



HOUSE BILL 37: Protect Law Enforcement Officers.

2017-2018 General Assembly

Committee:	House Judiciary III. If favorable, re-refer to State and Local Government II	Date:	April 17, 2017
Introduced by:	Reps. Malone, Dollar, Conrad, Jackson	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition H37-CSRN-10		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 37 would protect municipal law enforcement officers who report improper or unlawful government activity for retaliation. The PCS makes the language of the bill identical to the First Edition of Senate Bill 596, the Senate companion bill, with two exceptions: (1) this PCS clarifies that any criminal penalties for filing false reports apply prospectively to offenses committed on or after October 1, 2017, and (2) it uses the correct term "municipal law enforcement officer" on page 2, line 21.*

BILL ANALYSIS: The PCS for House Bill 37 creates a new section in Chapter 160A to protect law enforcement officers from retaliation.

Definitions- The act creates definitions of "employing agency" and "municipal law enforcement officer." Employing agencies would include a city or a city-county combined police agency.

Statement of Policy- The act provides that it is the policy of the State that municipal law enforcement officers must be encouraged to report, in writing, evidence of the following information to their supervisor, department head, or other appropriate authority:

- A violation of State or federal law, rule, or regulation.
- Fraud.
- Misappropriation of State and local government resources.
- Substantial and specific danger to the public health and safety.
- Gross mismanagement, a gross waste of monies, or gross abuse of authority.

Protections- In the absence of binding personnel policies, codes of conduct, or other procedures protecting employees from retaliation, the following apply:

- **No adverse action by the employing agency-** No employing agency shall discharge, threaten, or otherwise discriminate against a municipal law enforcement officer regarding the officer's compensation or terms of employment because the officer or a person acting on behalf of the officer reports or is about to report any activity described in the "Statement of Policy" section unless the officer knows or has reason to believe that the report is inaccurate.
- **No adverse action by another municipal law enforcement officer-** No municipal law enforcement officer shall retaliate against another municipal law enforcement officer because the officer or a person acting on behalf of the officer reports or is about to report any activity described in the "Statement of Policy" section.

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Civil Actions and Remedies- A municipal law enforcement officer who is injured under this section may maintain an action in superior court within one year after the occurrence of the alleged violation. A court may order damages, an injunction, reinstatement of the officer, payment of back wages, reinstatement of fringe benefits and seniority rights, costs, and reasonable attorneys' fees. If a permanent injunction is granted, the officer must receive costs and reasonable attorneys' fees.

Notice of Protections- The employing agency must keep municipal law enforcement officers informed of their protections and obligations under this section. The State is responsible for the costs of producing these postings for distribution.

Criminal Penalty for Filing a False Writing- A municipal law enforcement officer who knowingly files a false writing under this section is guilty of a Class 2 misdemeanor.

EFFECTIVE DATE: The act becomes effective October 1, 2017, and applies to acts incurring liability and offenses committed on or after that date.