

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 980*

Short Title: Law Enforcement Officer Discipline. (Public)

Sponsors: Representatives Martin, Stam (Primary Sponsors); Brown, Bryant, Clary, Daughtridge, Dockham, Dollar, Fisher, Frye, Glazier, T. Harrell, McGee, Tarleton, Thomas, Tillis, and Weiss.

Referred to: Judiciary I.

March 22, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW
3 ENFORCEMENT OFFICERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The General Statutes are amended by adding a new Chapter to
6 read:

7 **Chapter 17F.**

8 **"Investigation and Discipline of Certain Law Enforcement Officers.**

9 **"§ 17F-1. Definitions.**

10 For purposes of this act:

- 11 (1) 'Employing agency' means any State agency or department,
12 municipality, or political subdivision of the State that employs law
13 enforcement officers other than sheriffs' deputies.
14 (2) 'Law enforcement officer' means all officers, other than company
15 police, with the powers of arrest as defined by law and required to be
16 certified under Chapter 17C of the General Statutes.
17 (3) 'Officer' means law enforcement officer.

18 **"§ 17F-2. Discharge, suspension, or demotion for just cause only.**

19 No law enforcement officer shall be discharged, suspended, or demoted for
20 disciplinary reasons, except for just cause.

21 **"§ 17F-3. Minimum procedures.**

22 If an employing agency considers matters that could reasonably lead to the
23 dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement
24 officer, each employing agency shall establish minimum procedures to ensure that any
25 officer is afforded due process of law prior to the imposition of the disciplinary action
26 against the officer. These procedures shall include, as a minimum, the right to a hearing
27 before a fair and impartial board or hearing officer, the right to be represented at the

1 officer's expense, the right to examine any witnesses testifying against the officer, the
2 right to call witnesses and present evidence, and the right to have all meetings recorded.

3 **"§ 17F-4. Certain established procedures validated.**

4 Employing agencies using an established civil service system, agency review board,
5 civilian complaint board, or personnel board that meets the minimum standards set forth
6 in G.S. 17F-3 or otherwise provides due process need not develop the procedures
7 required by G.S. 17F-3 so long as the established system remains in place.

8 **"§ 17F-5. Permissible suspensions.**

9 Nothing in this Chapter precludes the immediate suspension with pay, for up to 30
10 days, of any law enforcement officer if the employing agency considers the officer's
11 continued presence on the job to be a substantial and immediate threat to the welfare of
12 the agency or the public nor shall anything in this Chapter preclude the suspension of an
13 officer for refusing to obey a direct order issued in conformance with the employing
14 agency's written and disseminated rules and regulations. In such a case, the officer shall
15 be afforded the rights provided for in G.S. 17F-3, except that an officer's request to be
16 heard by a complaint review board shall be made subsequent to the imposition of the
17 suspension.

18 **"§ 17F-6. Adoption by employing agencies.**

19 Each unit of local government that is an employing agency under this Chapter shall
20 adopt the provisions of G.S. 17F-3 by resolution or by ordinance."

21 **SECTION 2.** This act becomes effective October 1, 2007, and applies to
22 investigations and disciplinary proceedings commenced on or after that date.