

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 731

Short Title: Police Reform for 2023. (Public)

Sponsors: Representatives Brockman and K. Brown (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT NO-KNOCK WARRANTS, TO LIMIT THE USE OF CHOKEHOLDS
3 BY LAW ENFORCEMENT OFFICERS, AND TO STRENGTHEN THE TRAINING AND
4 EDUCATION OF LAW ENFORCEMENT OFFICERS.

5 The General Assembly of North Carolina enacts:

6
7 **SPECIFIC PROBABLE CAUSE FINDING FOR NO-KNOCK WARRANTS**

8 **SECTION 1.(a)** Article 11 of Chapter 15A of the General Statutes reads as rewritten:

9 "Article 11.

10 "Search Warrants.

11 ...
12 **"§ 15A-242. Items subject to seizure under a search warrant.**

13 An item is subject to seizure pursuant to a search warrant if there is probable cause to believe
14 ~~that it is~~ any of the following:

- 15 (1) ~~Is It is~~ stolen or ~~embezzled; or~~ embezzled.
16 (2) ~~Is It is~~ contraband or otherwise unlawfully ~~possessed; or~~ possessed.
17 (3) ~~Has It has~~ been used or is possessed for the purpose of being used to commit
18 or conceal the commission of a ~~crime; or~~ crime.
19 (4) ~~Constitutes It constitutes~~ evidence of an offense or the identity of a person
20 participating in an offense.

21 ...
22 **"§ 15A-244. Contents of the application for a search warrant.**

23 (a) Each application for a search warrant must be made in writing upon oath or
24 affirmation. All applications must contain:

- 25 (1) The name and title of the ~~applicant; and~~ applicant.
26 (2) A statement that there is probable cause to believe that items subject to seizure
27 under G.S. 15A-242 may be found in or upon a designated or described place,
28 vehicle, or ~~person; and~~ person.
29 (3) Allegations of fact supporting the statement. The statements must be
30 supported by one or more affidavits particularly setting forth the facts and
31 circumstances establishing probable cause to believe that the items are in the
32 places or in the possession of the individuals to be ~~searched; and~~ searched.

33 ...



1 (b) For an officer to be able to break and enter any premises or vehicle in the execution
2 of a search warrant pursuant to G.S. 15A-251(b), the application for a search warrant under
3 subsection (a) of this section must also contain:

4 (1) A statement that there is probable cause to believe that the giving of notice of
5 the execution of the search warrant would endanger the life or safety of any
6 person.

7 (2) Allegations of fact particularly setting forth the facts and circumstances
8 establishing probable cause to believe that the giving of notice of the
9 execution of the search warrant would endanger the life or safety of any
10 person.

11 **"§ 15A-245. Basis for issuance of a search warrant; duty of the issuing official.**

12 ...

13 (b) If the issuing official finds that the application meets the requirements of this Article
14 and finds there is probable cause to believe that the search will discover items specified in the
15 application which are subject to seizure under G.S. 15A-242, ~~he~~the official must issue a search
16 warrant in accordance with the requirements of this Article. The issuing official must retain a
17 copy of the warrant and warrant application and must promptly file them with the clerk. If ~~he~~the
18 official does not so find, the official must deny the application.

19 **"§ 15A-246. Form and content of the search warrant.**

20 A search warrant must contain:

21 (1) The name and signature of the issuing official with the time and date of
22 issuance above ~~his signature; and~~the issuing official's signature.

23 (2) The name of a specific officer or the classification of officers to whom the
24 warrant is ~~addressed; and~~addressed.

25 (3) The names of the applicant and of all persons whose affidavits or testimony
26 were given in support of the ~~application; and~~application.

27 (4) A designation sufficient to establish with reasonable certainty the premises,
28 vehicles, or persons to be ~~searched; and~~searched.

29 ...

30 **"§ 15A-247. Who may execute a search warrant.**

31 A search warrant may be executed by any law-enforcement officer acting within ~~his~~the
32 law-enforcement officer's territorial jurisdiction, whose investigative authority encompasses the
33 crime or crimes involved.

34 ...

