



SENATE BILL 171: Department of Public Safety Agency Bill.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 21, 2023
Introduced by:	Sen. Daniel	Prepared by:	Brian Gwyn*
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *The 2nd edition of Senate Bill 171 would do all the following:*

- *Modify the State Capitol Police's authority and territorial jurisdiction to arrest.*
- *Add the definition of wood residual to Chapter 20 of the General Statutes (Motor Vehicles).*
- *Modify the time frame under which law enforcement is required to enter missing or unidentified person information into NamUs from 30 days to 90 days.*
- *Modify the North Carolina Silver Alert System by renaming it; clarifying which missing persons fall under it; limiting required alerts to situations where no more than 72 hours have passed since the person or child went missing; and adding requirements for law enforcement action related to alerts.*
- *Grant the Adjutant General and National Guard Staff Judge Advocate access to certain criminal investigation records.*
- *Provide that no provision concerning special trial counsel in the Uniform Code of Military Justice and Manual for Courts-Martial, United States, shall apply to courts-martial convened under Article 3 (National Guard) of Chapter 127A of the General Statutes.*
- *Expand the definition of reportable conviction under Article 27A (Sex Offender and Public Protection Regulation Programs) of Chapter 14 of the General Statutes to include convictions in State court-martial proceedings for offenses substantially similar to an offense against a minor or a sexually violent offense.*
- *Establish the Samarcand Training Academy under the Department of Public Safety.*

EXPAND JURISDICTION OF STATE CAPITOL POLICE

CURRENT LAW: G.S. 143B-911(d) currently grants the State Capitol Police the following authority:

- The same power of arrest as City of Raleigh police officers within the same territorial jurisdiction of City of Raleigh police officers.
- The same authority granted to a deputy sheriff in buildings and on the grounds of property owned, leased, or maintained by the State located in Wake County.

BILL ANALYSIS: **Section 1** would expand the authority granted to the State Capitol Police to include the following:

- The same authority granted to a deputy sheriff in a building or portion of a building or on the grounds thereof, when owned or leased by the State. This authority would extend to any location in the State when the state agency responsible for that building or grounds executes a written agreement for service with the State Capitol Police.

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ADD DEFINITION OF WOOD RESIDUAL

CURRENT LAW: Chapter 20 of the General Statutes contains provisions related to motor vehicles. G.S. 20-118 regulates vehicle weights and loads. G.S. 20-118(c)(12) contains a list of vehicles which are excluded from the vehicle weight and load limitations, including any vehicle transporting wood residuals within 150 miles of the point of origination. G.S. 20-4.01 contains a list of definitions that apply throughout Chapter 20.

BILL ANALYSIS: Section 2 would add the definition of wood residual to this list. This section would become effective when it becomes law and would apply to wood residual (i) transported, (ii) stored, or (iii) otherwise interacted with on or after that date.

UPDATE STATUTE REGARDING MISSING PERSONS

CURRENT LAW: When a parent, spouse, guardian, legal custodian, or other person responsible for supervision files a missing person report with a law enforcement agency, G.S. 143B-1015(c) requires that law enforcement agency to enter the missing person's information into the National Missing and Unidentified Persons System (NamUs). Currently, the missing person's information must be entered into NamUs in any of the following circumstances:

- Where a person has been missing for more than 30 days.
- Where an unidentified person has remained unidentified for more than 30 days following their death.
- Where a child has been missing for more than 30 days.

BILL ANALYSIS: Section 3 would change the time frame from 30 days to 90 days in each of the above circumstances.

UPDATE SILVER ALERT NOTIFICATION

CURRENT LAW: The North Carolina Center for Missing Persons (Center) maintains the North Carolina Silver Alert System to provide for the rapid sharing of information related to a missing person or child believed to be suffering from dementia, Alzheimer's disease, or any other disability requiring them to be protected from potential abuse or exploitation. G.S. 143B-1022 requires the Center to issue a statewide alert as quickly as possible upon receiving a request related to any missing person or child as described. Additionally, the Center must adopt guidelines and develop procedures for issuing such alerts and must consult with the Department of Transportation (DOT) to develop procedures for using message signs to provide information to motorists.

