

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 980*
Committee Substitute Favorable 4/26/07

Short Title: Law Enforcement Officer Discipline.

(Public)

Sponsors:

Referred to:

March 22, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW
3 ENFORCEMENT OFFICERS OTHER THAN STATE EMPLOYEES OR
4 SHERIFFS' DEPARTMENT EMPLOYEES.

5 The General Assembly of North Carolina enacts:

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

8 **Chapter 17F.**

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

10 **"§ 17F-1. Definitions.**

11 For purposes of this act:

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

19 **"§ 17F-2. Discharge, suspension, or demotion for just cause only.**

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

22 **"§ 17F-3. Minimum procedures.**

23 If an employing agency considers matters that could reasonably lead to the
24 dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement
25 officer, each employing agency shall establish minimum procedures to ensure that any
26 officer is afforded due process of law prior to the imposition of the disciplinary action
27 against the officer. These procedures shall include, as a minimum, the right to a hearing
28 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 or without pay, for
10 up to 30 days, of any law enforcement officer if the employing agency considers the
11 officer's continued presence on the job to be a substantial and immediate threat to the
12 welfare of the agency or the public, nor shall anything in this Chapter preclude the
13 suspension of an officer for refusing to obey a direct order issued in conformance with
14 the employing agency's written and disseminated rules and regulations. In such a case,
15 the officer shall be afforded the rights provided for in G.S. 17F-3, except that an
16 officer's request to be heard by a complaint review board shall be made subsequent to
17 the imposition of the 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.