35 **"§ 15A-249. Officer to give notice of identity and purpose.**

36 The officer executing a search warrant must, before entering the premises, give appropriate
37 notice of ~~his~~the officer's identity and purpose to the person to be searched, or the person in
38 apparent control of the premises to be searched. If it is unclear whether anyone is present at the
39 premises to be searched, ~~he~~the officer must give the notice in a manner likely to be heard by
40 anyone who is present.

41 ...

42 **"§ 15A-251. Entry by force.**

43 An officer may break and enter any premises or vehicle when necessary to the execution of
44 the warrant ~~if~~under either of the following circumstances:

45 (1) The officer has previously announced ~~his~~the officer's identity and purpose as
46 required by G.S. 15A-249 and reasonably believes either that admittance is
47 being denied or unreasonably delayed or that the premises or vehicle is
48 ~~unoccupied; or~~unoccupied.

49 (2) ~~The officer has probable cause to believe that the giving of notice would~~
50 ~~endanger the life or safety of any person.~~warrant includes the statement and
51 allegations of fact required by G.S. 15A-244(b).

1 ...

2 **"§ 15A-253. Scope of the search; seizure of items not named in the warrant.**

3 The scope of the search may be only such as is authorized by the warrant and is reasonably
4 necessary to discover the items specified therein. Upon discovery of the items specified, the
5 officer must take possession or custody of them. If in the course of the search the officer
6 inadvertently discovers items not specified in the warrant which are subject to seizure under
7 G.S. 15A-242, ~~he~~the officer may also take possession of the items so discovered.

8 **"§ 15A-254. List of items seized.**

9 Upon seizing items pursuant to a search warrant, an officer must write and sign a receipt
10 itemizing the items taken and containing the name of the court by which the warrant was issued.
11 If the items were taken from a person, the receipt must be given to the person. If items are taken
12 from a place or vehicle, the receipt must be given to the owner, or person in apparent control of
13 the premises or vehicle if the person is present; ~~or if he~~the person is not, not present, the officer
14 must leave the receipt in the premises or vehicle from which the items were taken.

15 **"§ 15A-255. Frisk of persons present in premises or vehicle to be searched.**

16 An officer executing a warrant directing a search of premises or of a vehicle may, if the
17 officer reasonably believes that ~~his~~the officer's safety or the safety of others then present so
18 requires, search for any dangerous weapons by an external patting of the clothing of those
19 present. If in the course of such a frisk ~~he~~the officer feels an object which ~~he~~the officer
20 reasonably believes to be a dangerous weapon, ~~he~~the officer may take possession of the object.
21"

22 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to
23 search warrants issued on or after that date.

24
25 **INCLUDE CHOKEHOLDS AND SIMILAR TACTICS IN THE DEFINITION OF**
26 **DEADLY FORCE**

27 **SECTION 2.(a)** G.S. 15A-401(d) reads as rewritten:

28 "(d) Use of Force in Arrest. –

29 ...

30 (2) A law-enforcement officer is justified in using deadly physical force upon
31 another person for a purpose specified in subdivision (1) of this subsection
32 only when it is or appears to be reasonably necessary thereby:

33 ...

34 Strangleholds, chokeholds, lateral vascular neck restraints, carotid restraints,
35 or any other tactics that restrict oxygen or blood flow to the head or neck shall
36 be considered the use of deadly force under this subdivision.

37 Nothing in this subdivision constitutes justification for willful, malicious or
38 criminally negligent conduct by any person which injures or endangers any
39 person or property, nor shall it be construed to excuse or justify the use of
40 unreasonable or excessive force."

41 **SECTION 2.(b)** This section is effective when it becomes law and applies to uses of
42 force occurring on or after that date.

43
44 **REQUIRE LAW ENFORCEMENT OFFICERS TO USE BODY-WORN CAMERAS**

45 **SECTION 3.(a)** Article 4 of Chapter 20 of the General Statutes is amended by adding
46 a new section to read:

47 **"§ 20-196.6. Require use of body-worn cameras.**

48 (a) State Troopers shall utilize body-worn cameras, as that term is defined in
49 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
50 following:

51 (1) Traffic stops.

- 1 (2) Pursuits.
- 2 (3) Arrests.
- 3 (4) Searches.
- 4 (5) Interrogations not covered under G.S. 15A-211.
- 5 (6) Interviews with victims and witnesses.
- 6 (7) Interactions with inmates of a State correctional facility or local confinement
- 7 facility.