BILL ANALYSIS: Section 4 would do all the following:

- Change the name of the North Carolina Silver Alert System to the North Carolina Missing Endangered System.
- Require the dissemination of information related to a missing person or child believed to be suffering from dementia, Alzheimer's disease, or a cognitive impairment.
- Require law enforcement agencies, in addition to the Center, to issue alerts, adopt guidelines and develop procedures for issuing alerts, and to consult with the DOT to develop procedures for using message signs to issue alerts.

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- Change the requirement that the Center and law enforcement issue alerts for all missing persons and children to requiring alerts be issued only where no more than 72 hours have passed since the person or child went missing.

This section would become effective October 1, 2023, and would apply to persons or children reported missing on or after that date.

CHANGE NC PUBLIC RECORDS LAWS RELATED TO MILITARY INVESTIGATIONS

CURRENT LAW: Article 3 of Chapter 127A of the General Statutes contains provisions related to the North Carolina National Guard.

BILL ANALYSIS: Section 5 would add a new section to Chapter 127A of the General Statutes to allow the Adjutant General or the National Guard Staff Judge Advocate to request criminal investigation records from a law enforcement agency or medical examiner for use in a court-martial action or administrative investigation involving a National Guard member, unless prohibited by court order.

This section would also provide that all records and information released pursuant to this section would remain State records and would be governed by G.S. 127A-17.1 (Confidentiality of National Guard records), G.S. 132-1.4 (Public Records – Criminal Investigations; Intelligence Information records), and military regulations governing official use or disclosure.

This section would become effective when it becomes law and would apply to requests made on or after that date.

COURTS-MARTIAL CLARIFICATION

CURRENT LAW: G.S. 127A-47 provides that courts-martial for military personnel of the North Carolina National Guard shall possess powers and follow the procedures described for similar courts by the Uniform Code of Military Justice and Manual for Courts-Martial, United States (UCMJ). The UCMJ was recently amended to include the Office of the Special Trial Counsel (OSTC), which was given exclusive authority to prosecute certain "covered offenses".

BILL ANALYSIS: Section 6 would clarify that no provision in the UCMJ related to the OSTC or special trial counsel would apply to courts-martial for military personnel of the North Carolina National Guard and no provision should be construed as imposing additional or alternative procedural requirements as to the "covered offenses".

Section 6 would become effective when it becomes law and would apply to courts-martial convened on or after that date.

SEX-OFFENDER REGISTRATION CLARIFICATION

CURRENT LAW: G.S. 14-208.6(4) contains a list of sex offenses defined as reportable convictions requiring registration.

BILL ANALYSIS: Section 7 would add to the list of reportable convictions all final convictions in a State court-martial proceeding under a general courts-martial or special courts-martial where confinement is imposed for offenses substantially similar to an offense against a minor or a sexually violent offense.

Section 7 would become effective October 1, 2023, and would apply to convictions occurring on or after that date.

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ESTABLISHMENT OF SAMARCAND TRAINING ACADEMY

BILL ANALYSIS: **Section 8** would establish the Samarcand Training Academy within the Department of Public Safety and would provide that the Secretary of Public Safety direct its operations. This section would also allow the Samarcand Training Academy to develop a predetermined fee structure for use of its facilities.

BACKGROUND: The Samarcand Training Academy is a law enforcement and corrections training facility located in Moore County that provides basic, in-service, and advanced training for DPS law enforcement agencies, as well as correctional officers, probation officers, and juvenile justice employees. Other local, state, and federal agencies also conduct training at the facility from time to time.

EFFECTIVE DATE: Except as otherwise provided, the act would be effective when it becomes law.

**Robert Ryan and Anna Parsons, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*