



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:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 10, 2021
Introduced by:	Sens. Britt, Daniel, Lee	Prepared by:	Jennifer H. Bedford
Analysis of:	Second Edition		Staff Attorney

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

PCS 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:

Have the Commissions create a database for law enforcement agencies of "critical incident information" which includes causing death or serious bodily injury.

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 Commissions.
Provide a judicial review to determine whether an officer is required to report a notification to the Commissions.

PART V would:

Direct the 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.
Direct the Commissions to provide in-person instruction by mental health professionals, develop policies to encourage LEO to utilize available resources

PART VII would:

Require that LEO receive training on mental health and wellness strategies.
Require a psychological screening for LEO certification or employment.

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Create a study of the benefits of physical fitness testing throughout the year.
Require a report to JPS Oversight.

PART VIII would:

Create a an early warning system within each law enforcement agency to monitor officer actions and behaviors that might indicate a problem such as collisions, complaints, and critical incidents.

PART IX would:

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

PART X would give the SBI jurisdiction over death or serious injury by on-duty LEO, and deaths in confinement.

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 from the rule-making process in order to allow a faster response to urgent issues.

PART XIII would direct the AOC to enroll defendants in a digital court date reminder system.

PART XIV would:

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

PART XV would:

Increase the penalty for rioting with property damage over \$1,500, or serious bodily injury from a Class H to a Class G felony.
Increase the penalty for causing serious bodily injury while willfully rioting from a Class H to a Class F.
Clarify that an overt act is required to sustain a conviction.

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

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

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

PART XX would:

Address constitutional issues with satellite-based monitoring (SBM) imposed on certain sex offenders raised by *State v. Grady* (2019).
Narrow the class of offender required to enroll in SBM.

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Create a "predatory recidivist" category for individuals convicted of multiple sexually violent offenses. Provide a judicial review process for lifetime SBM after 10 years of enrollment. Create a process for the individuals subject to State v. Grady who were removed from SBM to be reviewed for eligibility under other requirements.

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