



SENATE BILL 171: Department of Public Safety Agency Bill.

2023-2024 General Assembly

Committee:	Date:	December 5, 2023
Introduced by:	Prepared by:	Brian Gwyn*
Analysis of:	S.L. 2023-86	Staff Attorney

OVERVIEW: *S.L. 2023-86 does all of the following:*

- *Modifies the State Capitol Police's authority and territorial jurisdiction to arrest.*
- *Adds the definition of wood residual to Chapter 20 of the General Statutes (Motor Vehicles).*
- *Modifies the timeframe under which law enforcement is required to enter missing or unidentified person information into NamUs from 30 days to 90 days.*
- *Modifies the North Carolina Silver Alert System by renaming it; clarifying which missing persons fall under it; limiting required alerts to situations where no more than 72 hours have passed since the person or child went missing; and adding requirements for law enforcement action related to alerts.*
- *Grants the Adjutant General and National Guard Staff Judge Advocate access to certain criminal investigation records.*
- *Provides that no provision concerning special trial counsel in the Uniform Code of Military Justice and Manual for Courts-Martial, United States, must apply to courts-martial convened under Article 3 (National Guard) of Chapter 127A of the General Statutes.*
- *Expands the definition of reportable conviction under Article 27A (Sex Offender and Public Protection Regulation Programs) of Chapter 14 of the General Statutes to include convictions in State court-martial proceedings for offenses substantially similar to an offense against a minor or a sexually violent offense.*
- *Establishes the Samarcand Training Academy under the Department of Public Safety (DPS).*
- *Allows DPS to retain the net proceeds from the sale or lease of certain land or facilities.*

The modifications to the North Carolina Silver Alert System and the expansion of the reportable convictions for sex-offender registration became effective October 1, 2023. The remainder of the act became effective July 10, 2023.

EXPAND JURISDICTION OF STATE CAPITOL POLICE

CURRENT LAW: G.S. 143B-911(d) grants the State Capitol Police the following authority:

- The same power of arrest as City of Raleigh police officers within the same territorial jurisdiction of City of Raleigh police officers.
- The same authority granted to a deputy sheriff in buildings and on the grounds of property owned, leased, or maintained by the State located in Wake County.

BILL ANALYSIS: **Section 1** expands the authority granted to the State Capitol Police to include the following:

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 171

Page 2

- The same authority granted to a deputy sheriff in a building or portion of a building or on the grounds thereof, when owned or leased by the State. This authority extends to any location in the State when the state agency responsible for that building or grounds executes a written agreement for service with the State Capitol Police.

ADD DEFINITION OF WOOD RESIDUAL

CURRENT LAW: Chapter 20 of the General Statutes contains provisions related to motor vehicles. G.S. 20-118 regulates vehicle weights and loads. G.S. 20-118(c)(12) contains a list of vehicles which are excluded from the vehicle weight and load limitations, including any vehicle transporting wood residuals within 150 miles of the point of origination. G.S. 20-4.01 contains a list of definitions that apply throughout Chapter 20.

BILL ANALYSIS: **Section 2** adds the definition of wood residual to this list. This section became effective July 10, 2023, and applies to wood residual (i) transported, (ii) stored, or (iii) otherwise interacted with on or after that date.

UPDATE STATUTE REGARDING MISSING PERSONS

CURRENT LAW: When a parent, spouse, guardian, legal custodian, or other person responsible for supervision files a missing person report with a law enforcement agency, G.S. 143B-1015(c) requires that law enforcement agency to enter the missing person's information into the National Missing and Unidentified Persons System (NamUs). Currently, the missing person's information must be entered into NamUs in any of the following circumstances:

- Where a person has been missing for more than 30 days.
- Where an unidentified person has remained unidentified for more than 30 days following their death.
- Where a child has been missing for more than 30 days.

BILL ANALYSIS: **Section 3** changes the time frame from 30 days to 90 days in each of the above circumstances.

UPDATE SILVER ALERT NOTIFICATION

CURRENT LAW: The North Carolina Center for Missing Persons (Center) maintains the North Carolina Silver Alert System to provide for the rapid sharing of information related to a missing person or child believed to be suffering from dementia, Alzheimer's disease, or any other disability requiring them to be protected from potential abuse or exploitation. G.S. 143B-1022 requires the Center to issue a statewide alert as quickly as possible upon receiving a request related to any missing person or child as described. Additionally, the Center must adopt guidelines and develop procedures for issuing such alerts and must consult with the Department of Transportation (DOT) to develop procedures for using message signs to provide information to motorists.

