



HOUSE BILL 348: Whistle-Blower Protection/Municipal LEOs.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2019
Introduced by:	Reps. Grange, Conrad, Hanig, Richardson	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition H348-CSR-N-14		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute for House Bill 348 protects municipal law enforcement officers who report improper or unlawful government activity for retaliation. The PCS deleted the word "binding" before the word "procedures" on page 1, line 17.*

BILL ANALYSIS: The PCS for House Bill 348 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.

Exemptions- The act does not apply to an employing agency that has a binding personnel policy, code of conduct, or other procedures protecting employees from retaliation.

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.

Protections- A public official of a municipal government must not retaliate against a municipal law enforcement officer because the officer or someone acting on behalf of the officer reports the activities described above.

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.

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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, 2019, and applies to acts incurring liability and offenses committed on or after that date.