

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 321

Short Title: Restoration of Law and Order Act. (Public)

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

Referred to: Judiciary 1, if favorable, State Personnel, if favorable, Rules, Calendar, and Operations of the House

March 18, 2021

A BILL TO BE ENTITLED

AN ACT TO RESTORE LAW AND ORDER IN THE STATE OF NORTH CAROLINA BY HOLDING ACCOUNTABLE ANY PUBLIC OFFICIAL IN THIS STATE, WHETHER ELECTED OR APPOINTED, FOR THE CONSEQUENCES THAT OCCUR DIRECTLY OR INDIRECTLY FROM THE PUBLIC OFFICIAL'S ACT OF CAUSING LAW ENFORCEMENT OFFICERS TO "STAND DOWN" IN THE FACE OF VIOLENT CRIMINAL ACTIONS INCLUDING MURDER, RIOTING, LOOTING, PHYSICAL ASSAULT, DAMAGE TO PUBLIC OR PRIVATE PROPERTY, PULLING DOWN STATUES OR OTHER MEMORIALS OR MONUMENTS, VANDALISM, ARSON, OR ANY OTHER CRIMINAL ACT WITNESSED BY LAW ENFORCEMENT OFFICERS AND MAKING LAW ENFORCEMENT OFFICERS IMMUNE FROM LIABILITY FOR ANY INJURY INFLICTED UPON PERPETRATORS OF THOSE CRIMES WHO RESIST APPROPRIATE EFFORTS OF LAW ENFORCEMENT OFFICERS TO RESTRAIN THEM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 31A.

"Interference with Law Enforcement Officers by Public Officials.

"§ 14-252.1. Public official.

For the purposes of this Article, a "public official" shall be defined as any person holding a State or local elected or appointed office.

"§ 14-252.2. Interference with law enforcement officers by public officials.

(a) It shall be unlawful for a public official to interfere with a law enforcement officer in the performance of the officer's duties by causing or attempting to cause, in any way, a law enforcement officer to refrain from any of the following:

- (1) Enforcing the laws of this State.
- (2) Defending the citizens of this State against criminal activity.
- (3) Defending the property of citizens of this State against criminal activity.
- (4) Defending the property of this State against criminal activity.

(b) Subsection (a) of this section shall not apply to the following public officials when making decisions for tactical, law enforcement related reasons:

- (1) Sheriffs.
- (2) Chiefs of police.



1 (3) Other law enforcement officers whose regular duties include the direct
 2 supervision, direction, and deployment of law enforcement officers.
 3 (c) A violation of subsection (a) of this section shall be punishable, upon conviction, as
 4 follows:

- 5 (1) A fine of not more than ten thousand dollars (\$10,000) per incident.
 6 (2) Not less than seven nor more than 30 days incarceration, at the discretion of
 7 the sentencing judge, who shall consider the severity of the damage done when
 8 imposing a sentence.

9 **"§ 14-252.3. Accessory after the fact.**

10 A person who violates G.S. 14-252.2(a) may be charged as an accessory after the fact,
 11 pursuant to G.S. 14-7, to any criminal conduct committed by an individual that the public official
 12 protected or attempted to protect from the enforcement of the laws of this State.

13 **"§ 14-252.4. Civil liability for public officials.**

14 A person who violates G.S. 14-252.2(a) may be held civilly liable for any personal injury,
 15 death, theft, damage to State property, damage to personal property, financial loss, or civil
 16 liability resulting from the violation, subject to a civil cause of action brought by any of the
 17 following:

- 18 (1) An immediate family member of a deceased person.
 19 (2) An injured person.
 20 (3) A person that has suffered damage to or loss of real or personal property.
 21 (4) A person that has suffered financial loss or incurred civil liability.
 22 (5) A representative of any State or local government or private entity that has
 23 suffered damage to or loss of real or personal property.
 24 (6) A representative of any State or local government or private entity that has
 25 suffered financial loss or incurred civil liability.

26 **"§ 14-252.5. Civil and criminal immunity for law enforcement officers.**

27 A law enforcement officer using reasonable force under the circumstances and acting in good
 28 faith to enforce the laws of this State, to defend the citizens of this State against criminal activity,
 29 to defend the property of citizens of this State against criminal activity, and to defend the property
 30 of this State against criminal activity shall be immune from civil and criminal liability for the
 31 death or injury of any person resisting the law enforcement officer in the performance of these
 32 duties. Any death or injury under the circumstances described in this subsection shall be deemed
 33 to have been caused by the individual who is killed or injured.

34 **"§ 14-252.6. Removal from office.**

35 Notwithstanding any other provision of law, a public official convicted of violating
 36 G.S. 14-252.2(a), or a public official that refuses to charge, prosecute, or otherwise hold liable
 37 an individual that there is probable cause to believe has violated G.S. 14-242.2(a) and over whom
 38 the public official exercises jurisdiction, may be subject to removal from office pursuant to the
 39 applicable removal process for that office."

40 **SECTION 1.(b)** This section becomes effective December 1, 2021, and applies to
 41 offenses and actions committed on or after that date.

42 **SECTION 2.(a)** G.S. 100-2.1 reads as rewritten:

43 **"§ 100-2.1. Protection of monuments, memorials, and works of art.**

44 ...

45 (c) Exceptions. – This section does not apply to the following:

46 ...

- 47 (3) An object of remembrance for which a building inspector or similar official
 48 has determined poses a threat to public safety because of an unsafe or
 49 dangerous ~~condition.~~condition related to the structural or physical integrity of
 50 the object. This subdivision shall not apply to an unsafe or dangerous

1 condition, perceived or actual, caused by or threatened to be caused by the
2 intentional acts of an individual.
3 (d) Any person who willfully and knowingly violates the provisions of this section shall
4 be guilty of a Class 1 misdemeanor."
5 **SECTION 2.(b)** All statues, memorials, and monuments of this State or any local
6 government removed or damaged prior to the enactment of this Act shall be immediately restored
7 and returned to the original location of the statue, memorial, or monument. Expenses for the
8 restoration or return directed by this section shall be incurred by the individuals responsible for
9 the damage or removal of the statue, memorial, or monument, including elected and appointed
10 officials.
11 **SECTION 2.(c)** Subsection (a) of this section becomes effective December 1, 2021,
12 and applies to offenses committed on or after that date. The remainder of this section is effective
13 when it becomes law.
14 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
15 law.