

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 431

Short Title: Law Enforcement Training Improvements.

(Public)

Sponsors: Senator Sands.

Referred to: Veteran and Military Affairs, Law Enforcement, and Senior Citizens.

April 1, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE REQUIRED AND ADVANCED TRAINING OF LAW  
3 ENFORCEMENT OFFICERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The General Statutes are amended by adding a new Chapter to  
6 read:

7 **“CHAPTER 17F.**

8 **“NORTH CAROLINA LAW ENFORCEMENT TRAINING FUND.**

9 **“§ 17F-1. Title.**

10 This Chapter may be cited as the ‘North Carolina Law Enforcement Training Fund  
11 Act’.

12 **“§ 17F-2. Findings and policy.**

13 The General Assembly finds that units of local government have widely varied tax  
14 bases and budgetary commitments to law enforcement. The purpose of this act is to  
15 make training and education available for State and local law enforcement officers, and  
16 to assure an equitable and uniform level of law enforcement officer training throughout  
17 the State. It is the intent of the General Assembly that this act shall not reduce the  
18 existing commitment of State and local agencies to provide for adequate law  
19 enforcement training. Monies allocated under this act shall not be used to supplant  
20 existing appropriations for law enforcement training.

21 **“§ 17F-3. Definitions.**

22 As used in this Chapter, unless the context requires otherwise:

- 1           (1) 'Criminal Justice Commission' means the North Carolina Criminal  
2 Justice Education and Training Standards Commission, as established  
3 by Chapter 17C of the General Statutes.
- 4           (2) 'Sheriffs' Commission' means the North Carolina Sheriffs' Education  
5 and Training Standards Commission, as established by Chapter 17E of  
6 the General Statutes.
- 7           (3) 'Law enforcement agencies' means those State and local agencies  
8 employing or appointing sworn law enforcement personnel having  
9 arrest powers and enforcing the general criminal laws of the State.
- 10          (4) 'Fund' means the North Carolina Law Enforcement Training Fund.

11 **"§ 17F-4. North Carolina Law Enforcement Training Fund established.**

12 There is established the North Carolina Law Enforcement Training Fund in the  
13 Department of Justice. The Fund shall be kept on deposit with the State Treasurer, as in  
14 the case of other State funds, and may be invested by the State Treasurer in any lawful  
15 security for the investment of State money. The income or other earnings from the  
16 investments shall be paid to the Fund. The Fund is subject to the oversight of the State  
17 Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. Surplus monies  
18 in the Fund shall not revert to the State treasury at the end of the fiscal year.

19 In addition to monies deposited in the Fund pursuant to the provisions of G.S. 20-  
20 183.7, the Attorney General may accept into the Fund donations of real and personal  
21 property, and grants of money, from any person, firm, corporation, institution,  
22 governmental unit, or public agency. The Attorney General shall include in the annual  
23 report required by G.S. 17F-7 a summary of the donations or grants, the identity of the  
24 donor or grantor, the nature of the transaction, and any conditions of the donations or  
25 grants.

26 **"§ 17F-5. Functions of the Department of Justice.**

27          (a) The Criminal Justice Commission and the Sheriffs' Commission shall adopt  
28 rules under the Administrative Procedures Act, Chapter 150B of the General Statutes, to  
29 provide for the administration of the Fund. In consultation with the Attorney General,  
30 and by adoption of administrative rules, the Criminal Justice Commission and the  
31 Sheriffs' Commission shall:

- 32           (1) Establish reasonable and equitable procedures to disburse funds to law  
33 enforcement agencies and to other governmental or commission-  
34 approved organizations;
- 35           (2) Promote the most efficient and economical program of law  
36 enforcement training and the maximum use of existing facilities,  
37 including the Department of Community Colleges and the North  
38 Carolina Justice Academy, to avoid duplication; and
- 39           (3) Establish a system of reimbursement designed to prevent budgetary  
40 supplanting by the State and political subdivisions with respect to law  
41 enforcement training programs.

42          (b) The Attorney General shall provide the staff necessary to administer the  
43 programs of the Fund. The Criminal Justice Commission and the Sheriffs' Commission  
44 may allocate to the Department of Justice for the administrative expenses of the Fund a

1 maximum of ten percent (10%) of the annual receipts of the Fund, not to exceed two  
2 hundred fifty thousand dollars (\$250,000) per year. The Criminal Justice Commission  
3 and the Sheriffs' Commission may allocate a maximum of fifteen percent (15%) of the  
4 annual receipts of the Fund to provide additional staffing for the Criminal Justice  
5 Commission and the Sheriffs' Commission to implement the provisions of G.S. 17F-6;  
6 these monies shall be apportioned between the Criminal Justice Commission and the  
7 Sheriffs' Commission on a per capita basis, based upon the number of officers certified  
8 by each Commission.

9 (c) The Attorney General shall have legal custody of all books, papers,  
10 documents, or other records and property of the Fund.

11 (d) The Department of Justice shall form a coordinating committee to establish  
12 long-range plans for Fund disbursements and to address matters of coordination  
13 between the Criminal Justice Commission and the Sheriffs' Commission. The  
14 coordinating committee shall consist of five members, two from the Criminal Justice  
15 Commission, two from the Sheriffs' Commission, and the Attorney General or his  
16 designee, who shall serve as its Chair.

