

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 453

Short Title: Supporting Law Enforcement. (Public)

Sponsors: Senators Batch, Garrett, and Smith (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2023

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN POLICIES AND STANDARDS SURROUNDING LAW
ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

**PART I. DIRECT THE DEPARTMENT OF JUSTICE TO ASSIST LAW
ENFORCEMENT AGENCIES IN APPLYING FOR GRANT FUNDS AND FUND
POSITIONS TO MEET THE REQUIREMENTS OF THIS PART**

SECTION 1.1. The Department of Justice shall provide assistance to law enforcement agencies seeking grant funds, including, but not limited to, the following:

- (1) Alerting law enforcement agencies to available grant funds.
- (2) Assisting law enforcement agencies with drafting and submitting grant proposals and applications.

SECTION 1.2. There is appropriated from the General Fund to the Department of Justice two hundred thousand dollars (\$200,000) in recurring funds for each year of the 2023-2025 fiscal biennium to be used to hire two full-time grant writers to assist law enforcement agencies pursuant to the requirements of Section 1.1 of this Part.

SECTION 1.3. This Part becomes effective July 1, 2023.

PART II. SUPPORT COMMUNITY POLICING PROGRAMS

SECTION 2.1. There is appropriated from the General Fund to the Department of Justice the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for each year of the 2023-2025 fiscal biennium to be used to award grants to law enforcement agencies for initiatives supporting community policing.

SECTION 2.2. This Part becomes effective July 1, 2023.

**PART III. CREATE INCENTIVES FOR LAW ENFORCEMENT OFFICERS AND
AGENCIES**

SECTION 3.1. There is appropriated from the General Fund to the Department of Justice the sum of five hundred thousand dollars (\$500,000) in recurring funds for the 2024-2025 fiscal year to be used to provide the following types of grants:

- (1) Grants provided to law enforcement agencies to be awarded to law enforcement officers exhibiting exemplary service as established by the Department of Justice.
- (2) Grants awarded to law enforcement agencies for meeting racial or gender diversity benchmarks as established by the Department of Justice.



1 **SECTION 3.2.** No grant awarded pursuant to this Part shall exceed ten thousand
2 dollars (\$10,000).

3 **SECTION 3.3.** This Part becomes effective July 1, 2024.

4
5 **PART IV. REVISE POLICE USE OF FORCE POLICIES**

6 **SECTION 4.1.** G.S. 15A-401(d) reads as rewritten:

7 "(d) Use of Force in Arrest. –

8 ...

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

12 ...

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

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

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

24 **SECTION 4.2.** The Attorney General, in consultation with the North Carolina
25 Sheriffs' Association and the North Carolina Association of Chiefs of Police, shall develop
26 uniform use of force policies that may be adopted by all law enforcement agencies in the State.
27 These policies shall be submitted to the Joint Legislative Oversight Committee on Justice and
28 Public Safety no later than December 1, 2024, shall be published on the Department of Justice
29 website, and shall be distributed in digital format by the Attorney General to all law enforcement
30 agencies in the State.

31 **SECTION 4.3.** Section 4.2 of this Part is effective when it becomes law. The
32 remainder of this Part becomes effective October 1, 2023, and applies to actions taken on or after
33 that date.

34
35 **PART V. ESTABLISH MINIMUM STANDARDS FOR THE HIRING AND TRAINING**
36 **OF LAW ENFORCEMENT OFFICERS**

37 **SECTION 5.1.** G.S. 17C-6(a) reads as rewritten:

38 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the
39 Commission shall have the following powers, which shall be enforceable through its rules and
40 regulations, certification procedures, or the provisions of G.S. 17C-10:

41 ...

42 (2a) Establish the minimum age requirement that shall be met in order to qualify
43 for entry level employment as a criminal justice officer in temporary or
44 probationary status or in a permanent position, which shall not be less than 21
45 years of age.

46 (2b) Establish minimum mental health screening protocols that must be met in
47 order to qualify for entry level employment and retention as a criminal justice
48 officer in temporary or probationary status or in a permanent position. The
49 standards for entry level employment shall include a psychological screening
50 within one year prior to certification performed by a physician, psychologist,
51 or other mental health professional.

