

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40031-ML-60 (01/31)

Short Title: Protect Law Enforcement Officers. (Public)

Sponsors: Representatives Malone, Dollar, Conrad, and Jackson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT MUNICIPAL LAW ENFORCEMENT OFFICERS WHO REPORT
3 IMPROPER OR UNLAWFUL GOVERNMENT ACTIVITY FROM RETALIATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 160A-290. Protection from retaliation for municipal law enforcement officers.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Employing agency. – A city or unified city-county government police agency.

10 (2) Municipal law enforcement officer. – A full-time paid employee of an
11 employing agency who is actively serving in a position with assigned primary
12 duties and responsibilities for prevention and detection of crime or the general
13 enforcement of the criminal laws of the State or serving civil processes and who
14 possesses the power of arrest by virtue of an oath administered under the
15 authority of the State.

16 (b) Statement of Policy. – It is the policy of this State that municipal law enforcement
17 officers shall be encouraged to report verbally or in writing to their supervisor, department head,
18 or other appropriate authority evidence of activity constituting any of the following:

19 (1) A violation of State or federal law, rule, or regulation.

20 (2) Fraud.

21 (3) Misappropriation of State and local government resources.

22 (4) Substantial and specific danger to the public health and safety.

23 (5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

24 Further, it is the policy of this State that municipal law enforcement officers be free of
25 intimidation or harassment when reporting to public bodies about matters of public concern,
26 including offering testimony to or testifying before appropriate legislative or judicial panels.

27 (c) Protection from Retaliation. –

28 (1) No employing agency shall discharge, threaten, or otherwise discriminate
29 against a municipal law enforcement officer regarding the officer's
30 compensation, terms, conditions, location, or privileges of employment because
31 the officer or a person acting on behalf of the officer reports or is about to
32 report verbally or in writing any activity described in subsection (b) of this
33 section, unless the officer knows or has reason to believe that the report is
34 inaccurate.

35 (2) No municipal law enforcement officer shall retaliate against another municipal
36 law enforcement officer because the officer or a person acting on behalf of the



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1 officer reports or is about to report verbally or in writing any activity described
2 in subsection (b) of this section.

3 (3) No employing agency shall discharge, threaten, or otherwise discriminate
4 against a municipal law enforcement officer regarding the officer's
5 compensation, terms, conditions, location, or privileges of employment because
6 the officer has refused to carry out a directive which in fact constitutes a
7 violation of State or federal law, rule, or regulation or poses a substantial and
8 specific danger to the public health and safety.

9 (4) No municipal law enforcement officer shall retaliate against another municipal
10 law enforcement officer because the officer has refused to carry out a directive
11 which may constitute a violation of State or federal law, rule, or regulation or
12 pose a substantial and specific danger to the public health and safety.

13 (d) Civil Actions for Injunctive Relief or Other Remedies. – For claims arising under this
14 section only, a municipal law enforcement officer injured by a violation of this section may
15 maintain an action in superior court for damages, an injunction, or other remedies provided in this
16 section against the person or employing agency who committed the violation within one year after
17 the occurrence of the alleged violation of this section. Any claim arising under Article 21 of
18 Chapter 95 of the General Statutes may be maintained pursuant to the provisions of that Article
19 only and may be redressed only by the remedies and relief available under that Article.

20 (e) Remedies. – A court, in rendering a judgment in an action brought pursuant to this
21 section, may order an injunction, damages, reinstatement of the municipal law enforcement
22 officer, the payment of back wages, full reinstatement of fringe benefits and seniority rights, costs,
23 reasonable attorneys' fees, or any combination of these. If an application for a permanent
24 injunction is granted, the officer shall be awarded costs and reasonable attorneys' fees. If, in an
25 action for damages, the court finds that the officer was injured by a willful violation of this
26 section, the court shall award as damages three times the amount of actual damages plus costs and
27 reasonable attorneys' fees against the person or employing agency found to be in violation of this
28 section.

29 (f) Notice of Employee Protections and Obligations. – It shall be the duty of the
30 employing agency of the municipal law enforcement officer to post notice in accordance with
31 G.S. 95-9 or use other appropriate means to keep municipal law enforcement officers informed of
32 their protections and obligations under this section."

33 **SECTION 2.** This act becomes effective October 1, 2017, and applies to acts
34 incurring liability on or after that date.