BILL ANALYSIS: **Section 4** does all of the following:

- Changes the name of the North Carolina Silver Alert System to the North Carolina Missing Endangered System.
- Requires the dissemination of information related to a missing person or child believed to be suffering from dementia, Alzheimer's disease, or a cognitive impairment.

Senate Bill 171

Page 3

- Requires law enforcement agencies, in addition to the Center, to issue alerts, adopt guidelines and develop procedures for issuing alerts, and to consult with the DOT to develop procedures for using message signs to issue alerts.
- Changes the requirement that the Center and law enforcement issue alerts for all missing persons and children to requiring that alerts be issued only where no more than 72 hours have passed since the person or child went missing.

This section became effective October 1, 2023, and applies to persons or children reported missing on or after that date.

CHANGE NC PUBLIC RECORDS LAWS RELATED TO MILITARY INVESTIGATIONS

CURRENT LAW: Article 3 of Chapter 127A of the General Statutes contains provisions related to the North Carolina National Guard.

BILL ANALYSIS: **Section 5** adds a new section to Chapter 127A of the General Statutes to allow the Adjutant General or the National Guard Staff Judge Advocate to request criminal investigation records from a law enforcement agency or medical examiner for use in a court-martial action or administrative investigation involving a National Guard member, unless prohibited by court order.

This section also provides that all records and information released pursuant to this section remain State records and are governed by G.S. 127A-17.1 (Confidentiality of National Guard records), G.S. 132-1.4 (Public Records – Criminal Investigations; Intelligence Information records), and military regulations governing official use or disclosure.

This section became effective July 10, 2023, and applies to requests made on or after that date.

COURTS-MARTIAL CLARIFICATION

CURRENT LAW: G.S. 127A-47 provides that courts-martial for military personnel of the North Carolina National Guard must possess powers and follow the procedures described for similar courts by the Uniform Code of Military Justice and Manual for Courts-Martial, United States (UCMJ). The UCMJ was recently amended to include the Office of the Special Trial Counsel (OSTC), which was given exclusive authority to prosecute certain "covered offenses".

BILL ANALYSIS: **Section 6** clarifies that no provision in the UCMJ related to the OSTC or special trial counsel applies to courts-martial for military personnel of the North Carolina National Guard and no provision can be construed as imposing additional or alternative procedural requirements as to the "covered offenses".

Section 6 became effective July 10, 2023, and applies to courts-martial convened on or after that date.

SEX-OFFENDER REGISTRATION CLARIFICATION

CURRENT LAW: G.S. 14-208.6(4) contains a list of sex offenses defined as reportable convictions requiring registration.

BILL ANALYSIS: **Section 7** adds to the list of reportable convictions all final convictions in a State court-martial proceeding under a general courts-martial or special courts-martial where confinement is imposed for offenses substantially similar to an offense against a minor or a sexually violent offense.

Senate Bill 171

Page 4

Section 7 became effective October 1, 2023, and applies to convictions occurring on or after that date.

ESTABLISHMENT OF SAMARCAND TRAINING ACADEMY

BILL ANALYSIS: Section 8 establishes the Samarcand Training Academy within DPS and provides that the Secretary of Public Safety direct its operations. This section also allows the Samarcand Training Academy to develop a predetermined fee structure for use of its facilities.

BACKGROUND: The Samarcand Training Academy is a law enforcement and corrections training facility located in Moore County that provides basic, in-service, and advanced training for DPS law enforcement agencies, as well as correctional officers, probation officers, and juvenile justice employees. Other local, state, and federal agencies also conduct training at the facility from time to time.

RETAIN PROCEEDS FROM SALE OF DEPARTMENT OF PUBLIC SAFETY PROPERTY

CURRENT LAW: G.S. 146-30(a) requires the net proceeds of dispositions of certain State lands to be handled in accordance with the following priority:

- In accordance with the provisions of any relevant trust or other instrument of title.
- As provided by any other act of the General Assembly.
- Deposited with the State Treasurer.

BILL ANALYSIS: Section 8.5 allows DPS to retain the net proceeds from the sale or lease of land or facilities (i) owned by DPS or (ii) owned by the State and solely maintained by DPS.

EFFECTIVE DATE: Except as otherwise provided, the act became effective July 10, 2023.

**Robert Ryan, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*