLOSURE OF VIDEO FROM BODY-WORN OR**
9 **DASHBOARD CAMERAS TO CITIZENS' REVIEW BOARDS AND REQUIRE**
10 **EVENTUAL RELEASE OF ALL VIDEO INVOLVING CRITICAL INCIDENTS**

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

12 "**§ 132-1.4A. Law enforcement agency recordings.**

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

14 ...

15 (1a) Citizens' review board. – A board or commission, by whatever name, legally
16 constituted and empowered by a city council or board of county
17 commissioners to review law enforcement matters or complaints against a law
18 enforcement agency and individual law enforcement officers.

19 (1b) Critical incident. – An incident involving either (i) the discharge of a law
20 enforcement officer's firearm in the performance of duty when interacting
21 with the public or (ii) the use of force by a law enforcement officer that results
22 in death or serious bodily injury.

23 ...

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

27 ...

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

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

34 ...

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

39 Any custodial law enforcement agency may file an action in the superior court in any county
40 where any portion of the recording was made for an order restricting release of the recording.
41 The request must state the date and time of the activity captured in the recording or otherwise
42 identify the activity. The court may conduct an in-camera review of the recording. In determining
43 whether to restrict the release of all or a portion of the recording, the court shall consider whether
44 release would compromise the integrity of a criminal investigation.

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

47 In any proceeding pursuant to this subsection, the following persons shall be notified and
48 those persons, or their designated representative, shall be given an opportunity to be heard at any
49 proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement
50 agency personnel whose image or voice is in the recording and the head of that person's
51 employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to

1 this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings
2 in such actions shall be accorded priority by the trial and appellate courts.

3"

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

5
6 **PART VIII. NORTH CAROLINA LAW ENFORCEMENT ACCREDITATION**
7 **PROGRAM FUNDING**

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

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

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

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

- 25 (1) Use of force.
- 26 (2) Chokeholds.
- 27 (3) Duty to intervene and report.
- 28 (4) Vehicle pursuits.
- 29 (5) Early warning systems.
- 30 (6) Field training programs.
- 31 (7) Professional standards and conduct.

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

33
34 **PART IX. PUBLIC SAFETY AND VIOLENCE PREVENTION COMMUNITY GRANT**
35 **PROGRAMS**

36 **SECTION 9.1.** There is appropriated from the General Fund to the Department of
37 Justice five hundred thousand dollars (\$500,000) in recurring funds for each year of the
38 2021-2023 fiscal biennium to be used to provide grant funds to organizations that do any of the
39 following:

- 40 (1) Provide and promote peaceful strategies to help communities promote public
41 safety.
- 42 (2) Provide and promote violence prevention programs that treat violence as a
43 public health program.
- 44 (3) Provide and promote services such as mediation, mentoring, job training, and
45 counseling to vulnerable populations.

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

47
48 **PART X. STUDY RECLASSIFYING CERTAIN CLASS 3 MISDEMEANOR OFFENSES**
49 **AS INFRACTIONS**

50 **SECTION 10.1.** Study. – The University of North Carolina at Chapel Hill School of
51 Government (School of Government), in consultation with the North Carolina Sentencing and

1 Policy Advisory Commission, shall study (i) which Class 3 misdemeanor offenses have a low
2 impact on public safety, (ii) whether the offenses should be reclassified as infractions, and (iii)
3 whether low-level traffic offenses should be moved to the North Carolina Administrative Code
4 and enforced as a civil violation by the Division of Motor Vehicles or the Department of Public
5 Safety.

6 **SECTION 10.2.** Report. – The School of Government shall report its findings from
7 the study required under Section 10.1 of this Part, including any recommendations for legislative
8 action, to the Joint Legislative Oversight Committee on Justice and Public Safety by March 7,
9 2022.

10 **PART XI. FUNDING FOR DRUG TREATMENT COURT PROGRAMS AND MENTAL** 11 **HEALTH COURT PROGRAMS**

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

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

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

27 **PART XII. DEFINE THE TERM "SCHOOL RESOURCE OFFICER," REQUIRE** 28 **TRAINING FOR SCHOOL RESOURCE OFFICERS, AND REQUIRE A SCHOOL** 29 **ADMINISTRATOR OR SCHOOL SOCIAL WORKER TO SIGN A SCHOOL-BASED** 30 **COMPLAINT INITIATED BY A SCHOOL RESOURCE OFFICER PRIOR TO BEING** 31 **FILED IN JUVENILE COURT**

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

34 **"§ 115C-105.70. School resource officer.**

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

40 (1) School safety.

41 (2) School security.

42 (3) Emergency preparedness.

43 (4) Emergency response.

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

46 (b) All school resource officers shall comply with initial training standards, as established
47 by subsection (c) of this section, within one year of being assigned as a school resource officer.
48 After initial training, all school resource officers shall comply with continuing education
49 standards, as established by subsection (c) of this section.
50
51

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

6 (1) Mental health.

7 (2) Students with disabilities.

8 (3) Racial equity.

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

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

13 **SECTION 12.1.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:
14 "(17) Establish initial training and continuing education training standards for
15 school resource officers, as set forth in G.S. 115C-105.70."

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

20 **SECTION 12.1.(e)** Subsection (a) of this section applies to school resource officers
21 assigned on or after January 1, 2022. All school resource officers assigned before January 1,
22 2022, shall complete initial training no later than December 31, 2022.

