

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 100

Short Title: Police Funding Protection Act. (Public)

Sponsors: Senators Edwards, Sanderson, and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 16, 2021

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT CITIES AND COUNTIES THAT REDUCE FUNDS FOR LAW ENFORCEMENT OFFICERS OR LAW ENFORCEMENT AGENCIES BY AN AMOUNT THAT EXCEEDS ONE PERCENT OF THE FUNDS APPROPRIATED IN ANY FISCAL YEAR FOR ALL OTHER CITY OR COUNTY EMPLOYEES OR DEPARTMENTS, OR BOTH, SHALL RECEIVE A CORRESPONDING REDUCTION IN STATE-SHARED REVENUE AND DIRECTING THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO SUBMIT RECOMMENDATIONS TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY ON LAW ENFORCEMENT EQUIPMENT INVENTORY STANDARDS, EQUIPMENT MAINTENANCE STANDARDS, AND EQUIPMENT REPLACEMENT STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 159 of the General Statutes is amended by adding the following new sections to read:

"§ 159-16.1. City budget amendment reducing law enforcement.

(a) If, in any fiscal year, the governing body of a city:

(1) Reduces funds appropriated in its annual budget for (i) compensation for full-time sworn law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards Commission, or (ii) police department operating expenses, including personnel, equipment, and capital projects, or (iii) both, by an amount that exceeds one percent (1%) of the funds appropriated in that fiscal year for compensation for all other full-time city employees, or operating expenses for all other city departments, or both, the city's share of funds under G.S. 136-41.1 shall be reduced by that amount in that fiscal year. If the amount over one percent (1%) exceeds the city's share of funds under G.S. 136-41.1, the city's share of funds distributed pursuant to Articles 39, 40, and 42 of Chapter 105 of the General Statutes, G.S. 105-164.44K, 105-164.44F, 105-164.44I, 105-164.44L, 105-113.82, and 105-187.19(c) shall be reduced, in that order, in that fiscal year, until the remaining balance of the amount exceeding one percent (1%) has been satisfied.

(2) Eliminates or reallocates one hundred percent (100%) of the funds appropriated in its annual budget for (i) compensation for full-time sworn law enforcement officers certified by the North Carolina Criminal Justice



1 Education and Training Standards Commission, or (ii) police department
2 operating expenses, including personnel, equipment, and capital projects, or
3 (iii) both, the city shall be ineligible to receive funds distributed pursuant to
4 G.S. 136-41.1, 105-113.82, 105-164.44F, 105-164.44I, 105-164.44K,
5 105-164.44L, 105-187.19(c), or Articles 39, 40, and 42 of Chapter 105 of the
6 General Statutes in that fiscal year.

7 (b) Any funds distributed pursuant to G.S. 136-41.1, 105-113.82, 105-164.44F,
8 105-164.44I, 105-164.44K, 105-164.44L, 105-187.19(c), or Articles 39, 40, and 42 of Chapter
9 105 of the General Statutes after a city's governing body has reduced, eliminated, or reallocated
10 funds as described in subsection (a) of this section shall be returned to the State in the fiscal year
11 in which they were distributed.

12 (c) No later than 15 days after city funds have been reduced, eliminated, or reallocated
13 as provided in subsection (a) of this section, the city's finance officer shall submit a written report
14 describing the action to the Secretary of the Department of Revenue, Chairs of the Senate
15 Appropriations/Base Budget Committee and House Appropriations Committee, Office of State
16 Budget and Management, and Fiscal Research Division.

17 (d) If a city's share of funds is reduced under subdivision (1) of subsection (a) of this
18 section or a city is required to return funds under subsection (b) of this section because it reduced
19 funds under subdivision (1) of subsection (a) of this section, the governing body of the city may
20 submit a request, in writing, to the Chairs of the Senate Appropriations/Base Budget Committee
21 and House Appropriations Committee asking that the Committees meet jointly to review the
22 city's reduction of funds for law enforcement for purposes of determining whether it was
23 reasonable. If the joint committee finds the city's reduction of funds was reasonable and did not
24 cause significant negative impact to public safety, the joint committee may recommend to the
25 full General Assembly that the city's share of funds be restored.

26 **"§ 159-16.2. County budget amendment reducing law enforcement.**

27 (a) If, in any fiscal year, the governing body of a county, after complying with the
28 provisions of G.S. 153A-92(b)(3), reduces funds appropriated in its annual budget for (i)
29 full-time deputy sheriffs certified by the North Carolina Sheriffs' Education and Training
30 Standards Commission, or (ii) sheriff's office operating expenses, including personnel,
31 equipment, and capital projects, or (iii) both, by an amount that exceeds one percent (1%) of the
32 funds appropriated in that fiscal year for salaries, allowances, or other compensation of all other
33 full-time county employees, or operating expenses for all other county departments, or both, the
34 county's share of funds distributed pursuant to Articles 39, 40, and 42 of Chapter 105 of the
35 General Statutes and G.S. 105-113.82, 105-164.44I, and 105-187.19, shall be reduced, in that
36 order, in that fiscal year, to equal the amount over one percent (1%).

37 (b) Any funds distributed pursuant to G.S. 105-113.82, 105-164.44I, 105-187.19, and
38 Articles 39, 40, and 42 of Chapter 105 of the General Statutes after a county's governing body
39 has reduced funds as described in subsection (a) of this section shall be returned to the State in
40 the fiscal year in which they were distributed.

41 (c) No later than 15 days after county funds have been reduced as provided in subsection
42 (a) of this section, the county's finance officer shall submit a written report describing the action
43 to the Secretary of the Department of Revenue, Chairs of the Senate Appropriations/Base Budget
44 Committee and House of Representatives Appropriations Committee, Office of State Budget and
45 Management, and Fiscal Research Division.

46 (d) If a county's share of funds is reduced under subsection (a) of this section or the county
47 is required to return funds under subsection (b) of this section, the county's governing body may
48 submit a request, in writing, to the Chairs of the Senate Appropriations/Base Budget Committee
49 and House Appropriations Committee asking that the Committees meet jointly to review the
50 county's reduction of funds for the sheriff's office for purposes of determining whether it was
51 reasonable. If the joint committee finds the county's reduction of funds was reasonable and did

1 not cause significant negative impact to public safety, the joint committee may recommend to
2 the full General Assembly that the county's share of funds be restored."

3 **SECTION 2.** No later than October 1, 2021, the North Carolina Criminal Justice
4 Education and Training Standards Commission and the North Carolina Sheriffs' Education and
5 Training Standards Commission shall each submit recommendations to the Joint Legislative
6 Oversight Committee on Justice and Public Safety on the following for law enforcement agencies
7 under their jurisdiction: (i) minimum equipment inventory law enforcement agencies should have
8 available for their use, including vehicles, firearms, body protection, ammunition, and chemical
9 munitions; (ii) minimum standards for maintaining the equipment; and (iii) minimum standards
10 for determining when the equipment should be replaced. In developing the recommendations,
11 each Commission shall consider events that impact law enforcement readiness and effectiveness,
12 including riots and civil unrest, as well as the size of the population and violent crime rates in
13 communities served by law enforcement agencies in the State.

14 **SECTION 3.** This act becomes effective July 1, 2021.