



SENATE BILL 171: Department of Public Safety Agency Bill.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 20, 2023
Introduced by:	Sen. Daniel	Prepared by:	Robert Ryan
Analysis of:	Second Edition		Anna Parsons Staff Attorney

OVERVIEW: *Senate Bill 171 would do all the following:*

- *Modify the State Capitol Police's authority and territorial jurisdiction to arrest.*
- *Add the definition of wood residual to Chapter 20.*
- *Modify the time frame under which law enforcement is required to enter missing or unidentified person information into NamUs from 30 days to 90 days.*
- *Modify 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.*
- *Grant the Adjutant General or National Guard Staff Judge Advocate access to certain criminal investigation records.*
- *Provide that no provision concerning special trial counsel in the Uniform Code of Military Justice and Manual for Courts-Martial, United States, shall apply to courts-martial convened under Article 3 of Chapter 127A of the General Statutes.*
- *Expand the definition of reportable conviction to include convictions in State court-martial proceedings for offenses substantially similar to an offense against a minor or a sexually violent offense.*
- *Establish the Samarcand Training Academy under the Department of Public Safety.*

CURRENT LAW/BILL ANALYSIS:

Section 1.

G.S. 143B-911(d) currently 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.

Section 1 would expand the authority granted to the State Capitol Police to include the following:

- 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

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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.

Section 2.

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. **Section 2** would add the definition of wood residual to this list.

Section 2 would become effective when it becomes law and would apply to wood residual (i) transported, (ii) stored, or (iii) otherwise interacted with on or after that date.

Section 3.

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.

Section 3 would change the time frame from 30 days to 90 days in each of the above circumstances.

Section 4.

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.

Section 4 would do all the following:

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

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- Change the requirement that the Center and law enforcement issue alerts for all missing persons and children to requiring alerts be issued only where no more than 72 hours have passed since the person or child went missing.

Section 4 would become effective October 1, 2023, and apply to persons or children reported missing on or after that date.

Section 5.

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

Section 5 would add a new section to Chapter 127A of the General Statutes that allows 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.

Section 5 would also provide that all records and information released pursuant to this section would remain State records and would be 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.

Section 5 would become effective when it becomes law and apply to requests made on or after that date.

Section 6.

G.S. 127A-47 currently provides that courts-martial for military personnel of the North Carolina National Guard shall 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".

Section 6 would clarify that no provision in the UCMJ related to the OSTC or special trial counsel would apply to courts-martial for military personnel of the North Carolina National Guard and no provision should be construed as imposing additional or alternative procedural requirements as to the "covered offenses".

Section 6 would become effective when it becomes law and apply to courts-martial convened on or after that date.

Section 7.

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

Section 7 would add 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.

Section 7 would become effective October 1, 2023, and apply to convictions occurring on or after that date.

Section 8.

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.

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Section 8 would statutorily establish the Samarcand Training Academy within the Department of Public Safety and would provide that the Secretary of Public Safety direct its operations. **Section 8** would also allow the Samarcand Training Academy to develop a predetermined fee structure for use of its facilities.

EFFECTIVE DATE: Except as otherwise provided, the act would be effective when it becomes law.