

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 641
Committee Substitute Favorable 4/29/19

Short Title: Modifications to Various DPS Provisions.

(Public)

Sponsors:

Referred to:

April 10, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO LAWS RELATED TO PUBLIC SAFETY, AS
3 RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. NC NATIONAL GUARD CIVILIAN LEAVE OPTION**

7 **SECTION 1.** G.S. 127A-111(a) reads as rewritten:

8 "(a) A member of the North Carolina National Guard called into service of the State by
9 the Governor shall have the right to take leave without pay from ~~his or her~~ the member's civilian
10 employment. No member of the North Carolina National Guard shall be forced to use ~~or exhaust~~
11 ~~his or her~~ any of the member's vacation or other accrued leaves from ~~his or her~~ the member's
12 civilian employment for a period of active service. The choice of leave shall be solely within the
13 discretion of the member."
14

15 **PART II. AUTHORIZE CERTAIN DEPARTMENT OF PUBLIC SAFETY**
16 **EMPLOYEES TO CONSTRUCT, MAINTAIN, OR REPAIR STATE-OWNED**
17 **BUILDINGS OR EQUIPMENT WITHOUT REQUIRING LICENSURE BY STATE**
18 **LICENSING BOARDS**

19 **SECTION 2.** Article 13 of Chapter 143B of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 143B-605. Employees of the Department of Public Safety may perform installation,**
22 **construction, maintenance, and repair work for the Department.**

23 (a) Notwithstanding any other provision of law, an employee of the North Carolina
24 Department of Public Safety may perform work involving the construction, maintenance, or
25 repair of any building, appliances, or equipment located in or constituting improvements located
26 on State-owned land without the requirement of licensure under Chapter 87 of the General
27 Statutes if all of the following apply:

28 (1) The work is performed by an employee on the permanent payroll of the
29 Department.

30 (2) The value of work performed is less than one hundred thousand dollars
31 (\$100,000) or all work is performed as force-account work otherwise
32 authorized by law up to the value authorized.

33 (b) The Office of State Construction may regulate work performed pursuant to this
34 section to ensure compliance with building and safety codes. Nothing in this section shall be
35 construed to allow an employee of a State agency or institution to engage in any activities



1 described in this section privately or outside the employee's scope of employment without
2 meeting all licensure requirements otherwise required by law."
3

4 **PART III. CLARIFY AND REVISE DUTIES AND POWERS OF PROBATION** 5 **OFFICERS**

6 **SECTION 3.** G.S. 15-205 reads as rewritten:

7 **"§ 15-205. Duties and powers of the probation officers.**

8 (a) A probation officer shall investigate all cases referred to ~~him~~the officer for
9 investigation by the judges of the courts or by the Secretary of Public Safety. ~~Such~~The officer
10 shall keep informed concerning the conduct and condition of each person on probation under ~~his~~
11 the officer's supervision by visiting, requiring reports, and in other ways, and shall report ~~thereon~~
12 in writing as often as the court or the Secretary of Public Safety may require. ~~Such~~The officer
13 shall use all practicable and suitable methods, not inconsistent with the conditions imposed by
14 the court or the Secretary of Public Safety, to aid and encourage persons on probation to bring
15 about improvement in ~~their~~each person's conduct and condition. ~~Such~~The officer shall keep
16 detailed records of ~~his work;~~the officer's work, shall make ~~such~~ reports in writing to the Secretary
17 of Public Safety as ~~he~~the Secretary of Public Safety may ~~require;~~require, and shall perform ~~such~~
18 other duties as the Secretary of Public Safety may require. A probation officer shall have, in the
19 execution of ~~his~~the officer's duties, the powers of arrest ~~and, to the extent necessary for the~~
20 ~~performance of his duties, the same right to execute process as is now given, or that may hereafter~~
21 ~~be given by law, to the sheriffs of this State, and the authority to serve any warrant or other process~~
22 issuing from any of the courts of the State having criminal jurisdiction.