8 (b) The requirements of subsection (a) of this section shall not apply to State Troopers
9 during undercover operations."

10 **SECTION 3.(b)** Chapter 74E of the General Statutes is amended by adding a new
11 section to read:

12 **"§ 74E-10.1. Require use of body-worn cameras.**

13 (a) Company police officers shall utilize body-worn cameras, as that term is defined in
14 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
15 following:

- 16 (1) Arrests.
- 17 (2) Searches.
- 18 (3) Interrogations not covered under G.S. 15A-211.
- 19 (4) Interviews with victims and witnesses.

20 (b) The requirements of subsection (a) of this section shall not apply to company police
21 officers during undercover operations."

22 **SECTION 3.(c)** Chapter 74G of the General Statutes is amended by adding a new
23 section to read:

24 **"§ 74G-10.1. Require use of body-worn cameras.**

25 (a) Campus police officers shall utilize body-worn cameras, as that term is defined in
26 G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to, the
27 following:

- 28 (1) Traffic stops.
- 29 (2) Pursuits.
- 30 (3) Arrests.
- 31 (4) Searches.
- 32 (5) Interrogations not covered under G.S. 15A-211.
- 33 (6) Interviews with victims and witnesses.

34 (b) The requirements of subsection (a) of this section shall not apply to campus police
35 officers during undercover operations."

36 **SECTION 3.(d)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General
37 Statutes is amended by adding a new section to read:

38 **"§ 143B-927.1. Require use of body-worn cameras.**

39 (a) Law enforcement officers of the State Bureau of Investigation shall utilize body-worn
40 cameras, as that term is defined in G.S. 132-1.4A, in all interactions with members of the public,
41 including, but not limited to, the following:

- 42 (1) Traffic stops.
- 43 (2) Pursuits.
- 44 (3) Arrests.
- 45 (4) Searches.
- 46 (5) Interrogations not covered under G.S. 15A-211.
- 47 (6) Interviews with victims and witnesses.
- 48 (7) Interactions with inmates of a State correctional facility or local confinement
- 49 facility.

50 (b) The requirements of subsection (a) of this section shall not apply to law enforcement
51 officers of the State Bureau of Investigation during undercover operations."

1 SECTION 3.(e) Part 1 of Article 10 of Chapter 153A of the General Statutes is
2 amended by adding a new section to read:

3 **"§ 153A-213. Require use of body-worn cameras.**

4 (a) County law enforcement officers shall utilize body-worn cameras, as that term is
5 defined in G.S. 132-1.4A, in all interactions with members of the public, including, but not
6 limited to, the following:

7 (1) Traffic stops.

8 (2) Pursuits.

9 (3) Arrests.

10 (4) Searches.

11 (5) Interrogations not covered under G.S. 15A-211.

12 (6) Interviews with victims and witnesses.

13 (7) Interactions with inmates of a State correctional facility or local confinement
14 facility.

15 (b) The requirements of subsection (a) of this section shall not apply to county law
16 enforcement officers during undercover operations."

17 SECTION 3.(f) Article 13 of Chapter 160A of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 160A-290. Require use of body-worn cameras.**

20 (a) City law enforcement officers shall utilize body-worn cameras, as that term is defined
21 in G.S. 132-1.4A, in all interactions with members of the public, including, but not limited to,
22 the following:

23 (1) Traffic stops.

24 (2) Pursuits.

25 (3) Arrests.

26 (4) Searches.

27 (5) Interrogations not covered under G.S. 15A-211.

28 (6) Interviews with victims and witnesses.

29 (7) Interactions with inmates of a State correctional facility or local confinement
30 facility.

31 (b) The requirements of subsection (a) of this section shall not apply to city law
32 enforcement officers during undercover operations."

33 SECTION 3.(g) This section becomes effective October 1, 2023, and applies to
34 interactions occurring on or after that date.

35
36 **REQUIRE ADDITIONAL LAW ENFORCEMENT TRAINING RELATED TO THE USE**
37 **OF FORCE, THE USE OF DEADLY FORCE, AND EXCESSIVE FORCE**

38 SECTION 4.(a) G.S. 17C-6(a) reads as rewritten:

39 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the
40 Commission shall have the following powers, which shall be enforceable through its rules and
41 regulations, certification procedures, or the provisions of G.S. 17C-10:

42 ...

