



# HOUSE BILL 118: First Responders Act of 2019.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2019-2020 General Assembly

<b>Committee:</b>	House Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 15, 2019
<b>Introduced by:</b>	Reps. Warren, Corbin, D. Hall, Potts	<b>Prepared by:</b>	Trina Griffin
<b>Analysis of:</b>	PCS to Third Edition H118-CSSV-9		Committee Co-Counsel

**OVERVIEW:** *House Bill 118 would do the following as it relates to first responders:*

- *Direct the Department of Transportation to study the needs of law enforcement, emergency medical and emergency management personnel, and firefighters to improve access within the interstate system for the benefit of public safety and report its findings no later than March 1, 2022.*
- *Exempt from the general prohibition against carrying a concealed weapon, emergency medical services personnel if they are deployed providing tactical medical assistance to law enforcement in an emergency situation and if they have had specific training.*

*The Proposed Committee Substitute would remove the following two tax-related provisions from the bill:*

- *A \$250 income tax deduction for a person who works as an unpaid member for a volunteer fire department, volunteer rescue department, or an EMS squad and attends at least 36 hours of training during the year. A similar deduction was in place from tax year 2007 through tax year 2013, but was eliminated by the Tax Simplification and Reduction Act, along with numerous other credits and deductions, in order to lower the overall individual income tax rate.*
- *A new property tax exclusion for property of a surviving spouse of an emergency personnel officer who was killed in the line of duty who has not remarried.*

### PART I. INTERSTATE ACCESS STUDY

**BILL ANALYSIS:** Section 1 of the bill would direct the Department of Transportation (DOT) to study improving access to the interstate system within the State by emergency personnel for the benefit of public safety. The DOT would be required to consult with county fire marshals and other emergency management offices to determine potential sites for construction or improvement and to review whether existing planning and design standards for interchanges, median crossovers, and access points consider the needs of first responders.

The DOT would be required to report its findings and recommendations, including any legislative proposals, to the Joint Legislative Oversight Committee on Justice and Public Safety, Joint Emergency Management Oversight Committee, and Joint Legislative Transportation Oversight Committee no later than March 1, 2022.

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This section would become effective when the act becomes law.

## **PART II. CONCEALED CARRY/EMERGENCY MEDICAL SERVICES PERSONNEL**

**CURRENT LAW:** G.S. 14-269 makes it unlawful for a person to willfully and intentionally carry certain concealed weapons<sup>1</sup> about their person unless it is on the person's own premises. It is also unlawful to carry a concealed pistol or gun unless it is on the person's property, the person has a concealed carry permit, or the person is a military permittee. Violation is a misdemeanor.<sup>2</sup> The statute contains a list of at least 15 categories of individuals that are not subject to this prohibition under certain specified circumstances. Generally speaking, the circumstances may include that the person has a concealed handgun permit, is acting in the scope of their official duties, and is prohibited from carrying the weapon while consuming alcohol or an unlawful controlled substance. The categories of individuals include:

- Officers and enlisted personnel of the Armed Forces of the United States.
- Civil and law enforcement officers of the United States, including qualified retired law enforcement officers and off-duty officers.
- Officers and soldiers of the militia and the National Guard.
- Officers of the State, or of any county, city, town, or company police agency.
- District attorneys or assistant district attorneys.
- State and local correctional officers.
- District court judges, superior court judges, and magistrates.
- Clerks of court or Registers of Deeds.
- State probation officers and certain other Department of Public Safety employees.
- Administrative law judges.

**BILL ANALYSIS:** – Section 2 of the bill would exempt, under certain circumstances, emergency medical services personnel from the general prohibition against carrying concealed weapons, including the prohibitions against weapons in certain other locations, such as educational property, the State Capitol, and courthouses, while they are assisting in the emergency situation.

**Emergency medical services personnel.** – The term would include all of the following:

- Advanced emergency medical technician
- Emergency medical dispatcher
- Emergency medical responder
- Emergency medical services instructor
- Emergency medical services nurse practitioner
- Emergency medical services physician assistant
- Emergency medical technician
- Mobile intensive care nurse
- Paramedic

**Circumstances under which Exempt.** – The above-defined personnel would only be exempt from the general prohibition if they meet all of the following conditions:

- They are on duty.

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<sup>1</sup> Bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon. The prohibition does not apply to ordinary pocket knives.

<sup>2</sup> With respect to a violation related to a gun or pistol, the first offense is a Class 2 misdemeanor and subsequent offenses are a Class H felony.

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- They are deployed, as part of their official duties, providing tactical medical assistance to law enforcement in an emergency situation, including a Special Weapons and Tactics (SWAT) operation.
- They have had specific training.

**Approved training course.** – The person must have completed an approved tactical medical assistance course for supporting tactical law enforcement operations that meets all of the following:

- It includes firearms safety and training.
- It includes instruction in the laws of this State governing the use of deadly force.
- It requires training and qualification on all weapons systems, both lethal and less than lethal, deemed necessary by any law enforcement agency that the emergency medical services personnel supports.
- It is certified by the NC Criminal Justice Education and Training Standards Commission, the National Rifle Association, or a law enforcement agency, college, private or public institution, or firearms training school.

**EFFECTIVE DATE:** This section would become effective December 1, 2019, and apply to offenses committed on or after that.