

Senate Passes Sweeping Criminal Justice Reform Bill

By Administrator
Thursday, 13 May 2021 09:07 -

The North Carolina State Senate unanimously passed Senate Bill 300, a wide-ranging criminal justice reform bill. The bill includes a provision negotiated by bill sponsor Sen. Danny Earl Britt, Jr. (R-Robeson) and the Legislative Black Caucus to allow a family to view unredacted body camera footage within five business days after a serious police incident that results in death or serious injury. “This clarification delivers on our promise to review the current laws related to body-worn camera footage at the appropriate time,” Sen. Britt said. “I want to thank the Legislative Black Caucus for working with me to find a suitable change to make sure families have the chance to view the footage as soon as possible.”

The amendment permits a law enforcement agency to petition a court if it believes the footage should be redacted in some way (e.g., if the video captures a confidential informant).

“Over the past decade Republicans in the General Assembly have been dedicated to evaluating the criminal justice system and implementing reforms that have broad support,” Sen. Britt said. “We’ve corrected decades of overcriminalization. Senate Bill 300 continues that trajectory and responds directly to concerns about police conduct. Our work isn’t complete, but we’ll continue to come together to address these critical issues.”

Senate Bill 300 includes several bipartisan reforms, including new mental health and wellness strategies training, psychological screenings, and an “early warning” system to track and document the use of force.

Over the past several years, the Republican-led legislature has enacted historic criminal justice reforms, including Raise the Age, the Second Chance Act, and the First Step Act, which overturned the mandatory minimum sentences imposed by then-Sen. Roy Cooper.

Senate Bill 300 also includes provisions to:

- Create a public database of law enforcement officer certification suspensions and revocations.

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- Require all law enforcement officer fingerprints to be entered in state and federal databases.
- Authorize law enforcement agencies to participate in the FBI's criminal background check systems.
- Create a database for law enforcement agencies of "critical incident information" which includes death or serious bodily injury.
- Require that written notification of Giglio material (credibility issues that would make an officer open to impeachment by the defense in a criminal trial) be reported.

- Allow health care providers to transport the respondent in an involuntary commitment

- Provide in-person instruction by mental health professionals and develop policies to encourage officers to utilize available mental health resources.

- Create an early warning system within each law enforcement agency to monitor officer actions and behaviors that might indicate a problem such as collisions, complaints, and critical incidents.

- Require the creation of a best practices recruitment guide to encourage diversity.

- Expand mandatory in-service training for officers to include mental health topics, community policing, minority sensitivity, use of force, and the duty to intervene and report.

- Create a duty for officers to intervene and report excessive use of force by another officer.

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- Increase penalties for those who resist or obstruct an arrest and while doing so injure a law enforcement officer.

Senate Bill 300 increases the penalty for rioting for those who cause more than \$1,500 in property damage, or those who cause serious bodily injury to another person, or anyone who brandishes a dangerous weapon or uses a dangerous weapon. That provision directly responds to seeing peaceful protests being taken over by rioters that destroyed business districts across the nation and in downtown Raleigh.

The bill now goes to the House of Representatives for consideration.