1 ...
 2 (17a) Establish minimum annual mental health screening protocols for criminal
 3 justice officers, including additional mental health screening protocols for
 4 criminal justice officers following a traumatic event, including a
 5 psychological screening performed by a physician, psychologist, or other
 6 mental health professional.

7"

8 **SECTION 5.2.** G.S. 17C-13(b) reads as rewritten:

9 "(b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain
 10 access to a person's misdemeanor and felony conviction records, including those maintained by
 11 the Administrative Office of the Courts in its confidential files containing the names of persons
 12 granted expunctions. The Commission may deny, suspend, or revoke a person's certification
 13 based solely on that person's felony conviction, conviction or the conviction of four or more
 14 misdemeanors, whether or not that conviction was the convictions were expunged."

15 **SECTION 5.3.** G.S. 17E-4(a) reads as rewritten:

16 "(a) The Commission shall have the following powers, duties, and responsibilities, which
 17 are enforceable through its rules and regulations, certification procedures, or the provisions of
 18 G.S. 17E-8 and G.S. 17E-9:

19 ...

20 (2a) Establish the minimum age requirement that shall be met in order to qualify
 21 for entry level employment as an officer in temporary or probationary status
 22 or in a permanent position, which shall not be less than 21 years of age.

23 (2b) Establish minimum mental health screening protocols that must be met in
 24 order to qualify for entry level employment and retention as an officer in
 25 temporary or probationary status or in a permanent position. The standards for
 26 entry level employment shall include a psychological screening within one
 27 year prior to certification performed by a physician, psychologist, or other
 28 mental health professional.

29 ...

30 (13a) Establish minimum annual mental health screening protocols for officers,
 31 including additional mental health screening protocols for officers following
 32 a traumatic event, including a psychological screening performed by a
 33 physician, psychologist, or other mental health professional.

34 ...

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

41 **SECTION 5.4.** G.S. 17E-12(b) reads as rewritten:

42 "(b) Notwithstanding G.S. 15A-145.4 or G.S. 15A-145.5, the Commission may gain
 43 access to a person's misdemeanor and felony conviction records, including those maintained by
 44 the Administrative Office of the Courts in its confidential files containing the names of persons
 45 granted expunctions. The Commission may deny, suspend, or revoke a person's certification
 46 based solely on that person's felony conviction, conviction or the conviction of four or more
 47 misdemeanors, whether or not that conviction was the convictions were expunged."

48 **SECTION 5.5.** There is appropriated from the General Fund to the Department of
 49 Justice the sum of one million dollars (\$1,000,000) in recurring funds for each year of the
 50 2023-2025 fiscal biennium to be used to provide grants to law enforcement agencies to pay for
 51 the mental health screenings required by Sections 5.1 and 5.3 of this Part.

1 **SECTION 5.6.** Sections 5.1 and 5.3 of this Part become effective January 1, 2024,
2 and apply to officers hired or employed on or after that date. Sections 5.2 and 5.4 of this Part
3 become effective January 1, 2024, and apply to (i) officers hired on or after that date and (ii)
4 officers employed on or after that date that are convicted of a felony or misdemeanor on or after
5 that date. Section 5.5 of this Part becomes effective July 1, 2023. The remainder of this Part is
6 effective when it becomes law.

7
8 **PART VI. FUND ADDITIONAL DETECTIVES OR INVESTIGATIVE OFFICERS TO**
9 **INVESTIGATE SEVERE CRIMES**

10 **SECTION 6.1.** There is appropriated from the General Fund to the Department of
11 Justice the sum of one million dollars (\$1,000,000) in recurring funds for each year of the
12 2023-2025 fiscal biennium to be used to provide grants to law enforcement agencies to
13 temporarily provide partial or total funding for detective or other investigative law enforcement
14 positions in order to aid in the investigation of person crimes that would constitute a charge of a
15 Class D felony or higher.

16 **SECTION 6.2.** This Part becomes effective July 1, 2023.

17
18 **PART VII. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

19 **SECTION 7.1.** If any Part, section, or provision of this act is declared
20 unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or
21 any portion other than the portion declared to be unconstitutional or invalid.

22 **SECTION 7.2.** Except as otherwise provided, this act is effective when it becomes
23 law.