

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH50345-LL-194 (04/13)

Short Title: Law Enforcement Officer Discipline.

(Public)

Sponsors: Representative Martin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW
ENFORCEMENT OFFICERS AND TO PROVIDE FOR JUDICIAL REVIEW OF
DISCIPLINARY ACTIONS.

The General Assembly of North Carolina enacts:

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

"Chapter 17F.

"Investigation and Discipline of Law Enforcement Officers.

"§ 17F-1. Definitions.

For purposes of this act:

- (1) 'Employing agency' means any State agency or department, municipality, or political subdivision of the State that employs law enforcement officers.
- (2) 'Law enforcement officer' means all officers with the powers of arrest as defined by law and required to be certified under Chapters 17C and 17E of the General Statutes.
- (3) 'Officer' means law enforcement officer.

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

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

"§ 17F-3. Minimum procedures.

If an employing agency considers matters that could reasonably lead to the dismissal, demotion, suspension, or transfer for punitive reasons of, or any disciplinary action against, a law enforcement officer, each employing agency shall establish minimum procedures to ensure that any officer is afforded due process of law prior to the imposition of any disciplinary action against the officer. These procedures shall

1 include, as a minimum, the right to a hearing before a fair and impartial board or
2 hearing officer, the right to be represented at the officer's expense, the right to examine
3 any witnesses testifying against the officer, the right to call witnesses and present
4 evidence, and the right to have all meetings recorded.

5 **"§ 17F-4. Certain established procedures validated.**

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

10 **"§ 17F-5. Permissible suspensions.**

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

20 **SECTION 2.** This act becomes effective October 1, 2005, and applies to
21 investigations and disciplinary proceedings commenced on or after that date.