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

25 **§ 7B-1802A. School-based complaints.**

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

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

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

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

39 **PART XIII. REVISE FEES IMPOSED FOR HAVING A DRIVERS LICENSE** 40 **SUSPENDED OR REVOKED**

41 **SECTION 13.1.** G.S. 20-24.1 reads as rewritten:

42 **§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle**
43 **offenses.**

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

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

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

49 Revocation orders entered under the authority of this section are effective on the sixtieth day
50 after the order is mailed or personally delivered to the person.
51

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

- 4 (1) The person disposes of the charge in the trial division in which ~~he~~ the person
5 failed to appear when the case was last called for trial or ~~hearing;~~ hearing.
6 (2) The person demonstrates to the court that ~~he~~ the person is not the person
7 charged with the ~~offense;~~ offense.
8 (3) The person pays the penalty, fine, or costs ordered by the ~~court;~~ court.
9 (4) The person demonstrates to the court that ~~his~~ the person's failure to pay the
10 penalty, fine, or costs was not willful and that ~~he~~ the person is making a good
11 faith effort to pay or that the penalty, fine, or costs should be remitted.

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

17 ...

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

25 ...

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

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

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

37 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
38 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of sixty five
39 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall
40 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
41 prior to the issuance to such person of a new drivers license or the restoration of the drivers
42 license. The restoration fee shall be paid to the Division in addition to any and all fees which may
43 be provided by law. This restoration fee shall not be required from any licensee whose license
44 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
45 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
46 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
47 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
48 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
49 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
50 Department of Health and Human Services. Notwithstanding any other provision of law, a
51 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the

1 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
2 person responsible for payment of the restoration fee has been issued a drivers license by the
3 Division after the effective date of the revocation for which the restoration fee is owed. The
4 Division may also waive restoration fees and other service fees upon a finding by the
5 Commissioner that the license holder has shown good cause for not being able to pay the fine.
6 The Office of State Budget and Management shall annually report to the General Assembly the
7 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
8 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
9 Services under this subsection."

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

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

13
14 **PART XIV. APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE**
15 **COURTS TO STRENGTHEN AND MAINTAIN ITS COURT DATE REMINDER**
16 **SYSTEM AND ALLOW CRIMINAL DEFENDANTS TO STRIKE A FAILURE TO**
17 **APPEAR UNDER CERTAIN CIRCUMSTANCES**

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

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

25 "**§ 15A-306. Strike failure to appear under certain circumstances.**

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

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

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

39
40 **PART XV. PROVIDE A RIGHT TO COUNSEL FOR CRIMINAL DEFENDANTS**
41 **FACING A FELONY OR MISDEMEANOR CHARGE, AND APPROPRIATE FUNDS**
42 **TO INDIGENT DEFENSE SERVICES FOR THE PURPOSE OF IMPLEMENTING**
43 **THAT CHANGE**

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

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

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

49 ...

50 (3) A motion for appropriate relief under Chapter 15A of the General Statutes if
51 appointment of counsel is authorized by Chapter 15A of the General Statutes

1 and the defendant has been convicted of a felony, has been fined ~~five-two~~
2 hundred dollars (~~\$500.00~~)-(\$200.00) or more, or has been sentenced to a term
3 of imprisonment.

4"

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

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

12 **PART XVI. MAKE JURIES MORE REPRESENTATIVE OF THE POPULATION**

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

14 "Article 1.

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

16 ...

17 **"§ 9-2. Preparation of master jury list; sources of names.**

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

23 ...

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

32 ...

33 **"§ 9-2.1:** Repealed by Session Laws 2012-180, s. 2, effective July 12, 2012.

34 ...

35 **"§ 9-4. Preparation and custody of alphabetized list; access to list.**

36 (a) As the master jury list is prepared, the name of each qualified person selected for the
37 list shall be recorded and alphabetically arranged. The alphabetized list shall be maintained in
38 the office of the clerk of superior court, together with a statement of the sources used and
39 procedures followed in preparing the list. The alphabetized list shall be kept under lock and key,
40 but shall be available for public inspection during regular office hours. The clerk of court may
41 elect to store an electronic copy of the alphabetized list for the county.

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

45"

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

47 **"§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.**

48 (a) The Commissioner of Motor Vehicles shall annually provide to each county jury
49 commission an alphabetical list of all persons that the Commissioner has determined are residents
50 of the county, who will be 18 years of age or older as of the first day of January of the following
51

1 year, and licensed to drive a motor vehicle as of July 1 of each ~~odd-numbered year, provided that~~
2 ~~if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the~~
3 ~~county jury commission shall be updated and provided annually.~~the year in which the list is
4 compiled.

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

22 (b1) The raw data of date of birth, sex, and race used to develop the list provided by the
23 Commissioner under subsection (b) of this section shall be made available for analysis by clerks
24 of court, jury commissions, and the public to ensure compliance with applicable laws. The data
25 of date of birth, sex, and race in the list provided by the Commissioner under subsection (b) of
26 this section shall also be made available for analysis by clerks of court, jury commissions, and
27 the public to ensure compliance with applicable laws.

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

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

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

- 38 (1) The master list of prospective jurors.
- 39 (2) The list of jurors summoned.
- 40 (3) The list of jurors that have served.
- 41 (4) The list of jurors that have been excused.
- 42 (5) The list of jurors that have been disqualified.
- 43 (6) The list of jurors whose service has been deferred."

44 **SECTION 16.4.** Section 16.1 of this Part is effective when it becomes law and
45 applies to master jury lists prepared on or after that date. Section 16.2 of this Part is effective
46 when it becomes law and applies to lists compiled by the Commissioner of Motor Vehicles on or
47 after that date. Section 16.3 of this Part becomes effective October 1, 2021, and applies to lists
48 prepared on or after that date. The remainder of this Part is effective when it becomes law.

49 **PART XXVII. SEVERABILITY CLAUSE**

1 **SECTION 17.1.** If any Part, section, or provision of this act is declared
2 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
3 any Part, section, or provision other than the Part, section, or provision so declared to be
4 unconstitutional or invalid.

5

6 **PART XVIII. EFFECTIVE DATE**

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