17 **"§ 17F-6. Authorized expenditures.**

18 (a) Upon the direction of the Criminal Justice Commission and the Sheriffs'  
19 Commission, the Attorney General shall make disbursements from the Fund for the  
20 following purposes:

- 21 (1) To reimburse local law enforcement agencies for employee travel, per  
22 diem expenses, and other expenses incurred in attending commission-  
23 approved training programs not available locally or on a timely basis;
- 24 (2) To allocate funds to local law enforcement agencies to reimburse  
25 expenses incurred in complying with the training requirements of the  
26 Criminal Justice Commission and the Sheriffs' Commission;
- 27 (3) To allocate funds for training, research, and development grants;
- 28 (4) To allocate funds for expenses associated with making available in this  
29 State specialized or advanced professional training programs for State  
30 and local law enforcement employees; and
- 31 (5) To allocate funds to the Criminal Justice Commission and the Sheriffs'  
32 Commission to augment administration of programs of the  
33 Commissions, including field monitoring of required training,  
34 statistical validation of required examinations, studying the  
35 effectiveness of required training, and other programs.

36 (b) Upon consultation with law enforcement officers and officials throughout the  
37 State, the coordinating committee shall develop an annual plan for disbursements from  
38 the Fund.

39 (c) An agency shall not receive reimbursements if the agency fails to comply  
40 with the applicable selection, training, and certification standards, and other minimum  
41 standards, of the Criminal Justice Commission or the Sheriffs' Commission.

42 **"§ 17F-7. Annual report.**

43 The Attorney General shall file an annual report of the Fund to be presented to the  
44 Speaker of the House of Representatives and the President Pro Tempore of the Senate

1 on or before December 31 of each year for the preceding fiscal year. The annual report  
2 shall contain a summary of all disbursements made from the Fund by type, level of  
3 government, and governmental unit, and shall include any other matters and information  
4 included at the direction of the Criminal Justice Commission or the Sheriffs'  
5 Commission."

6 Sec. 2. G.S. 20-183.7 reads as rewritten:

7 **"§ 20-183.7. Charges for inspections and certificates; safety equipment inspection**  
8 **station records.**

9 (a) Every safety equipment inspection station shall charge a fee of five dollars  
10 and twenty-five cents (\$5.25) effective October 1, 1989; and a fee of six dollars and  
11 twenty-five cents (\$6.25) effective October 1, 1990 for inspecting a motor vehicle to  
12 determine compliance with the safety inspection requirements of this Article and shall  
13 give the vehicle operator a dated receipt, indicating the articles and equipment approved  
14 and disapproved. At any time within 90 days thereafter, when the receipt is presented to  
15 the inspection station which issued it with a request for reinspection, that inspection  
16 station shall reinspect the vehicle at no charge. Whenever any vehicle is approved, the  
17 inspection station shall obtain an additional fee of ~~one dollar (\$1.00)~~ two dollars (\$2.00)  
18 for a valid inspection certificate, and affix the certificate to that vehicle or otherwise  
19 document the issuance of the certificate in a manner prescribed by the Commissioner of  
20 Motor Vehicles.

21 (a1) For inspection of vehicles required to be inspected under the  
22 inspection/maintenance provisions of G.S. 20-183.3(b), every safety equipment  
23 inspection station shall charge a fee of ten dollars and ten cents (\$10.10) effective  
24 October 1, 1989; and a fee of thirteen dollars (\$13.00) effective October 1, 1990, for  
25 inspecting a motor vehicle to determine compliance with the safety inspection  
26 requirements and the exhaust emission standards pursuant to the inspection/maintenance  
27 requirements of this Article and shall give the vehicle operator a dated receipt indicating  
28 the articles and equipment approved or disapproved and whether the vehicle met the  
29 emission control standards. If the vehicle is disapproved, at any time within 30 days  
30 thereafter when the receipt is presented to the inspection station which issued it with a  
31 request for reinspection, that inspection station shall reinspect the vehicle at no charge.  
32 Whenever any vehicle is approved, the inspection station shall obtain an additional fee  
33 of ~~two dollars and forty cents (\$2.40)~~ three dollars and forty cents (\$3.40) for a valid  
34 inspection certificate covering both the safety inspection requirements and the emission  
35 control inspection/maintenance requirements and affix the certificate to that vehicle or  
36 otherwise document the issuance of the certificate in a manner prescribed by the  
37 Commissioner of Motor Vehicles.

38 (b) Self-inspector stations licensed under G.S. 20-183.4 are exempt from the  
39 inspecting fee provisions of subsection (a) above, but shall pay to the Division of Motor  
40 Vehicles the prescribed certificate fee for each inspection certificate issued by it.

41 (c) Fees collected for inspection certificates are payable to the Division of Motor  
42 Vehicles. The amount of each fee listed in the table below shall be credited to the  
43 Highway Fund, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the  
44 Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, ~~and~~ the Division of

1 Environmental Management of the Department of Environment, Health, and Natural  
 2 ~~Resources--Resources,~~ and the Law Enforcement Training Fund, established by Chapter  
 3 17F of the General Statutes:

4 Fund or Agency	Fee Imposed 5 Under (a)	Fee Imposed Under (a1)
6 Highway Fund	.75	1.80
7 Volunteer Rescue/EMS Fund	.18	.18
8 Rescue Squad Workers' Relief 9 Fund .07.07		
10 Division of Environmental 11 Management	.00	.35
12 <u>Law Enforcement Training Fund</u>	<u>1.00</u>	<u>1.00.</u>

13 (d) Each inspection station shall maintain a record of inspections performed, in a  
 14 form approved by the Division of Motor Vehicles, for a period of 18 months and such  
 15 records shall be made available for inspection by any law-enforcement officer, upon  
 16 demand, during normal business hours."

17 Sec. 3. This act becomes effective October 1, 1991.