



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

# HOUSE BILL 536: Law Enforcement Duty to Intervene.

2021-2022 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	August 9, 2021
<b>Introduced by:</b>	Reps. Szoka, K. Baker, Hunter	<b>Prepared by:</b>	Jennifer Bedford
<b>Analysis of:</b>	PCS to First Edition H536-CSTT-23		Staff Attorney

### OVERVIEW: *The PCS for House Bill 536 would:*

- *Create a duty to intervene for law enforcement officers.*
- *Require that the National Decertification Index (NDI) be searched as part of officer certification.*
- *Require that officers report certain notifications related to testimony.*

### BILL ANALYSIS:

**Section 1** would create a duty for LEO to intervene and report an excessive use of force by LEO.

**Section 2** would require the Commissions to run applicants through the national decertification index.

**Section 3** would:

- Require that written notification of Giglio material (credibility issues that would make an officer open to impeachment by the defense in a criminal trial) be reported to the appropriate law enforcement standards commission.
- Require the standards commission to notify law enforcement agencies and district attorneys of the reported information when a law enforcement officer is transferring to that agency.
- Provide an opportunity for an officer to be heard by a superior court judge in order to determine if the reporting requirement applies.

**EFFECTIVE DATE:** Section 1 becomes effective December 1, 2021, and applies to uses of force that occur on or after that date. Sections 2 and 3 become effective October 1, 2021. Please see the PCS for more detail.

**BACKGROUND:** The PCS for House Bill 536 mirrors Parts IV, XV, and XVI of the 5th Edition of Senate Bill 300.

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