23 (b) Probation officers shall have authority to assist law enforcement officers in effecting
24 arrests and preventing escapes from custody when requested to do so by the officer or when, in
25 the judgment of the probation officer, such assistance may be necessary. When rendering
26 assistance pursuant to this provision, probation officers have authority to arrest and to take
27 enforcement action for any criminal offense.

28 (c) Probation officers shall have the subject matter jurisdiction of law enforcement
29 officers on prison property for the purpose of protecting life and property, for the purpose of
30 transferring prisoners from place to place as the officers' duties might require, and for
31 apprehending, arresting, and returning to prison escaped prisoners.

32 (d) Probation officers shall have subject matter jurisdiction of law enforcement officers
33 when responding to active assailant incidents and civil disturbances or when assigned by the
34 Secretary to perform additional duties during times of man-made or natural disasters."
35

36 **PART V. CLARIFY, EXPAND, AND REVISE DUTIES OF POST-RELEASE** 37 **SUPERVISION AND PAROLE COMMISSION**

38 **SECTION 5.** G.S. 143B-720 reads as rewritten:

39 **"§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and**
40 **duties.**

41 (a) There is hereby created a Post-Release Supervision and Parole Commission of the
42 Division of Adult Correction and Juvenile Justice of the Department of Public Safety with the
43 authority to grant paroles, including both regular and temporary paroles, to persons held by virtue
44 of any final order or judgment of any court of this State as provided in Chapter 148 of the General
45 Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B
46 of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally
47 released into the custody and control of United States Immigration and Customs Enforcement
48 pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and
49 suspend paroles of such persons (including persons placed on parole on or before the effective
50 date of the Executive Organization Act of 1973) and to assist the Governor in exercising ~~his~~the
51 Governor's authority in granting reprieves, commutations, and pardons, and shall perform such

1 other services as may be required by the Governor in exercising ~~his~~ the Governor's powers of
2 executive clemency. The Commission shall also have authority to revoke and terminate persons
3 on post-release supervision, as provided in Article 84A of Chapter 15A of the General ~~Statutes.~~
4 Statutes, and issue orders of temporary or conditional revocation of post-release supervision and
5 parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release
6 supervision and parole officer. The Commission shall also have the authority to punish for
7 criminal contempt for willful refusal to accept post-release supervision or to comply with the
8 terms of post-release supervision by a prisoner whose offense requiring post-release supervision
9 is a reportable conviction subject to the registration requirement of Article 27A of Chapter 14 of
10 the General Statutes. Any contempt proceeding conducted by the Commission shall be in
11 accordance with G.S. 5A-15 as if the Commission were a judicial official.

12 ...

13 (h) All orders of temporary or conditional revocation of post-release supervision and
14 parole subjecting supervisees and parolees to arrest by a law enforcement officer or a post-release
15 supervision and parole officer shall be entered into NCAWARE."

16
17 **PART VI. REQUIRE AN ACTIVE SENTENCE FOR MALICIOUS CONDUCT BY**
18 **PRISONERS WITHOUT EXCEPTIONS FOR NONVIOLENT FIRST-TIME**
19 **OFFENDERS, CONDITIONAL DISMISSALS UNDER G.S. 90-96, OR OTHER**
20 **COMPARABLE JUDICIAL DISPOSITION ALTERNATIVES**

21 SECTION 6.(a) G.S. 14-258.4 reads as rewritten:

22 "§ 14-258.4. Malicious conduct by prisoner.

23 (a) Any prisoner who knowingly and willfully throws, emits, or causes to be used as a
24 projectile, any bodily fluids, excrement, or unknown substance at an employee, while the
25 employee is in the performance of the employee's duties, is guilty of a Class F felony.

26 (b) Any prisoner who knowingly and willfully exposes genitalia to an employee while
27 the employee is in the performance of the employee's duties is guilty of a Class I ~~felony.~~
28 felony and shall be sentenced to a minimum term of six months and a maximum term of 12 months in
29 the State's prison.