43 (2) Establish minimum educational and training standards that must be met in
44 order to qualify for entry level employment and retention as a criminal justice
45 officer in temporary or probationary status or in a permanent position. The
46 standards for entry level employment shall include all of the following:

47 ...

48 d. Education and training on the use of force, the use of deadly force,
49 excessive force, methods for intervening when witnessing excessive
50 force, de-escalation tactics, and methods of warning individuals prior
51 to discharging a firearm.

1 ...
 2 (14) Establish minimum standards for in-service training for criminal justice
 3 officers. In-service training standards for sworn law enforcement officers shall
 4 include all of the following training topics:

- 5 ...
 6 h. Use of force, use of deadly force, de-escalation tactics, and
 7 methods of warning individuals prior to discharging a firearm.
 8 i. The Excessive force, methods for intervening when witnessing
 9 excessive force, and the duty to intervene and report.

10"

11 **SECTION 4.(b)** G.S. 17E-4(a) reads as rewritten:

12 "(a) The Commission shall have the following powers, duties, and responsibilities, which
 13 are enforceable through its rules and regulations, certification procedures, or the provisions of
 14 G.S. 17E-8 and G.S. 17E-9:

15 (1) Promulgate rules and regulations for the administration of this Chapter, which
 16 rules may require (i) the submission by any agency of information with respect
 17 to the employment, education, and training of its justice officers, and (ii) the
 18 submission by any training school of information with respect to its programs
 19 that are required by this ~~Chapter~~;Chapter.

20 (2) Establish minimum educational and training standards that may be met in
 21 order to qualify for entry level employment as an officer in temporary or
 22 probationary status or in a permanent position. The standards for entry level
 23 employment of officers shall include all of the following:

24 ...

25 d. Education and training on the use of force, the use of deadly force,
 26 excessive force, methods for intervening when witnessing excessive
 27 force, de-escalation tactics, and methods of warning individuals prior
 28 to discharging a firearm.

29 (3) Certify, pursuant to the standards that it may establish for the purpose, persons
 30 as qualified under the provisions of this Chapter who may be employed at
 31 entry level as ~~officers~~;officers.

32 (4) Establish minimum standards for the certification of training schools and
 33 programs or courses of instruction that are required by this ~~Chapter~~;Chapter.

34 (5) Certify, pursuant to the standards that it has established for the purpose,
 35 training schools and programs or courses of instruction that are required by
 36 this ~~Chapter~~;Chapter.

37 (6) Establish standards and levels of education or equivalent experience for
 38 teachers who participate in programs or courses of instruction that are required
 39 by this ~~Chapter~~;Chapter.

40 (7) Certify, pursuant to the standards that it has established for the purpose,
 41 teachers who participate in programs or courses of instruction that are required
 42 by this ~~Chapter~~;Chapter.

43 (8) Investigate and make such evaluations as may be necessary to determine if
 44 agencies are complying with the provision[s] of this ~~Chapter~~;Chapter.

45 (9) Adopt and amend bylaws, consistent with law, for its internal management
 46 and ~~control~~;control.

47 (10) Enter into contracts incident to the administration of its authority pursuant to
 48 this ~~Chapter~~;Chapter.

49 (11) Establish minimum standards for in-service training for justice officers.
 50 In-service training standards for sworn law enforcement officers shall include
 51 all of the following training topics:

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...

- h. Use of force, use of deadly force, de-escalation tactics, and methods of warning individuals prior to discharging a firearm.
- i. The Excessive force, methods for intervening when witnessing excessive force, and the duty to intervene and report.

...

The Commission may certify, and no additional certification shall be required from it, programs, courses and teachers certified by the North Carolina Criminal Justice Education and Training Standards Commission. Where the Commission determines that a program, course, instructor or teacher is required for an area which is unique to the office of sheriff, the Commission may certify such program, course, instructor, or teacher under such standards and procedures as it may establish."

SECTION 4.(c) The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission shall issue temporary rules to implement the requirements of this section.

SECTION 4.(d) This section becomes effective October 1, 2023, and applies to entry-level education and training and in-service training required on or after that date.

EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.