

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 37

Short Title: Protect Law Enforcement Officers. (Public)

Sponsors: Representatives Malone, Dollar, Conrad, and Jackson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I, if favorable, State and Local Government II

February 6, 2017

A BILL TO BE ENTITLED

AN ACT TO PROTECT MUNICIPAL LAW ENFORCEMENT OFFICERS WHO REPORT IMPROPER OR UNLAWFUL GOVERNMENT ACTIVITY FROM RETALIATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-290. Protection from retaliation for municipal law enforcement officers.

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

(1) Employing agency. – A city or unified city-county government police agency.

(2) Municipal law enforcement officer. – A full-time paid employee of an employing agency who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State or serving civil processes and who possesses the power of arrest by virtue of an oath administered under the authority of the State.

(b) Statement of Policy. – It is the policy of this State that municipal law enforcement officers shall be encouraged to report verbally or in writing to their supervisor, department head, or other appropriate authority evidence of activity constituting any of the following:

(1) A violation of State or federal law, rule, or regulation.

(2) Fraud.

(3) Misappropriation of State and local government resources.

(4) Substantial and specific danger to the public health and safety.

(5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

Further, it is the policy of this State that municipal law enforcement officers be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative or judicial panels.

(c) Protection from Retaliation. –

(1) No employing agency shall discharge, threaten, or otherwise discriminate against a municipal law enforcement officer regarding the officer's compensation, terms, conditions, location, or privileges of employment because the officer or a person acting on behalf of the officer reports or is about to report verbally or in writing any activity described in subsection (b) of this section, unless the officer knows or has reason to believe that the report is inaccurate.



1 (2) No municipal law enforcement officer shall retaliate against another municipal
2 law enforcement officer because the officer or a person acting on behalf of the
3 officer reports or is about to report verbally or in writing any activity described
4 in subsection (b) of this section.

5 (3) No employing agency shall discharge, threaten, or otherwise discriminate
6 against a municipal law enforcement officer regarding the officer's
7 compensation, terms, conditions, location, or privileges of employment because
8 the officer has refused to carry out a directive which in fact constitutes a
9 violation of State or federal law, rule, or regulation or poses a substantial and
10 specific danger to the public health and safety.

11 (4) No municipal law enforcement officer shall retaliate against another municipal
12 law enforcement officer because the officer has refused to carry out a directive
13 which may constitute a violation of State or federal law, rule, or regulation or
14 pose a substantial and specific danger to the public health and safety.

15 (d) Civil Actions for Injunctive Relief or Other Remedies. – For claims arising under this
16 section only, a municipal law enforcement officer injured by a violation of this section may
17 maintain an action in superior court for damages, an injunction, or other remedies provided in this
18 section against the person or employing agency who committed the violation within one year after
19 the occurrence of the alleged violation of this section. Any claim arising under Article 21 of
20 Chapter 95 of the General Statutes may be maintained pursuant to the provisions of that Article
21 only and may be redressed only by the remedies and relief available under that Article.

22 (e) Remedies. – A court, in rendering a judgment in an action brought pursuant to this
23 section, may order an injunction, damages, reinstatement of the municipal law enforcement
24 officer, the payment of back wages, full reinstatement of fringe benefits and seniority rights, costs,
25 reasonable attorneys' fees, or any combination of these. If an application for a permanent
26 injunction is granted, the officer shall be awarded costs and reasonable attorneys' fees. If, in an
27 action for damages, the court finds that the officer was injured by a willful violation of this
28 section, the court shall award as damages three times the amount of actual damages plus costs and
29 reasonable attorneys' fees against the person or employing agency found to be in violation of this
30 section.

31 (f) Notice of Employee Protections and Obligations. – It shall be the duty of the
32 employing agency of the municipal law enforcement officer to post notice in accordance with
33 G.S. 95-9 or use other appropriate means to keep municipal law enforcement officers informed of
34 their protections and obligations under this section."

35 **SECTION 2.** This act becomes effective October 1, 2017, and applies to acts
36 incurring liability on or after that date.