30 (c) The provisions of this section apply to violations committed inside or outside of the
31 prison, jail, detention center, or other confinement facility.

32 (d) Sentences imposed under this ~~Article~~ section shall run consecutively to and shall
33 commence at the expiration of any sentence being ~~served~~ served for any offense by the person
34 ~~sentenced under this section.~~ sentenced."

35 SECTION 6.(b) This section is effective December 1, 2019, and applies to offenses
36 committed on or after that date.

37
38 **PART VII. REQUIRE AN ACTIVE SENTENCE FOR POSSESSION BY PRISONERS**
39 **OF TOOLS TO EFFECT AN ESCAPE OR TO AID IN AN ASSAULT OR**
40 **INSURRECTION WITHOUT EXCEPTION FOR NONVIOLENT FIRST-TIME**
41 **OFFENDERS, CONDITIONAL DISMISSALS UNDER G.S. 90-96, OR OTHER**
42 **COMPARABLE JUDICIAL DISPOSITION ALTERNATIVES**

43 SECTION 7.(a) G.S. 14-258 reads as rewritten:

44 "§ 14-258. Providing forbidden articles or tools for escape; possessing tools for escape.

45 (a) Providing Forbidden Articles or Tools for Escape. – Any person who sells, trades,
46 conveys, or provides any of the following to a prisoner is guilty of a Class H felony:

47 (1) An article forbidden by prison rules.

48 (2) A letter, oral message, weapon, tool, good, clothing, device, or instrument, to
49 effect an escape, or aide in an assault or insurrection.

50 (b) Increased Penalty. – Any violation of subdivision (2) of subsection (a) of this section
51 that does effect an escape, assault, or insurrection is a Class F felony.

1 (c) Possessing Tools for Escape. – Any prisoner who possesses a letter, weapon, tool,
2 good, article of clothing, device, or instrument to ~~do any of the following~~ effect an escape or aid
3 in an assault or insurrection is guilty of a Class H ~~felony; felony and shall be sentenced to a~~
4 minimum term of 12 months and a maximum term of 24 months in the State's prison.

5 (1) ~~To effect an escape.~~

6 (2) ~~Aide in an assault or insurrection.~~

7 (d) Application. – The provisions of this section apply to violations committed inside or
8 outside of the prison, jail, detention center, or other confinement facility.

9 (e) Sentences imposed under subsection (c) of this section shall run consecutively to and
10 shall commence at the expiration of any sentence being served for any offense by the person
11 sentenced."

12 **SECTION 7.(b)** G.S. 15A-1368.1 reads as rewritten:

13 "**§ 15A-1368.1. Applicability of Article 84A.**

14 This Article applies to all felons sentenced to an active punishment under Article 81B of this
15 ~~Chapter or Chapter~~, G.S. 90-95(h), 14-258, or 14-258.4, but does not apply to felons in Class A
16 and Class B1 sentenced to life imprisonment without parole. Prisoners subject to Articles 85 and
17 85A of this Chapter are excluded from this Article's coverage."

18 **SECTION 7.(c)** This section is effective December 1, 2019, and applies to offenses
19 committed on or after that date.

20 **PART VIII. TORT CLAIMS ACT REVISIONS**

21 **SECTION 8.(a)** Article 2 of Chapter 148 of the General Statutes is amended by
22 adding a new section to read:

23 "**§ 148-18.2. Prisoner property.**

24 (a) In no event shall the personal property of an inmate in the custody of the Department
25 of Public Safety, Division of Adult Correction and Juvenile Justice, exceed a maximum total
26 value of two hundred fifty dollars (\$250.00).

27 (b) When the personal property of an inmate in the custody of the Department of Public
28 Safety, Division of Adult Correction and Juvenile Justice, is lost, destroyed, or otherwise
29 damaged through the negligent maintenance of the correctional facility or the negligence of its
30 staff, the Department of Public Safety shall reimburse the inmate for the value of the item, or
31 provide for replacement of the item, when the Department's Administrative Remedy Procedure
32 results in this recommendation. This shall be the inmate's sole remedy for personal property loss,
33 damage, or destruction.

