



SENATE BILL 300: Criminal Justice Reform.

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

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 14, 2021
Introduced by:	Sens. Britt, Daniel, Lee	Prepared by:	Susan Sitze
Analysis of:	PCS to Fourth Edition S300-CSSA-31		Staff Attorney

OVERVIEW: *Senate Bill 300 would make various changes to the Criminal Code, and increase law enforcement standardization and oversight.*

BILL ANALYSIS:

PART I would create a public database of Law Enforcement Officer (LEO) certification suspensions and revocations.

PART II would:

- Provide a process to have all LEO fingerprints entered in state and federal databases.
- Provide authorization for LEO agencies to participate in the FBI NGI System and Rap Back service which would alert the SBI if the LEO has a subsequent arrest.

PART III would require the Department of Justice to create a database for law enforcement agencies of "critical incident information" which includes any use of force resulting in death or serious bodily injury. All State and local law enforcement agencies, as well as campus police and company police agencies, would be required to provide information on critical incidents to the Department of Justice.

PART IV 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.

PART V would:

- Direct the law enforcement standards commissions to develop uniform statewide minimum standards.
- Require a report to JPS Oversight.

PART VI would:

- Allow health care providers to transport the respondent in an involuntary commitment.

PART VII would:

- Require that LEO receive training on mental health and wellness strategies.

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Senate PCS 300

Page 2

- Require a psychological screening for LEO certification or employment.
- Create a study of the benefits of physical fitness testing throughout the year.
- Require a report to JPS Oversight.

PART VIII would require law enforcement agencies to create an early warning system within the agency to monitor officer actions and behaviors including discharge of a firearm, use of force, vehicle collisions, and citizen complaints.

PART IX would:

- Require Commissions to create a best practices recruitment guide to encourage diversity.
- Require a report to JPS Oversight.

PART X would require the SBI to investigate deaths due to use of force by a law enforcement officer and deaths of inmates, when requested by the Governor, a law enforcement agency head, a district attorney, or the Commissioner of Prisons.

PART XI would expand mandatory in-service training for LEO to include mental health topics, community policing, minority sensitivity, use of force, and the duty to intervene and report.

PART XII would exempt in-service training standards from the rule-making process.

PART XIII would:

- Limit the local ordinances that may impose a criminal penalty.
- Provide a compliance defense for certain violations.

PART XIV would:

- Require a first appearance for a defendant in custody for a misdemeanor.
- Reduce the time for a first appearance to be conducted by a judge from 96 hours to 72 hours.

PART XV would require the Commissions to run applicants through the national decertification index.

PART XVI would create a duty for LEO to intervene and report an excessive use of force by LEO.

PART XVII would remove the Standards Commissions from a nonexclusive list of State Agency Licensing Boards.

PART XVIII would amend satellite-based monitoring (SBM) of sex offenders to address constitutional issues in the following manner:

- Provide a legislative finding of efficacy stating that SBM reduces recidivism.
- Create a “reoffender” classification which is a recidivist with more than one felony registerable offense. (Narrowing the current class that must register.)
- Reduce lifetime SBM to ten years. (The courts have a problem with offenders who are no longer being supervised still being monitored. Ten years was stated in an opinion as reasonable. This would include five years on post-release supervision and then five years out in the world.)

Senate PCS 300

Page 3

- Allow some individualized assessment for the sexually violent predator, reoffender, etc., and allow the court some discretion to order SBM for ten years if the offender requires “the highest possible level of supervision.”
- Allow for a judicial review to terminate or modify SBM for offenders.

PART XIX would:

- Create a Class I felony resisting an officer if the defendant's resisting is the proximate cause of serious injury to the officer.
- Create a Class F felony resisting an officer if the defendant's resisting is the proximate cause of serious bodily injury to the officer.
- Direct DPS to create Public Service Announcements and a target social media campaign regarding how to interact lawfully with law enforcement.

PART XX would:

- Require a law enforcement agency that receives a request for disclosure of a recording of body-worn camera footage which depicts a death or serious bodily injury to petition the court within five business days for a determination of how and when the footage shall be disclosed.
- Require persons receiving disclosure to submit an affidavit of confidentiality and prohibit them from recording or copying the disclosed recording.
- Create a Class 1 Misdemeanor for making a copy of a confidential body-worn camera recording disclosed under the new subsection.
- Create a Class I felony for disseminating a copy of a confidential body-worn camera recording disclosed under the new subsection.

PART XXI would establish the Bipartisan North Carolina Legislative Working Group on Criminal Law Recodification to create a database of State crimes and ordinance offenses, report on the instances of those offenses, and recommend draft legislation.

EFFECTIVE DATE: Except as provided, the act is effective when it becomes law. Please see the bill for more details.

**Jennifer Bedford, Staff Attorney, substantially contributed to this summary.*