

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 37
Committee Substitute Favorable 4/19/17

Short Title: Protect Law Enforcement Officers.

(Public)

Sponsors:

Referred to:

February 6, 2017

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
10 agency.

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

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

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

21 (2) Fraud.

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

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

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

25 (c) Protections. – In the absence of binding personnel policies, Codes of Conduct, or
26 other procedures protecting employees from retaliation:

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

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



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

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

11 (e) Remedies. – A court, in rendering a judgment in an action brought pursuant to this
12 section, may order an injunction, damages, reinstatement of the municipal law enforcement
13 officer, the payment of back wages, full reinstatement of fringe benefits and seniority rights,
14 costs, reasonable attorneys' fees, or any combination of these. If an application for a permanent
15 injunction is granted, the officer shall be awarded costs and reasonable attorneys' fees.

16 (f) Notice of Employee Protections and Obligations. – It shall be the duty of the
17 employing agency of the municipal law enforcement officer to post notice in accordance with
18 G.S. 95-9 or use other appropriate means to keep municipal law enforcement officers informed
19 of their protections and obligations under this section. It shall be the responsibility of the State
20 to pay for the production of these postings for distribution.

21 (g) If any municipal law enforcement officer knowingly files a false writing under the
22 provisions of this section and is found guilty in a judicial proceeding, the offense shall be
23 punishable as a Class 2 misdemeanor."

24 **SECTION 2.** This act becomes effective October 1, 2017, and applies to acts
25 incurring liability and offenses committed on or after that date.