34 (c) Reimbursement shall be calculated in a manner authorized by the Department of
35 Public Safety, Division of Adult Correction and Juvenile Justice policy, but in no event shall
36 reimbursement exceed a maximum of two hundred fifty dollars (\$250.00) per incident, nor shall
37 an inmate in the custody of the Department of Public Safety, Division of Adult Correction and
38 Juvenile Justice, be reimbursed for lost, damaged, or destroyed State-issued property."

39 **SECTION 8.(b)** Article 31 of Chapter 143 of the General Statutes is amended by
40 adding a new section to read:

41 "**§ 143-295.2. Inmate property claims against the Department of Public Safety.**

42 When the property of an inmate in the custody of the Department of Public Safety, Division
43 of Adult Correction and Juvenile Justice, is lost, destroyed, or otherwise damaged through the
44 negligent maintenance of the correctional facility or the negligence of its staff, the inmate shall
45 have no recourse under this Article but shall have recourse as provided in G.S. 148-18.2."

46 **SECTION 8.(c)** G.S. 143-291 reads as rewritten:

47 "**§ 143-291. Industrial Commission constituted a court to hear and determine claims;**
48 **damages; liability insurance in lieu of obligation under Article.**

49 (a) The North Carolina Industrial Commission is hereby constituted a court for the
50 purpose of hearing and passing upon tort claims against the State Board of Education, the Board
51

1 of Transportation, and all other departments, institutions and agencies of the State. The Industrial
2 Commission shall determine whether or not each individual claim arose as a result of the
3 negligence of any officer, employee, involuntary servant or agent of the State while acting within
4 the scope of ~~his-that~~ office, employment, service, agency or authority, under circumstances where
5 the State of North Carolina, if a private person, would be liable to the claimant in accordance
6 with the laws of North Carolina. If the Commission finds that there was negligence on the part
7 of an officer, employee, involuntary servant or agent of the State while acting within the scope
8 of ~~his-that~~ office, employment, service, agency or authority that was the proximate cause of the
9 injury and that there was no contributory negligence on the part of the claimant or the person in
10 whose behalf the claim is asserted, the Commission shall determine the amount of damages that
11 the claimant is entitled to be paid, including medical and other expenses, and by appropriate order
12 direct the payment of damages as provided in subsection (a1) of this section, but in no event shall
13 the amount of damages awarded exceed the amounts authorized in G.S. 143-299.2 cumulatively
14 to all claimants on account of injury and damage to any one person arising out of a single
15 occurrence. Community colleges and technical colleges shall be deemed State agencies for
16 purposes of this Article. The fact that a claim may be brought under more than one Article under
17 this Chapter shall not increase the foregoing maximum liability of the State.

18 ...

19 (e) The Industrial Commission shall have no jurisdiction over any claim for personal
20 injury brought by an inmate in the custody of the Department of Public Safety, Division of Adult
21 Correction and Juvenile Justice, unless and until the inmate has first exhausted the Department's
22 Administrative Remedy Procedure, as established by G.S. 148-118.2."

23 **SECTION 8.(d)** G.S. 148-118.2 reads as rewritten:

24 "**§ 148-118.2. Effect.**

25 (a) Upon approval of the Administrative Remedy Procedure by a federal court as
26 authorized and required by 42 U.S.C. 1997(e)(a), and the implementation of the procedure, this
27 procedure shall constitute the administrative remedies available to a prisoner for the purpose of
28 preserving any cause of action under the purview of the Administrative Remedy Procedure,
29 which a prisoner may claim to have against the State of North Carolina, the Division of Adult
30 Correction and Juvenile Justice of the Department of Public Safety, or its employees.

