



# HOUSE BILL 536: Law Enforcement Duty to Intervene.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	February 28, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Jennifer H. Bedford Staff Attorney
<b>Analysis of:</b>	S.L. 2021-137		

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**OVERVIEW:** *S.L. 2021-137 does the following:*

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

*The section of this act pertaining to the new duty to intervene became effective December 1, 2021, and applies to uses of force that occur on or after that date. The remainder of this act became effective October 1, 2021.*

## **BILL ANALYSIS:**

**This act does all of the following:**

- Creates a duty for law enforcement officers to intervene and report an excessive use of force by law enforcement officers.
- Requires the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, to run applicants through the national decertification index.
- Requires that written notification of Giglio material (credibility issues that would make a law enforcement officer open to impeachment by the defense in a criminal trial) be reported to the appropriate law enforcement standards' commission.
- Requires 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.
- Provides an opportunity for a law enforcement officer to be heard by a superior court judge in order to determine if the Giglio material reporting requirement applies.

**EFFECTIVE DATE:** The section of this act pertaining to the new duty to intervene became effective December 1, 2021, and applies to uses of force that occur on or after that date. The remainder of this act became effective October 1, 2021.

**BACKGROUND:** S.L. 2021-137 mirrors Parts IV, XV, and XVI of the 5th Edition of SB 300.

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