



# HOUSE BILL 589: Protect Whistleblower LEOs from Retaliation.

2023-2024 General Assembly

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<b>Committee:</b>	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 25, 2023
<b>Introduced by:</b>	Reps. Zenger, Hardister, K. Brown, Cotham	<b>Prepared by:</b>	Karyl Smith
<b>Analysis of:</b>	PCS to First Edition H589-CSCJ-3		Committee Co-Counsel

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**OVERVIEW:** *House Bill 589 would protect law enforcement officers from retaliation when reporting improper or unlawful activity.*

**The PCS would:**

- *Reorganize the bill by incorporating the duty to report an unauthorized use of excessive force into the statutes prohibiting retaliation for reporting certain conduct.*
- *Remove the duty to intervene.*
- *Remove the procedural requirements for making a report.*

**CURRENT LAW:** Article 14 of Chapter 126 (North Carolina Human Resources Act) of the General Statutes protects State employees and certain county employees from workplace retaliation or threats of workplace retaliation based upon reporting improper or unlawful conduct. However, G.S. 126-5(c1)(2) exempts law enforcement officers from this Article.

**BILL ANALYSIS:** The PCS to House Bill 589 would modify Chapters 17C (North Carolina Criminal Justice Education and Training Standards Commission) and 17E (North Carolina Sheriffs' Education and Training Standards Commission) by protecting criminal justice officers and justice officers from being terminated, disciplined, or otherwise retaliated against for making a report pursuant to a violation of any of the following:

- Violations of federal, State, city, or county laws, ordinances, or regulations.
- Fraud.
- Misappropriation of State, city, or county government resources.
- Activity that poses a substantial danger to public health and safety.
- Gross mismanagement, including the gross waste of public monies or the gross abuse of authority.
- Unauthorized use of excessive force.

The PCS would also continue to allow employers to discipline or terminate employees for legitimate, non-discriminatory, non-retaliatory reasons, notwithstanding any prior protected activity. Whether an adverse action was taken because of the employee's protected activity would depend on the facts.

Knowingly making a false report pursuant to any of the violations listed above would be a Class 2 misdemeanor.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-301-1976

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**EFFECTIVE DATE:** This bill would become effective December 1, 2023, and apply to offenses committed and retaliatory actions taken on or after that date.