31 (b) No State court—court, including the North Carolina Industrial Commission, or
32 administrative body shall entertain a prisoner's grievance or complaint which falls under the
33 purview of the Administrative Remedy Procedure unless and until the prisoner shall have
34 exhausted the remedies as provided in ~~said-the~~ procedure. If the prisoner has failed to pursue
35 administrative remedies through this procedure, any petition or complaint ~~he-the~~ prisoner files
36 shall be stayed for 90 days to allow the prisoner to file a grievance and for completion of the
37 procedure. If at the end of 90 days the prisoner has failed to timely file ~~his-the~~ grievance, then
38 the petition or complaint shall be dismissed. ~~Provided, however, that the court can waive the~~
39 ~~exhaustion requirement if it finds such waiver to be in the interest of justice."~~

40 **SECTION 8.(e)** G.S. 143-291.2 reads as rewritten:

41 "**§ 143-291.2. Costs and fees.**

42 (a) The Industrial Commission may by order tax the costs against the losing party in the
43 same amount and the same manner as costs are taxed in the Superior Court Division of the
44 General Court of Justice. However, in no event shall the Industrial Commission tax the cost
45 against the prevailing party. When a State department, institution, or agency appeals to the full
46 commission the decision rendered by a hearing commissioner, the State department, institution,
47 or agency shall furnish a copy of the transcript of the hearing to the appellee without cost. The
48 State department, institution, or agency concerned may pay the costs taxed against it. When costs
49 are not paid by a party from whom they are due, the Industrial Commission shall issue an
50 execution for the costs and attach a bill of costs to each execution. The Sheriff shall levy upon
51 the execution as provided in Chapter 6 of the General Statutes in civil actions.

1 ...
2 (c) Any currently incarcerated inmate bringing a claim under this Article who has been
3 granted indigent status shall be taxed with the costs of any action or appeal under this Article
4 when all of the following apply:

5 (1) The inmate's claim is dismissed on the grounds that it is frivolous, malicious,
6 not within the statute of limitations, exceeds the exclusive jurisdiction of the
7 Industrial Commission, or fails to state a claim upon which relief may be
8 granted.

9 (2) The inmate has, on three or more prior occasions, while incarcerated or
10 detained in any State facility, brought an action or appeal before the Industrial
11 Commission which was dismissed on the grounds that it is frivolous,
12 malicious, not within the statute of limitations, exceeds the exclusive
13 jurisdiction of the Industrial Commission, or fails to state a claim upon which
14 relief may be granted."

15 **SECTION 8.(f)** G.S. 143-295 is amended by adding a new subsection to read:

16 "(b1) Notwithstanding subsection (a) of this section, claims for personal injury by an inmate
17 in the custody of the Department of Public Safety, Division of Adult Correction and Juvenile
18 Justice, may be settled upon agreement between the claimant and the Secretary of the Department
19 of Public Safety for an amount not in excess of twenty-five thousand dollars (\$25,000) without
20 the approval of the Industrial Commission. The Secretary may delegate the authority to settle
21 claims under this subsection. In settlement of claims under this subsection, the filing of an
22 affidavit as set forth in G.S. 143-297 shall not be required."

23 **SECTION 8.(g)** Article 31 of Chapter 143 of the General Statutes is amended by
24 adding a new section to read:

25 **"§ 143-299.5. Limited liability for claims against the Department of Public Safety, Division**
26 **of Adult Correction and Juvenile Justice.**

27 The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall
28 not be liable for damages under this Article for the acts or the omissions of its employees tasked
29 with the supervision, protection, control, confinement, or custody of the State's inmate
30 population, unless such acts or omissions amount to gross negligence."

31 **SECTION 8.(h)** This section becomes effective July 1, 2019, and applies to claims
32 filed on or after that date.

33 **PART IX. UPDATE STATUTE TO BECOME PRISM STEP 6 COMPLIANT**

34 **SECTION 9.(a)** Article 3 of Chapter 20 of the General Statutes is amended by adding
35 a new section to read:

36 **"§ 20-43.3. Authorization for the collection of data to enforce the Federal Motor Carrier**
37 **Safety Administration's Performance and Registration Information Systems**
38 **Management (PRISM) program.**

39 The Division is authorized to collect and maintain necessary motor carrier or commercial
40 motor vehicle data in a manner that complies with the information system established by the
41 United States Secretary of Transportation under 49 U.S.C. § 31106."

