



SENATE BILL 300: Criminal Justice Reform.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: May 11, 2021
Introduced by: Sens. Britt, Daniel, Lee	Prepared by: Jennifer H. Bedford
Analysis of: Third Edition	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 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.
- Create a study of the benefits of physical fitness testing throughout the year.
- Require a report to JPS Oversight.

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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:

- Provide a legislative finding of efficacy stating that SBM reduces recidivism.

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- 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.)
- Allow some individualized assessment for the sexually violent predator, reoffender, etc., and allow the court some discretion to order SBM for ten years (no less) if the offender requires “the highest possible level of supervision.”
- Allow for a judicial review to terminate or modify SBM for offenders (not including the offenders found to have hurt children).

PART XXI would:

- Create a Class I felony resisting an officer if the defendant's resisting is the proximate cause of physical 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 XXII would:

- Require a law enforcement agency to disclose an unredacted recording of body-worn camera footage which depicts a death or serious bodily injury within five business days unless the agency seeks judicial review.
- 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.

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