42 **SECTION 9.(b)** G.S. 20-54(9) reads as rewritten:

43 "(9) The applicant motor carrier is subject to an order issued by the Federal Motor
44 Carrier Safety Administration or the Division to cease all operations based on
45 a finding that the continued operations of the motor carrier pose an "imminent
46 hazard" as defined in 49 C.F.R. § 386.72(b)(1)-Division. The Division shall
47 deny registration of a vehicle of a motor carrier if the applicant fails to disclose
48 material information required, or if the applicant has made a materially false
49 statement on the application, or if the applicant has applied as a subterfuge for
50 the real party in interest who has been issued a federal out-of-service order, or
51

1 if the applicant's business is operated, managed, or otherwise controlled by or
 2 affiliated with a person who is ineligible for registration, including the
 3 applicant entity, a relative, family member, corporate officer, or shareholder.
 4 The Division shall deny registration for a vehicle that has been assigned for
 5 safety to a commercial motor carrier who has been prohibited from operating
 6 by the Federal Motor Carrier Safety Administration or a carrier whose
 7 business is operated, managed, or otherwise controlled by or affiliated with a
 8 person who is ineligible for registration, including the owner, a relative,
 9 family member, corporate officer, or shareholder."

10 **SECTION 9.(c)** G.S. 20-110 reads as rewritten:

11 **"§ 20-110. When registration shall be rescinded.**

12 ...

13 (m) The Division shall rescind and cancel the registration of vehicles of a motor carrier
 14 that is ~~the subject to an~~ of an order issued by the Federal Motor Carrier Safety Administration or
 15 the Division to ~~cease all operations based on a finding that the continued operations of the motor~~
 16 ~~carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).~~ Division.

17 (n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier
 18 if the applicant fails to disclose material information required, or if the applicant has made a
 19 materially false statement on the application, or if the applicant has applied as a subterfuge for
 20 the real party in interest who has been issued a federal out-of-service order, or if the applicant's
 21 business is operated, managed, or otherwise controlled by or affiliated with a person who is
 22 ineligible for registration, including the applicant entity, a relative, family member, corporate
 23 officer, or shareholder. The Division shall rescind and cancel the registration for a vehicle that
 24 has been assigned for safety to a commercial motor carrier who has been prohibited from
 25 operating by the Federal Motor Carrier Safety Administration or a carrier whose business is
 26 operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for
 27 registration, including the owner, a relative, family member, corporate officer, or shareholder."

28 **SECTION 9.(d)** G.S. 20-381(a) reads as rewritten:

29 "(a) The Department of Public Safety has the following powers and duties concerning
 30 motor carriers:

31 ...

- 32 (4) To determine the safety fitness of intrastate motor carriers, to assign safety
 33 ratings to intrastate motor carriers as defined in 49 C.F.R. § 385.3, to direct
 34 intrastate motor carriers to take remedial action when required, to prohibit the
 35 operation of intrastate motor carriers ~~rated unsatisfactory, to determine~~
 36 ~~whether the continued operations of intrastate motor carriers pose an~~
 37 ~~"imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit the~~
 38 ~~operation of an intrastate motor carrier found to be an "imminent hazard" as~~
 39 ~~defined in 49 C.F.R. § 386.72(b)(1).~~ when subject to an out-of-service order
 40 issued by the Federal Motor Carrier Safety Administration or the Department.
- 41 (5) To prohibit the intrastate operation of a motor carrier subject to an enforce any
 42 order issued by the Federal Motor Carrier Safety Administration to cease all
 43 operations based on a finding that the continued operations of the motor
 44 carrier pose an "imminent hazard" as defined in 49 C.F.R. §
 45 386.72(b)(1). including the authority to seize registration plates pursuant to the
 46 provisions of G.S. 20-45 from motor carriers whose registration was rescinded
 47 and cancelled pursuant to G.S. 20-110(m) or G.S. 20-110(n)."

48 **SECTION 9.(e)** This section is effective September 1, 2019.

1 **PART X. RECODIFY DEFINITIONS SECTION FROM ARTICLE 32 OF CHAPTER 14**
2 **OF THE GENERAL STATUTES TO ARTICLE 33 OF CHAPTER 14 OF THE**
3 **GENERAL STATUTES**

4 **SECTION 10.** G.S. 14-254.5 is recodified as G.S. 14-259.1.

5
6 **PART XI. UPDATE PEER SUPPORT STATUTE TO INCLUDE ALL FIRST**
7 **RESPONDERS**

8 **SECTION 11.** G.S. 8-53.10(a) reads as rewritten:

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

10 (1) Client law enforcement employee. – Any law enforcement employee or a
11 member of his or her immediate family who is in need of and receives peer
12 counseling services offered by the officer's employing law enforcement
13 agency.

14 (1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency
15 medical service personnel, or any employee of any duly accredited State or
16 local government agency possessing authority to enforce the criminal laws of
17 the State who (i) is actively serving in a position with assigned primary duties
18 and responsibilities for prevention and detection of crime or the general
19 enforcement of the criminal laws of the State and (ii) possesses the power of
20 arrest by virtue of an oath administered under the authority of the State.

21 ...

22 (3) Peer counselor. – Any law enforcement ~~officer~~officer, emergency personnel
23 officer, or civilian employee of a law enforcement agency who:

24 a. Has received training to provide emotional and moral support and
25 counseling to client law enforcement ~~employees~~employees,
26 emergency personnel officers, and their immediate ~~families~~;
27 and families.

28 b. Was designated by the sheriff, police chief, or other head of a law
29 enforcement or emergency agency to counsel a client law enforcement
30 employee.

31 (4) Privileged communication. – Any communication made by a client law
32 enforcement ~~employee~~employee, emergency personnel officer, or a member
33 of the client law enforcement employee's immediate family to a peer counselor
34 while receiving counseling."
35

36 **PART XII. ESTABLISH A GREEN ALERT SYSTEM**

37 **SECTION 12.** Subpart B of Part 5 of Article 13 of Chapter 143B of the General
38 Statutes is amended by adding a new section to read:

39 **"§ 143B-1022. North Carolina Silver Alert System established.**

40 (a) There is established within the North Carolina Center for Missing Persons the Green
41 Alert System. The purpose of the Green Alert System is to provide a statewide system for the
42 rapid dissemination of information regarding a missing person who is believed to be suffering
43 from posttraumatic stress disorder that requires them to be protected from potential abuse or other
44 physical harm, neglect, or exploitation.

45 (b) If the Center receives a request that involves a missing person as described in
46 subsection (a) of this section, the Center shall issue an alert providing for rapid dissemination of
47 information statewide regarding the missing person. The Center shall make every effort to
48 disseminate the information as quickly as possible when the person's status as missing has been
49 reported to a law enforcement agency.

50 (c) The Center shall adopt guidelines and develop procedures for issuing an alert for
51 missing persons as described in subsection (a) of this section and shall provide education and

1 training to encourage radio and television broadcasters to participate in the alert. The guidelines
2 and procedures shall ensure that specific health information about the missing person is not made
3 public through the alert or otherwise.

4 (d) The Center shall consult with the Department of Transportation and develop a
5 procedure for the use of overhead permanent changeable message signs to provide information
6 on the missing person or missing child meeting the criteria of this section when information is
7 available that would enable motorists to assist in the recovery of the missing person. The Center
8 and the Department of Transportation shall develop guidelines for the content, length, and
9 frequency of any message to be placed on an overhead permanent changeable message sign."

10
11 **PART XIII. EFFECTIVE DATE**

12 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
13 law.